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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.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, DECEMBER 14, 2011 No. 192

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and ever blessed God, strengthen our Senators today to walk in Your steps. Help them to walk in Your humility so that they will strive to serve. Help them to walk in Your courage so that nothing will deflect them from the path of integrity. Help them to walk in Your endurance so that discouragement will not hinder them from reaching laudable goals. Help them to walk in Your loyalty so that nothing will destroy their devotion to You.

Lord, place Your truth in their minds, Your love in their hearts, and Your kindness on their lips.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half.

Following that morning business, the Senate will resume consideration of S.J. Res. 10 and S.J. Res. 24. Both of these resolutions regard the balanced budget amendment. At approximately 10:45, there will be two votes on those resolutions.

We also hope to consider the Department of Defense authorization conference report today as well as the House Republican payroll tax bill.

PROTECTING MIDDLE-CLASS WORKERS

Mr. REID. Madam President, this has become a familiar scene on Capitol Hill. As time ticks down to the wire, the House has sent the Senate yet another bill that will not pass. Meanwhile, American families stare down a $1,000 tax increase, and on January 1 they will be scrambling to afford the necessities because of Republican obstructionism that Americans don't understand.

It has become the Republican fallback play: Waste precious time catering to tea party extremists when they could be working with Democrats to compromise.

Republican leaders have already spent weeks drumming up tea party support for legislation they knew was dead on arrival in the Senate. Now it is time to get this vote over with so real negotiations can begin to prevent a tax increase on 160 million middle-class Americans.

This morning I will ask unanimous consent to vote on the House-passed bill. Democrats were ready to vote on this legislation last night, but I can't set a vote at this time under Senate procedures without Senator MCCONNELL's approval. Even though we already knew the bill was dead, Senator MCCONNELL wasn't ready to hold a vote on it last night.

That is an about-face from just a few hours before—even as recently as yesterday morning, Tuesday morning—and on Monday, for example, when Senator MCCONNELL urged us to take up the House bill as soon as possible.

This is what he said:

My suggestion is that once this legislation comes over from the House, we pass it without delay.

That is what I tried to do last night—not pass it but at least have a vote on it.

Senator MCCONNELL repeated that call yesterday morning—Tuesday morning. Here is what he said yesterday morning:

I would suggest that our friends put the political games aside and give the American people the certainty and the jobs that they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President . . . without theatrics and without delay.

Then yesterday afternoon Senator MCCONNELL said:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed.

So I say to my friend the Republican leader let's find out whether he has the votes in the Senate to pass what the House has passed. Let's vote on this now. We knew Monday the bill wouldn't pass the Senate, we also knew yesterday this bill wouldn't pass the Senate, and we still know it will not pass the Senate.

Here is why this legislation is a nonstarter. I will give 3 of about 33 reasons: The bill cuts unemployment benefits for 1 million Americans at a time when there are not jobs for one out of every four people seeking work. It weakens safeguards that keep our air clean and our children healthy, and the President has already threatened to veto it. In fact, he said he will veto it.

Legislation written to appeal only to the extreme rightwing of the Republican Party can't pass the Senate. Republicans will see that again, whenever they allow us to vote on this legislation that my friend, the Republican leader, said let's vote on right away. Right away was last night.

So let's get this vote over with. Then we can begin serious negotiations on how to prevent a $1,000 tax hike on American families. The sooner we put this useless, partisan charade behind us, the sooner we can negotiate a true bipartisan solution that protects middle-class workers.

Madam President, there has been a lot of talk about let's get to the omnibus, and let's pass it. However, it is not complete. There are major issues. We have made significant progress. There are still critical issues to be ironed out. There are issues that deal with foreign policy. There are issues that deal with the environment. There are issues that deal with—we have about seven or eight—what some would refer to as game stoppers. We could complete that work, but it is something that is not done now.

There is no reason, while that work is continuing, to hold up the middle-class tax cut. Congress is not going to go home for vacation—remember, the bill that some want to pass, the omnibus bill, takes care of us, it takes care of legislators. It has Legislative Branch appropriations in it. So we shouldn't go home until we finish the business of the American people.

Preventing a $1,000 tax increase on American families is the most pressing business we have, and we are not going to allow Republicans in Congress to take care of themselves without taking care of middle-class families as well.

We hope to complete this important work soon—this week. If we can't, we should pass a short continuing resolution to keep the government open while we work through each compromise. We have passed short-term CRs many times before, and we should do it again if that is what it takes to prevent a tax on the middle class.

The bottom line is this: It is time for the two sides to come together and compromise. As I told the Speaker Monday and as I spoke on the floor yesterday and I have said this to my friend the Republican leader the House can't pass legislation that will succeed over here unless they get Democrats to support their legislation. We cannot pass legislation here because of how the Republicans have set not a majority rule but we have to get 60 votes. We can't get 60 votes unless we get Republican assistance. So we need to compromise. Legislation is there to compromise, but it might take a little more time. Republicans should give Congress a few more days to finish its job rather than rushing home for vacation.

I have already talked about the importance of doing this legislation as quickly as we can. I think it is extremely important, and we understand that it could be done—the vote could take place, and it would take 20 minutes to do that.

UNANIMOUS CONSENT REQUESTS

Mr. REID. Madam President, I ask unanimous consent that following the two scheduled votes in the Senate, we proceed to the consideration of H.R. 3630, which is the House-passed legislation—the House-passed legislation that, out of 435 Members of Congress, got 10 Democratic votes—that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to a vote on passage, and that the vote on passage be subject to a 60-vote threshold—which my friend, the Republican leader, seems to believe is the standard around here anymore—further, that if the bill is not passed, it remain the pending business, and that following I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader.

Mr. McCONNELL. Madam President, reserving the right to object, our most immediate concern at this point is that despite Federal funding expiring 2 days from now—Friday night—my friend the majority leader is blocking action on the funding bill to keep the government open. That is our most immediate concern, and we should address it first because the deadline is literally just 2 days away. That comes first.

My good friend the majority leader has said shutting the government down would be extreme and that it is too risky to even entertain, and that issue is just 2 days away. Everyone knows the truth is that the bill would fund our troops, our border security, and the remaining funding for the rest of the fiscal year, and it is ready to go. They were prepared to sign the conference report earlier this week until leadership on this side said don't sign the report.

There is agreement on the funding bill but no agreement and no plan at all about how we are going to pass the payroll tax cut extension in the Senate. So we ought to finish our most immediate concern first.

Let me repeat that our friends across the aisle have no plan, and some might suggest no desire, to pass a payroll tax cut extension—the President's top priority—extend unemployment insurance or ensure seniors' access to medical care. They have made no attempt at all to produce a bill that can pass the Senate. It is their responsibility in the majority to do that. Instead, we have wasted week after week after week on one senseless show vote after another—votes that one member in the Democratic Senate leadership recently admitted were designed solely to score points on millionaires.

So let's deal first with the deadline that happens this Friday, 2 days from now—fund the government through the rest of the fiscal year—and then turn immediately to the payroll tax extension that expires later in January, and let's pass the job-creating and job-saving measures the House has passed.

Therefore, Madam President, I ask unanimous consent to modify the majority leader's request to say as follows: that the Senate would turn to the consideration of the House bill relating to the payroll tax repeal extension immediately after the Senate passes a conference report or a bill received from the House that funds the government through the end of the fiscal year.

The ACTING PRESIDENT pro tempore. Does the majority leader so modify the request?

Mr. REID. Reserving the right to object, my friend is living in a world of nonreality. Let's look for a way out.

The House of Representatives, which has a significant majority of Republicans, last week couldn't even pass a bill. That was in all the press. They couldn't get the votes. So what they did, in an effort to placate the far right so they could pass a bill with Republican votes, they stuck in a bunch of issues that are hard to comprehend—issues dealing with the environment that have nothing to do with this bill. Even a Republican Senator said that bill, standing alone, looks OK, but jammed in with everything else it doesn't look so good. They should be separate issues.

We have issues on the so-called omnibus or spending bill that have not yet been resolved, one dealing with Cuba, a very important piece of legislation in the minds of many Senators. One of the Senators who believes so strongly that this provision should be taken out is a Republican Senator from Florida. We have issues dealing with the environment which are extremely important: light bulbs, coal, and many other issues that haven't been resolved in this so-called omnibus.

So, Madam President, I think everyone can see very clearly that my friends on the other side of the aisle obviously want to have the government shut down.

As I have said before, and I will say again, they have had experience doing this. The presumptive Republican nominee Newt Gingrich tried that once and it didn't work so well. So I don't think it is going to work very well again. Everyone knows why the government is going to shut down, if, in fact, it does.

We have 160 million Americans who are out there cheering for us—cheering for us—that we can get them the tax relief they deserve. We have well more than 1 million Americans who have been out of work for a long period of time who are cheering for us. We have businesspeople out there who are cheering for us, that there are certain tax benefits that are important to creating jobs that we need to do before we leave here.

So, Madam President, I object and ask unanimous consent that if the Senate receives from the House a bill that continues funding for the Federal Government through December 21, 2011, it be in order for the majority leader, in consultation with the Republican leader, to proceed to the bill; further, that the bill be read three times and passed, all with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Objection is heard for the first request.

Is there objection to the second request?

Mr. MCCONNELL. Madam President, I am not sure what the majority leader just said.

Mr. REID. Madam President, what I said is, I ask that if we get a bill from the House to have a CR, a continuing resolution, for another few days, that we be allowed to take it up. Under the rules of the Senate and the Congress, I cannot initiate a CR here. It is a tax measure and constitutionally has to start over there. So I have said that if the Senate receives from the House a bill that continues funding for the Federal Government—I said through December 21—any reasonable time is fine with me—it be in order for me, after I talk to the Republican leader, to proceed to the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, we do not need to do that.

Representative JIM MORAN, Democrat of Virginia, one of the top members on the House Appropriations Committee, said this yesterday:

> Our bill is done, and it should go to the president immediately. . . . We're not holding it up. . . . I can't speak for HARRY REID. I can't speak for him. As far as I'm concerned, it should be done.

A government shutdown is 2 days away. We have an agreement based on what all the appropriators on the conference report are saying. We can pass that and do first things first—prevent a government shutdown. I agree with the majority leader, a government shutdown is a terrible idea. He has said that repeatedly. We have all said it repeatedly. The way to avoid that is to get our work done. The work is done on the appropriations conference report. We ought to get signatures on it, and we ought to pass it, and we ought to do it in the next 2 days.

Now, Madam President, there were a series of other competing UCs here, and I am a little confused as to where we are.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. I object to that one, by the way, the last one we were discussing.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I know Congressman MORAN. He is a fine man who has been in Congress many, many years. But he should step over here and talk to Senator MENENDEZ or MARCO RUBIO and see how they feel about Cuba and the language in that bill that changes things in relation to how they feel, which dramatically changes our relationship with Cuba, or how about the chairman of the Environment Committee, BARBARA BOXER. See how she feels about going back, in effect, to some saying the Dark Ages, changing lightbulbs, or how about dealing with other environmental issues, dealing with coal. How about talking to some of the other Senators on that committee.

The bill is not complete. I think we could complete it very quickly if people sat down and focused on what we need to do to get out of here. But now it has not been completed. I do not care what JIM MORAN says or what MITCH MCCONNELL says, the bill is not completed.

But, Madam President, what is obviously extremely clear, which is extremely clear here, my friend the Republican leader has talked for days—I went through what he said on Monday, what he said on two separate occasions on Tuesday: Let's vote on this bill now. That is what he said. It is obvious that something has happened in the last few hours that suddenly they do not want to vote on their own bill.

Keep this in mind: The House has passed a bill that I have said and non-Democrats have said is a dead duck, DOA, dead on arrival. It is here. It is dead. And they do not want to vote on it. Do you think maybe they do not want to vote on it because Republican Senators are kind of embarrassed or ashamed of what is in that bill? I would think so.

Mr. MCCONNELL. Madam President, I would say, speaking of embarrassment, it is that we are doing an omnibus again. The reason we are doing an omnibus again here on the eve of Christmas is because we have not passed our appropriations bills. We have had almost as many show votes in the Senate this year, roughly an equal number of show votes—in other words, designed to fail, to go nowhere, to present a talking point for the President in his campaign—as we have had votes on real bills that we are supposed to pass.

So here we are once again. Three years this Democratic Senate has not passed a budget. Three years we have ended up either in omnibus or CR situations. And here we are again.

Now the appropriators in the House and Senate have labored long and hard. A couple days ago, they said they were ready to sign the report. My good friend the majority leader and the President said: Don't let them sign the report. We might actually have to pass the bill—a mysterious strategy to me.

All I am saying here is, first things first. If the majority leader is convinced the House-passed bill is DOA, why doesn't he start talking to the Speaker about how we might actually craft a bill that can pass both the Republican House and the Democratic Senate and quit wasting our time here in the Senate scoring points? A government shutdown is 2 days away.

So first things first. Let's keep the government from shutting down. These other measures do not expire until the end of the month. If the majority leader is correct that the House bill will not pass the Senate, why doesn't he talk to the Speaker and work out something that can pass on a bipartisan basis because, regretfully, I would say to my friend the majority leader, the Republicans control the House. The Democrats control the Senate, unfortunately, from my point of view. This has to be worked out.

The last time I looked, Christmas is a week from Sunday. Time is a-wasting. We have fiddled all year long—all year long, one point-scoring bill after another, designed to fail, designed to divide us, designed to get no result, to give the President a talking point out on the campaign trail—and here we are, a few days before Christmas, and the silliness continues.

Now, if my friend the majority leader is so convinced the House-passed bill cannot pass the Senate, I would say again, talk to the Speaker and work out something that can pass both the House and the Senate. Time is a-wasting.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, talk about a diversion—that is what we just heard. My friend the Republican leader has talked from the very beginning of this Congress that his No. 1 goal is to defeat Obama for reelection. That is not looking so good. Romney is stumbling, Gingrich is plodding along, heading now everyplace.

But, Madam President, because the Republican leader has caused us—because we have the rules in the Senate, which I accept—has caused us to focus all of our attention on my friend trying to make sure the President is not reelected, we have spent months and months on things that were ordinarily done just like that.

Funding the government—we had numerous CRs for very short periods of

time. Finally, we were able to get that done. Then came the debt ceiling, and we spent 3 months on that—3 months of wasting time here in the Senate. Never have we done that. As I indicated and has been spread on the record of this body many, many times, under Ronald Reagan, the debt ceiling was raised 18 times just like that.

Also, Madam President, anyone who understands Washington—and there are a lot more people who understand Washington than the people who are in this Chamber—my friend says: have him—me—go deal with the Speaker. Well, the issue there is kind of stunning how my friend has said this: Go talk to the Speaker. Everyone knows the Speaker cannot move forward with any negotiations until this bill is defeated here, period. Obviously, that is the case. The Speaker cannot negotiate with me until this bill is killed.

So I repeat, the spending bill my friend the Republican leader complains about is not completed. The issue facing the American people is whether they are going to have tax relief the Democrats want to give them or whether they are going to face a shutdown that was first made very unpopular by Newt Gingrich. And there is going to be another one that will be just as unpopular.

The ACTING PRESIDENT pro tempore. The original unanimous consent is still pending.

Is there an objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. We will both object, just for good measure—a bipartisan objection.

Would the Chair announce the business of the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half of the time.

The Senator from New York.

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I just listened with great eagerness to the discussion between the majority leader and the Republican leader, and I would like to make two points here and then several subsidiary points.

We need to do two things before we leave: We need to fund the government in a reasonable and rational way, and we need to help the middle class get tax relief because the middle class is suffering. We need to do both. As Leader REID said, to do both, you need both Democrats and Republicans to agree. If you try to do one without the other, you will not get anything done.

So last night Speaker BOEHNER sent a bill on middle-class tax relief that was such a Christmas tree that we knew it could not pass. And he knew it could not pass. We know why he did it. He did it because he could not get enough Republican votes in his caucus without all of these killer amendments to get it through. He could not get it through without those amendments.

So the Republican leader says: Well, if we know it cannot pass, why don't we start negotiating? There is one point here. We do not have to convince Speaker BOEHNER to start negotiating. He knows that. But we have to convince the hundred votes in his caucus who do not believe we should give middle-class tax relief, who are wedded to these amendments that will kill the bill here in the Senate because they are so unpalatable. It is not 1 or 2 amendments; it is 10 or 12 or 15 amendments. We need to show those hundred that this bill cannot pass.

We have to give middle-class tax relief, and we have to fund the government. So why wouldn't we vote on it now, dispose of it, and move on with the ultimate negotiations which will talk in tandem about funding the government long term and middle-class tax relief?

Now, why don't our colleagues on the other side of the aisle want to vote on that proposal? Is it because they fear embarrassing defections from their own side—defections that would show once again how too many Republicans in the Senate do not want to extend middle-class tax relief no matter what is attached to it? That is not a good reason.

What are we waiting for? The House bill is on a road to nowhere, so let's let the air out of the tires, and then we can move on. We all know how it is going to end—not with either Chamber imposing its will on the other but with a negotiation. So let's remove this bill from the floor, give Speaker BOEHNER some of the freedom he may need to negotiate, and get this all done.

As, again, Leader REID said—and he said it so well—we cannot pass the bills without both Democratic and Republican votes in the House and the Senate. Negotiating to come to an agreement makes ultimate sense.

I heard the Republican leader say: Well, the government runs out by Friday. There is an easy way to deal with that, which Leader REID asked for in a unanimous consent request and was rejected: fund the government for a short period of time.

So the logic here is to do three things: Vote on this bill. Put it aside. Fund the government for another short period of time. And then negotiate in earnest and produce both things America needs: an omnibus funding resolution that funds the government that has been worked on very hard by the Appropriations Committee—deal with the outstanding issues in that proposal. There are still serious outstanding issues. Anyone who has been around here knows that issues such as Cuba and the environment and abortion in DC are not easy to settle and have not been settled yet.

So we kill the bill the House sent to us—we vote on it. It will die. We know it does not have the votes. It probably does not have even the unanimous support on the Republican side. I would bet that is pretty likely. We do a short-term CR. We fund the government for a period of time. And we have earnest negotiations that will produce both middle-class tax relief and a funding resolution for the government. We should negotiate the two measures together because, as the leader said, you cannot pass them without both Democratic and Republican votes in either Chamber. Obviously, in this Chamber, there are not 60 votes without Republican support. And in the other Chamber—because too many people are against even the agreement, too many on the Republican side are against the agreement we had for $1.04 trillion in spending—they will need Democratic votes.

Mrs. MCCASKILL. Madam President, could I ask a question of the Senator from New York through the Chair?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. MCCASKILL. I am confused. The House passed a bill last night and has sent it to the Senate. Correct?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. This is a Republican bill?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. And we are ready to vote on it?

Mr. SCHUMER. We are.

Mrs. MCCASKILL. And the Republicans will not let us vote on it?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. I am confused.

Mr. SCHUMER. So are we all.

Mrs. MCCASKILL. Why would the Republicans not let us vote on their bill?

Mr. SCHUMER. One of the theories is that there is dissention even on that bill among the Republican side, as there was on the previous bill that had middle-class tax relief in it.

Mrs. MCCASKILL. That is why we vote, to determine whether there is dissention.

Mr. SCHUMER. Agreed. The Senator from Missouri is exactly correct. If we voted, it would move the process of both funding the government—very important—and getting middle-class tax relief—also very important—forward.

Mrs. MCCASKILL. Well, I would certainly urge every single Senator, be they Democrat or Republican, to come to the floor and ask the question: Why are we not voting today on the bill that was passed by the House? We are ready to vote. You know, the American people do not get this game. The bill was passed in the House. Why are we not voting? Why is the Republican Party blocking its own bill?

Mr. SCHUMER. The Senator from Missouri is, as usual, thoughtful, politically astute, and right down the middle moderate. It makes no sense to block it. It is holding up progress, particularly because the Republican House

has to be shown that this bill is not going to be the answer. The only way to both fund the government and provide middle-class relief is for Democrats and Republicans to get together, as the Democratic leader has said, almost until he is blue in the face.

Mrs. MCCASKILL. With all due respect to my friend and colleague from New York, I thank him for the answers, because I was confused that the Republicans are keeping us from voting on a Republican bill. But it is not the House we need show anything. We have a tendency around here to get focused on the back and forth among ourselves. It is the American people we need to show that we are capable of standing up, casting a vote, seeing whether it passes or fails, and then negotiating and finding a way forward.

I would say to my colleague from New York, if the Republicans in the Senate are not willing to vote on their own legislation, then you have got to scratch your head.

I thank the Senator for the opportunity.

Mr. SCHUMER. Reclaiming my time, I would accept the modification of my argument made by the Senator from Missouri. The point, of course, we both agree on is we ought to vote. We ought to do it to show the world, whether it is the House, Senate, American people, or anybody else. That makes a great deal of sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from New York and colleague from Missouri for putting in context where we are today. But let's take one step back and look at what is the issue. The issue is basic: Will the payroll tax cut that currently helps 160 million Americans continue after January 1? That is the underlying question.

After all of the back and forth and politics, we believe it should. The President believes it should. Economists tell us that is the way to help us out of a recession and create more jobs. We have come up with a way to pay for it so it will not add to the deficit. Our proposal: a surtax on the wealthiest Americans, not on the first million dollars in income each year but on their second million dollars in income, a surtax.

We ask across America: Do you think that is fair to ask that sacrifice? Overwhelmingly, not just Democrats, Independents, Republicans, tea party Republicans believe that is fair. But, unfortunately, many on the Republican side are indentured political servants to a Washington lobbyist named Grover Norquist. They have signed an oath that they believe supersedes any other oath, to the Constitution or to the people they represent, that they will never, ever vote for a tax increase for the wealthy—not one penny. Not one penny.

So they wanted to stop the extension of this payroll tax cut for working families. They came up with a bill in the House of Representatives. The bill in the House of Representatives passed last night. It is so bad that the Senate Republicans will not let us bring it to the floor for a vote. They know what is going to happen. We saw it in the last 2 weeks. The Presiding Officer can remember. Senator HELLER of Nevada put up a Republican alternative on the payroll tax cut, and on the first vote, out of 43 Republicans, 20 supported his measure, and out of the Republican leadership team, only Senator MCCONNELL voted for it. Clearly this is not a popular approach, even when it is written by Senate Republicans.

Now the House Republican approach is so unpopular they will not even call it on the floor—so unpopular. If anyone is wondering whether we are going to get home for Christmas, they should have listened to this exchange this morning, when the Republicans refused to even call their own vote.

I agree with the Senator from Missouri. We owe to it the American people to get to the bottom of this, and quickly, to assure them January 1 the payroll cut will continue for working families across America, to assure them that we will maintain unemployment benefits for the 14 million unemployed Americans struggling to find jobs—4 unemployed for every available job. It is basic that we need to do this, and if we are going to get down to it, then I am afraid our Senate Republican colleagues have to accept the reality.

There comes a moment for a vote. This is the moment, the vote on whether we are going forward to make sure that we extend the payroll tax cut for working families in a fair way. That is what is at hand.

BALANCED BUDGET AMENDMENT

Mr. DURBIN. Madam President, in about 30 minutes, we will have a rare chance on the floor of the Senate—it does not happen often. We will have consideration of two efforts to amend the Constitution of the United States. We all take this seriously. Each one of us, before we could exercise our responsibility as Senators, swore to uphold and defend that Constitution. Now we are being asked to amend it.

How often have we amended the Constitution? In the past 220 years since we passed the Bill of Rights, we have amended it 17 times: to abolish slavery, to give women the right to vote, significant historic decisions. What comes before us today are two amendments which, frankly, do not stand the test of whether they meet constitutional standards.

I am going to vote against both. I thank my colleague, Senator UDALL of Colorado, for offering a version. Senator MCCONNELL, Senator HATCH have offered their own. I do not believe either one of them is right for America. Here is what it comes down to. If we pass either of these constitutional amendments, we will be forced to cut government spending at exactly the wrong moment in time when it comes to our economy. When our economy is in trouble, revenues are down, we step in with stabilizers to try to make sure that we keep families afloat during difficult times and restore our economy to growth. Those stabilizers are threatened and endangered by these balanced budget amendments.

Secondly, the enforcement of these balanced budget amendments will be by our Federal courts. Can you imagine? Can you imagine that the day after we pass a budget, lawsuits spring up across America in the Federal courts challenging whether we have exceeded the constitutional requirement that no more than, say, 18 percent of the gross domestic product be spent, arguments that there has been a miscalculation? How long will that take to resolve in court and what happens to America in the meantime?

Then what remedies do the courts have? The Republicans have made it clear, because of their view, one of the remedies cannot be extending taxes on the wealthiest in America. They never want that to happen. Now they want to enshrine that theory in the Constitution. Turning to our courts for enforcement of spending is, in my mind, a direct violation of the spirit and letter of the law in the Constitution which gives to Congress exclusively the power of the purse. It is a bad idea. It is certainly not one we should support.

I also want to say that this approach is unnecessary. There comes a time—and we have reached it—when we need to have the political will, in a bipartisan fashion, to deal with our country's problems, whether it is the tax cut, extending the government's life into the next fiscal year, or dealing with our long-term deficit. It takes political will, maybe even political courage. It does not take a constitutional amendment.

Let's defeat both of these amendments. Let's show our respect for this Constitution that we have sworn to uphold and defend and not pass something that has not been thought through that may, in fact, harm America rather than help it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Madam President, the need for a balanced budget amendment is very great. You know how the national debt now is reaching a point where, if we don't intervene with a constitutional requirement for a balanced

budget, it is going to become unsustainable. Statutes have not controlled deficit spending.

I was an author of one of those statutes—former Senator Harry F. Byrd of Virginia and I as a Member of the House—back in 1979. For 15 years that law was on the books, and never in those 15 years was there a balanced budget amendment. It makes it very clear that laws will not control deficit spending.

I concluded a long time ago, as I voted on previous constitutional amendments requiring a balanced budget that didn't pass, that a constitutional amendment is a must to provide Congress with the necessary discipline. The example right now in Europe of their fiscal and deficit situation is sobering. Nations that allow debt to grow out of control risk default. One of those countries is practically in default. If we don't take effective corrective action, the European future could be ours and sooner than we think.

Each generation of Americans has enjoyed a brighter future than the previous generation. The failure of Congress to tame the deficit and the debt threatens the American dream for our children and grandchildren. The Constitution was designed to secure the blessings of liberty not only for ourselves but also for our children. This makes balancing the budget not just an economic issue but a moral issue as well, and creates a moral obligation to take action. A constitutional amendment is not only a first step in that direction but it will make sure the discipline is binding in future years.

The balanced budget amendment will enforce a lower debt. Members taking an oath to adhere to its provisions guarantees greater fiscal discipline than what we have without that constitutional provision. They will take that oath seriously, just as is the case for the 46 State constitutions that contain requirements their State legislatures balance their budgets. We always say the State legislatures and States are the political laboratories for our system of government. We ought to take the results of those laboratories and put them to use at the Federal level. I am urging my colleagues to vote for the resolution before us, which is S.J. Res. 10.

There have been complaints this resolution would transfer to the courts the power of the purse, but that is a misreading of S.J. Res. 10. The amendment prohibits the courts from raising taxes. The doctrine of standing, the doctrine of ripeness, and the doctrine of political question will prevent courts from deciding cases under the amendment.

This is a lesson we should have learned. I think it was 1997—nearly 15 years ago—when this body failed by one vote—and I am ashamed to tell you it was one Republican not voting for it—to enact such a constitutional requirement. But it didn't pass. If it had passed, we wouldn't be in the fiscal situation we are in right now. I urge my colleagues to vote for S.J. Res. 10.

I yield the floor.

Mrs. BOXER. Madam President, I oppose the two balanced budget amendments before us. Senator HATCH's proposal would cap spending at 18 percent of gross domestic product, forcing deep cuts to Social Security and other critical programs. Senator UDALL's alternative, while less extreme, is still not a proposal I can support.

I have consistently opposed balanced budget amendment proposals because Congress doesn't need a constitutional amendment to balance the budget. We have done it before.

In the 1990s, during President Clinton's term, we not only balanced the budget, but we created surpluses and 23 million new jobs. We cut wasteful spending, made smart investments, and ensured that everyone, including the wealthiest, paid their fair share.

In 1993, we passed a budget plan without a single Republican vote. By 1998, the budget had come into balance, and as President Clinton was leaving office in 2001, budget analysts were predicting surpluses as far as the eye could see.

Unfortunately, the Bush tax cuts and two wars put on a credit card created huge deficits.

To get our country back on a path to fiscal responsibility, we don't need a balanced budget amendment. That is why the Senate has voted down balanced budget amendments many times—most recently in 1995, 1996, and 1997. Instead, we need the political will to come together and make responsible choices for our country's future.

Many economists believe that balanced budget amendments are bad policy because they limit the ability of the Federal Government to respond during times of economic crisis and recession.

Limiting our ability to make smart, job-creating investments is no way to set a foundation for our country's long-term economic growth.

Finally, while these proposals include exceptions for times of war, there is no exception for natural disasters. A minority of Senators or Representatives could block Federal assistance for any disaster, no matter how severe.

I urge my colleagues to join me in rejecting this balanced budget amendment and recommitting ourselves to our duty as a Congress to promote fiscal responsibility and economic growth.

Mr. CHAMBLISS. Madam President, I rise today in full support of a balanced budget amendment. I am proud to be a cosponsor of S.J. Res. 10, along with all of my fellow Republicans.

Shortly, the Senate will vote on two proposals for balancing the Federal budget. One of those proposals, offered by my colleague from Utah, Senator HATCH, will provide a strong and meaningful change to the way this Congress performs it spending function.

I thank the Senator for his continued hard work on trying to balance the budget, something he has been working on since 1995. Unfortunately, he, like all of the Members of this body, has seen the recent and disconcerting rise in debt.

It is appalling that we continue to head down a path to destruction and fiscal lunacy. The American people are fed up with this. How do we know that? Recent polls say that only 9 percent of the population believes in the spending path Congress has chosen.

For the fiscal year ending September 30, 2011, we had in excess of $1.3 trillion in deficit spending. In November of this year we surpassed $15 trillion in total debt. This rampant overspending will not end without a drastic change—without taking away the power to overspend.

Not only have the American people told us this, our financial markets have told us this as well. Unbearable debt in the European markets is depressing our domestic financial markets. If left unchecked our own debt will continue to lower economic outlook.

It is reprehensible that an issue of this magnitude and significance is subject to the partisan bickering and gamesmanship that often rears its head in politics.

I encourage my colleagues to give solemn consideration to the proposal before us, as it will turn us immediately away from our overspending.

We have to truly examine issues that are very difficult for a lot of us to deal with, and we have to make some very tough decisions.

Too frequently, we have engaged in political theater instead of earnest efforts to resolve these long-term budget issues. The American people expect and deserve an honest budget debate and an honest budget process. When we pass this legislation and it is ratified by the States, the American people will finally get an honest budget, and they will get it every year.

As many of my colleagues have noted, the idea of preventing a burdensome and crushing debt for future generations is a thing of the past. The time is now. The crisis is now. Congress has been shirking its budget responsibilities for so long that we are now the ones feeling the effects of the debt.

I would like to take a moment to talk about some of the things the Republican proposal accomplishes. The President will continue to submit his yearly budget proposal—a budget proposal that is not only balanced but limits the size of the Federal Government to 18 percent of GDP. By comparison, last year spending was at almost 24 percent of GDP.

Further, this legislation requires a supermajority to surpass the spending caps for things like emergency spending. We will end a longstanding budget gimmick of government spending in the name of emergencies for things that are not truly emergencies.

The rules would be even stricter governing spending of money in times of

war instead of the general exemption we have now. This proposal will also force Congress to fix and save Social Security.

Finally, one of the most important parts of this proposal is that a two-thirds vote of each House is required to increase taxes, helping prevent higher tax rates to pay for balancing the budget.

We can no longer allow the American people to suffer by not providing the economic basis for recovery and growth. The equation is simple: A balanced Federal budget that is free of excessive debt leads to a healthy economy and sustainable job-creation activities.

Mr. LIEBERMAN. Madam President, I rise today to speak about the two balanced budget amendment proposals currently pending before the Senate and to explain why I will vote against both even though I support a balanced budget amendment.

I fervently believe that the most pressing issue our country faces today is the need to gain control over the staggering Federal deficits and long-term debt that threaten our security. In thinking about the budget challenges we faced over the past year, I have often been reminded of something our second President said two centuries ago that remains hauntingly true today: ''There are two ways to conquer and enslave a nation,'' as President Adams put it, ''One is by sword and the other is by debt.'' President Adams' words have been echoed in our time by former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who argued earlier this year that the national debt is the greatest long-term threat to our national security.

We can all agree that we must take on the challenge of addressing our deficit and debt. At the same time, as we have seen again and again over the past year, making tough choices is not an easy thing to do. Any responsible deficit reduction proposal will, by definition, be painful and unpopular because raising revenues and cutting benefits and favored Federal programs is painful and unpopular.

I am prepared to vote for a plan similar to that proposed by the Bowles-Simpson Commission, the Gang of 6, or the Rivlin-Domenici group because I believe this approach is responsible and addresses the toughest challenges we face head-on. Also, I would support a clean balanced budget amendment, which would compel Congress to make tough choices to raise revenues as necessary, rein in spending, and balance our budget.

However, the two proposals we are considering today, in my opinion, are problematic and marred by extraneous and ill-advised provisions that should never be part of our Constitution. These votes say so loudly how dysfunctional Congress has become. I want to vote for a balanced budget amendment that says clearly that Federal Government spending cannot exceed revenues. Yet I can't vote for either of these amendments because each contains a partisan part that does not belong in our Constitution.

I do not take the idea of amending our Constitution lightly. As we consider these amendments, let's not forget that our Constitution is the supreme law of our land; it reflects America's first principles and highest ideals, guaranteeing the fundamental rights that have been the cornerstone of the freedom and opportunity at the heart of the American experience since our founding.

However, given the dire fiscal situation we face—coupled with the reality that time and again Congress has been unable to break away from its partisan gridlock to make the painful but necessary decisions that must be made to save our Republic—amending the Constitution may be the only way to compel a balanced budget.

I have come to this conclusion first because it is clear that our budget process is clearly broken. The truth is that we in Congress have failed to uphold our foremost constitutional duties: managing our budgeting process. With annual deficits over $1 trillion and our national debt increasing over $4 billion each day, this is no time for Congress to flout the very laws we established to keep our country's fiscal health afloat and manage the budget process responsibly.

I am speaking in particular about the framework for our budget process which was first enacted into law in 1921 when Congress established the annual budgeting requirement and later in 1974 when the formal process for establishing a coherent budget was enshrined in law.

The failure to pass a budget resolution for the past 3 years is symptomatic of the deep problems we face with regard to our budget, deficits, and debt. Likewise, statutory attempts such as pay-go have not produced the kinds of results we need. At the same time, as we have seem over the past several months, Republicans and Democrats cannot seem to agree on how to reform entitlements—the biggest driver of our debt and deficits—or reform the Tax Code to ensure that our tax system is fair for most Americans, less deferential to special interests, and able to sustain the financing of our country's priorities over the long term.

It is regrettable that it has come to this, but it seems that perhaps the only way to get Congress to balance the budget is to make it a constitutional requirement.

Unfortunately, both proposals before us today are marred by extraneous and, in my view, ill-advised and unnecessary provisions. The Republican version, for example, would require that total outlays for any fiscal year not exceed 18 percent of GDP and a two-thirds majority vote in both Chambers would be required to override this requirement. I believe it is unwise to impose, as part of our Constitution, an arbitrary spending cap that would handicap future Congresses without regard to the unknown economic realities that future generations of Americans may face. Unless we can see into the future, we should not be in the business of predicting what level of spending will be appropriate 25 or 50 years from now.

Furthermore, the Republican proposal prohibits any bill that increases Federal taxes from becoming law unless it is approved by a two-thirds majority of both Chambers. This provision essentially gives extraordinary constitutional protection to potentially egregious tax loopholes and revenue-draining tax expenditures—the same parts of the Tax Code we have been trying to reform.

Likewise, the Democratic balanced budget amendment is not without its own faults. A provision prohibiting Congress from passing any bill that provides a tax cut to millionaires during a year that we run a deficit is not a statement that needs to be part of our Constitution. Moreover, the Democratic alternative exempts Social Security, which would essentially prevent Congress from reforming the program, which I believe it essential to ensure its solvency for generations to come.

On the whole, both the Republican and Democratic balanced budget amendments are short-sided for different reasons. Instead of focusing on the single task of providing a balanced budget requirement, ideological arguments abound in both proposals, making it virtually impossible to support either one.

As a result, I will not support either proposal. Instead, I encourage my colleagues from both parties to support a clean version of a balanced budget amendment that is worthy of inclusion in our Constitution.

If we work together to see beyond the fog of partisanship, it will become clear that there is not much disagreement about the basic and deeply troubling facts of our current fiscal crisis. For this reason, first and foremost, I hope Congress will step up and act on a specific and comprehensive proposal to reduce the deficit. In the end, process reforms will not allow us to escape the hard decisions we must face.

Mr. RUBIO. Madam President, Washington politicians do not live by the same rules that virtually all families and small businesses play by. It is your responsibility to balance your budget, spend no more than what is in your bank account, and have a plan to manage common expenses such as student, home, and car loans.

But in Washington, money is routinely borrowed from Peter to pay Paul, or in America's case, money is borrowed from China and others to pay for more government than we could ever afford. As a result, politicians have dug us into a hole of $15 trillion in debt, with no end in sight. Now more than ever, we need a balanced budget amendment to the U.S. Constitution.

In Florida's State government, we worked under a balanced budget amendment, and every year we worked tirelessly, had contentious debates, and made very tough choices to pass a balanced budget year after year. That responsibility and accountability is not unique to Florida, as practically every other State also works under a balanced budget amendment. We need to bring this same kind of fiscal restraint to Washington. And unless we enshrine strong balanced budget principles in our Constitution, Washington politicians will never stop. That is why it is critically important that the Senate approve a strong balanced budget amendment.

The national debt is now over $15 trillion. When I was sworn into office about a year ago, the debt was just over $14 trillion. That means that in just 1 year, Congress has allowed our debt to increase by more than $1 trillion. Virtually nothing could stop it from happening, despite the fact that 2011 has given us a startling glimpse into our future as European nations face their day of reckoning for decades of reckless spending.

This year's debt ceiling debate gave us an opportunity to get serious about controlling our debt and reform the way Washington spends money. But not enough people have been willing to come to grips with the reality that decades of reckless spending by both parties is leading us to a diminished future.

As the Senate debates a balanced budget amendment this week, it is important to note that not all balanced budget amendment proposals are created equal. The version that I have joined all 47 of my Senate Republican colleagues in supporting, S.J. Res. 10, includes three elements I believe are key to truly handcuffing out-of-control politicians: a two-thirds supermajority to raise taxes, a three-fifths supermajority to increase the debt limit, and a cap on all Federal spending at 18 percent of gross domestic product. The proposal put forth by Senator MARK UDALL, S.J. Res. 24, contains no cap on spending, no taxpayer protections, and no strict mechanisms to ensure that the amendment is actually followed. Unfortunately, if ratified, this proposal would simply be another ineffective, disingenuous Washington move that would make it easier to raise taxes and still allow for more spending.

The idea of not spending more money than we have is common sense for working families and small businesses. We need to bring that common sense to Washington, and we need a strong balanced budget amendment that is truly worthy of being added to our Constitution. The Senate must seize the moment by passing a real balanced budget amendment.

Ms. MIKULSKI. Mr. President, I rise to oppose the balanced budget amendment proposals before us today. I support a balanced budget. But I cannot support these proposals.

All year, we have been discussing and debating how to have a more frugal government. But while we are trying to be frugal, how can we also meet our responsibilities to national defense and maintain our social contract? To achieve that we have to put politics and partisanship aside, and work together to find the sensible center. And the balanced budget amendment does not allow for that.

I am for cuts. But our approach must be balanced like a three legged stool with responsible discretionary and military spending cuts; revenue; and reform that strengthens Medicare and Medicaid. The balanced budget amendment does not allow for that.

Before we adopt a balanced budget amendment, we should know exactly what it is that we are doing. We need to know just how these programs are going to be affected. What cuts are going to be taken. How deep. What programs. And most importantly what the consequences will be to the health, safety, and security of the American people.

How would a balanced budget amendment affect seniors? It attacks economic security for senior citizens through cuts to Social Security and Medicare. It breaks the social contract.

Under the Republican plan, it cuts spending to 1965 levels before Medicare existed and when the average Social Security benefit was about $1,200 a year. That was 46 years ago, when making $8,000 a year was considered a fantastic salary. Would you want to go back and make $8,000 a year? I do not think so. I do not think we want to go back to that. Do we really want to go back to not having Medicare? Sure we need to reform and refresh Medicare, but do we want to end Medicare? I don't think so.

How would a balanced budget amendment affect our ability to respond to natural disasters, when the 24-hour news coverage is over and people return to their regularly scheduled programs? States that are hit by disasters are just beginning the recovery process and depend on their Federal partners. Times of disaster are not for making choices between one State or another. Government must be there. We are all in this together. Just one snowstorm, wildfire, or devastating flood away from our own crisis. But the balanced budget amendment would force these terrible choices.

What about funding for America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war? What about funding for disability pensions for veterans? The balanced budget amendment makes funding for American's veterans with service-connected disabilities vulnerable to mandatory budget cuts.

How will a balanced budget amendment affect the next generation? It denies educational opportunity to young people and an opportunity structure to working families. The balanced budget amendment puts funding for Head Start, Pell Grants, and funding that helps schools comply with Title IX funding for job training on the chopping block. I believe we must keep the doors of opportunity open, not slam them shut.

How will a balanced budget amendment affect our Federal workers and everyone who depends on their work? The State of Maryland is home to some of the flagship agencies of the Federal Government and 130,000 hardworking Federal employees live in Maryland. Agents at the Federal Bureau of Investigation work to protect our safety. Employees at the Social Security Administration provide actuarial information on how to keep it solvent and make sure the checks are out there on time. At NASA's Goddard Space Flight Center, they are scanning the universe for the secrets to life here on Earth. The mandatory budget cuts of the balanced budget amendment will require arbitrary cuts to the Federal workforce without certainty that the agencies will be capable of doing their job. These kinds of cuts are dangerous and harmful to the public.

The Founders did not include a provision requiring a balanced budget at all times. They did not include a provision limiting the size of government to an arbitrary percent of the size of our economy. Instead, in our Constitution, the Founders said that Congress would have the power to borrow on the credit of the United States and the responsibility to provide for the general welfare of the country.

Providing for the general welfare of the country means keeping the promise of our social contract to our seniors and our veterans. It means keeping the ladder of opportunity available to the next generation. And it means responding to natural disasters and maintaining a safe and secure homeland.

Make no mistake. We must balance the budget. But we must do it based on principles that preserve economic security for senior citizens, that provide opportunity for young people, and that ensure opportunity for working families.

I cannot and will not support any legislation that abandons these principles. Therefore, I will vote against this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in a short while, we will vote on two balanced budget amendments to the Constitution, at least one of which will be a true balanced budget amendment. One of those amendments, S.J. Res. 10, the amendment supported by every Senate Republican, addresses the fundamental crisis of our time; that is, the crisis of exploding debt caused by excessive spending. The other amendment does not address that crisis and, therefore, cannot put this country back on a sound fiscal footing.

The votes we cast today will tell the American people whether we honestly acknowledge the fiscal crisis posed by our $15 trillion national debt and whether we are serious about prescribing an effective cure.

Exploding budget deficits and skyrocketing national debt are symptoms of an addiction to overspending. A real solution must address the real cause of this crisis, not just its symptoms. Congress will not kick its overspending addiction alone but only if required to do so by the Constitution itself.

One of the amendments before us today, S.J. Res. 24, simply cannot be a solution because it does not address the overspending that causes this crisis. This amendment, offered by my colleague from Colorado, Senator UDALL, on behalf of the Democrats, purports to require balanced budgets but, for purely political reasons, explicitly exempts significant portions of the very government spending that will most aggressively drive our future debt.

The Democratic alternative sets no overall limit on government spending, allowing Congress to continue spending with impunity. The Democratic alternative does nothing to restrict the propensity of Congress and the President to raise taxes on families and businesses as a way of compensating for their failure to reduce spending and in order to fuel more spending in the future.

In fact, as my friend Senator KYL pointed out yesterday, the Democratic alternative actually makes it harder to cut taxes. To top it off, the Democrats' amendment not only sets no limits on Congress raising taxes, but it appears to allow judges to raise taxes to balance the budget.

In other words, the Democratic alternative allows Congress to continue doing exactly what has caused this crisis in the first place. It allows Members of Congress committed to a tax-and-spend philosophy to continue sending taxpayer dollars to special interests at the expense of the general fiscal health of this country. The so-called solution that continues to enable out-of-control spending is no solution at all.

Maintenance of this tax-and-spend status quo is the priority of those who support the Democratic alternative. Just listen to their criticism of my amendment, S.J. Res. 10, the one supported by all Republican Senators—every one of us. The Democrats criticize my amendment's requirement that Congress balance its books as too stringent. They criticize it for not allowing more stimulus spending, my gosh, and they criticize it for not allowing easy tax increases.

The people of Utah, and most Americans for that matter, would respond that these are the very restrictions Congress needs. They would say these restrictions are long overdue and would be positive additions to our Constitution. It is no wonder the advocates of the wornout philosophy of tax and spend view the provisions of S.J. Res. 10, our constitutional amendment, as a threat.

They are a threat. Our amendment's provisions are a threat to those whose only plan is to sit on their hands while our debt continues to skyrocket. The strong balanced budget amendment offered by the Republicans directly addresses the real cause of our budget crisis and offers equally direct solutions. It requires supermajorities. That doesn't mean we can't do things. It just says we have to have supermajorities to raise taxes. It means it requires wide bipartisan agreement for deficit or excess spending, as well as for raising either taxes or the debt limit.

I would note a supermajority to raise the debt limit was in the balanced budget amendment that passed the Senate back in 1982. I know because I was the one pushing it. It passed the Senate.

Our amendment limits both spending and the tax increases that fuel more spending. This is more than a balanced budget amendment. It is a fiscal discipline amendment or a constitutional amendment for limited government.

Much of the Western world now faces a debt crisis. The eurozone is nearly reaching the point of no return. The United States is closing in on that same point of no return with our total debt already equal to 100 percent of our entire economy—of our GDP. The national debt now amounts to about $48,000 for every man, woman, and child in America. Interest payments alone on this debt are now greater than spending on most other Federal programs and would be even higher if interest rates were not at historic lows. Annual budget deficits are larger than the entire national debt when I introduced my first balanced budget amendment.

Let me say that again. Annual budget deficits—just the deficit this year and last year, just standing alone; this year's budget deficit and the annual budget deficits of this President—are larger than the entire national debt when I introduced the first balanced budget amendment in 1979 and 10 times higher than when the Senate last voted on a balanced budget amendment in 1997.

More than two centuries ago, America's Founders warned of the dangers of debt. Thomas Jefferson, the forbearer of the Democratic Party, said public debt is the greatest of dangers to be feared. He would be aghast at what Democrats are trying to sell. Alexander Hamilton said there ought to be perpetual, anxious, and unceasing efforts to reduce debt as fast as possible. John Adams said the experience of other countries that accumulate debt should prevent us from doing so ourselves. He might as well have been speaking about Europe today. He would be appalled at what we are doing around here.

Watching the failure of Congress and the President to get spending and debt under control, these Founding Fathers must be turning over in their graves, and I believe we continue to reject their wisdom at our peril.

Despite all the evidence, opponents continue to claim Congress will make the tough fiscal choices by itself; that Congress does not need any help. After so many years of failure, that amounts to fiddling while our fiscal house is burning to the ground. That is the argument they make. Closing their eyes, shutting their ears, and repeating the mantra that Congress does not need a constitutional amendment is exactly what got us to the edge of the cliff we are standing on today and which we are about to go over, if we don't put some restraints on around here.

If spending were a drug, Congress would be a very pathetic addict. An addict ignores evidence and denies he has a problem. An addict claims over and over that he can stop his addictive behavior any time. But similar to a real addict, Congress cannot kick the habit on its own. Congress needs some help. The Constitution is the way to get that help, and the Founding Fathers would have loved this amendment.

Think of S.J. Res. 10 as a constitutional intervention. It will require not only that the Federal budget be balanced but that it be balanced in the right way. When we vote on these amendments, Senators will demonstrate where they stand on the great crisis of our time. Voting against any balanced budget amendment simply endorses the status quo. It ignores the evidence and pretends everything is fine, even as we head for the cliff. This is the only amendment that deserves the title of a balanced budget constitutional amendment.

Voting for the Democrats' alternative—S.J. Res. 24—also endorses the status quo because it barely touches the symptom—budget deficits and debt—while ignoring the cause—government spending. Without covering all government spending and without setting real limits on spending and taxes, the Democrats' alternative does little more than put a bandaid on the problem. It isn't even a good bandaid that holds.

The only proposal before us that effectively responds to our budget crisis is S.J. Res. 10. It is the only proposal that addresses the real cause of the unbalanced budgets that are dragging us into fiscal quicksand.

This crisis threatens national security, economic prosperity, and maybe, most important of all, individual liberty. Congress will not solve this crisis by itself. S.J. Res. 10 is the only solution that addresses not only the symptoms of our fiscal crisis but the cause as well. These are the facts. These are simply the facts, and I encourage my colleagues to support S.J. Res. 10.

I heard the distinguished majority whip talking earlier, and just for a minute I think he was asking: Why do this. You know you can't win. We don't know we can't win. But even if we

can't, some fights are worth fighting, especially when our national security, economic prosperity, and individual liberty are at stake. That is what we are living with right now.

The American people need to know where we stand, whether we will ever do anything real or do something real about our addiction to overspending. That is the bankruptcy of our country right now—the addiction to overspending. Our amendment ends that addiction. It provides 5 years to get there, so it is a reasonable provision. But it does force us to get there.

The Democratic amendment doesn't even attack the real problem. It is there for political purposes. It is there so Democrats can say: We voted for a balanced budget amendment, even though it, basically, has little to do with balancing the budget.

I was enamored with the talk of the Democrat budget chairman yesterday, Senator CONRAD from North Dakota. He went through all the problems we have and how deep they are and how problematic they are and what an addiction it is and all of that. Then he said we can do it by just doing what is right under the Constitution and forcing ourselves to do what is right and just balance the budget without a balanced budget amendment.

He couldn't have made a better case for the balanced budget amendment because I have been here for 35 years, and I can say there hasn't been a real effort except during the mid-1990s to do that. That was when the first Republican House of Representatives and Senate in over 40 years took place. It was when they did have a President, Bill Clinton, who recognized that the time had come to do something about spending.

I have to give him credit for that in contrast to our current President who just demands more taxes and more spending all the time. There isn't anything or any person he wouldn't tax if he could get away with it except those unable to pay any taxes at all, and nobody wants to tax them.

The fact is, I think the distinguished Budget Committee chairman made a tremendous case for our amendment. I can say we have been going on way too long.

Back in 1997, we came within one vote of passing this amendment. That was twice now. Remember, in 1992 we actually passed an amendment, but Tip O'Neill and the Democrats killed it in the House at that time. But in 1997 we came within one vote. I actually had the votes as I walked to the floor, and then one of our weak-kneed Republicans who was threatened by the unions, who had been high up on the endorsement list, who wanted to be seen every time we had a press conference on this issue, buckled and voted the other way and we lost. Had we won that amendment in 1997, we wouldn't be in this colossal mess we are in today. Frankly, I, for one, hope we can get out of that mess, and the only way we are going to is through a constitutional amendment that does what this amendment we are presenting actually calls for.

I just do not believe our friends on the other side are ever going to quit taxing and spending, and I have 35 years to prove it—except when the first Republican Congress in over 40 years came into being, and they had a President who worked with them, a Democratic President, by the way. I wish we had a Democratic President here who would work with us. He would go down in history as one of the most popular Presidents in history if he would do so. But, no, he wants to tax and he wants to spend. Frankly, I am fed up with it, and I think a lot of people are fed up with it. The people out in the hinterlands are all fed up with it, and they realize we need to put some restraints on Congress it has to live up to.

That doesn't mean we can't get a supermajority to raise taxes or we can't get a supermajority to raise the debt limit or we can't get a supermajority to an undeclared war—to give a good reason why our friends on the other side might want to support this. But it does mean there will be restraints that will work and will keep this country secure and free.

I reserve the remainder of our time. I ask that any time be divided equally, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent to reserve the remainder of our time but to permit the distinguished Senator from Colorado to utilize his 5 minutes at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise this morning to speak in favor of the legislation that I have authored to amend the Constitution to require that Congress, on behalf of the American people, balance the Federal budget.

Yesterday I spoke about the merits of a balanced budget amendment, and I appreciate the debate that has occurred on the Senate floor which was in the best traditions of the Senate. I particularly have enjoyed hearing Senator HATCH's point of view. I think we have some disagreements about how we implement a balanced budget amendment, but we both agree that we need to put the Federal Government's finances in balance. Perhaps if we both fall short today on these important votes, we can go back and work together in the best tradition of Senator HATCH and Senator Simon. Senator Simon, on our side, was a strong proponent in the 1990s of a balanced budget amendment. Senator HATCH referenced those efforts then.

Let me quickly summarize my arguments for why we need a balanced budget amendment. I start out thinking about Coloradans and the common sense they apply to their everyday finances, and there is a big dose of Colorado common sense in my proposal. It is aimed at finding common ground that both parties and a big majority of Americans can support, and it starts with a constitutional requirement to balance the budget. That is the heart of the issue. It is something on which many of us agree. But my proposal also asks us to avoid the mistakes of the last decade that have resulted in debt that is not only significant but it is exploding.

For example, it would prevent deficit-busting tax breaks for Americans who earn $1 million or more a year. Why should we continue to give additional tax breaks to the wealthiest among us during times when we are in these tough deficit situations?

I would also create a Social Security lock box to keep Congress from raiding the trust fund to hide the true size of our annual deficits. We have been using the Social Security fund as a slush fund to remedy our budgeting problems. That would end.

In sum, the proposal I brought forward is straightforward, it is simple, and upholds the principle: We should pay for our government in a responsible manner.

I think, looking at the Presiding Officer, in your home State most Americans agree to that, most New Yorkers do. Most Coloradans certainly do.

I also want to be clear, there are some important differences between my approach and my dear friend Senator HATCH's approach. We will vote on his proposal today as well.

Senator HATCH's proposal—this is in my estimation—goes far beyond balancing our books, and it is a balanced budget amendment only in part. That is because it includes some unrealistic limitations on our government that could prevent us from securing the retirement of hard-working Americans, undermine our national defense, and send the United States back to a time before Social Security, Medicare, and a host of other important programs were put in place to protect our middle class, the true heart of our country.

Even worse, it locks in some special interest tax breaks that do nothing to grow our economy or create jobs. It, in effect, would turn the Constitution into a document that protects every special tax break that has been successfully lobbied over the years. That is not what our constituents, hard-working Americans, expect from a balanced budget amendment.

On the other hand, my approach is straightforward. It requires us to pay for what we spend. It creates flexibility depending on the economic conditions that we face and the year in which we

find ourselves. But it wouldn't lead to the erosion of seniors' retirement security or it wouldn't lock in special interest tax breaks.

So I say to all of my colleagues, it is time to put aside our political differences, check our ultimatums at the door, and let's work across the aisle and challenge ourselves to put our country first through balancing the budget.

Our debt is $15 trillion and it is growing. The bipartisan cochairmen of President Obama's commission on the debt have called our debt a cancer, and the former Chairman of the Joint Chiefs of Staff, Admiral Mullen, has said it is the single biggest threat to our national security. It is clear it is time to act. We have run out of time to act.

So, as I close, I just want to say the American people have demanded we get our fiscal house in order. As usual, they are a few steps ahead of us, and it is now time for us in the Congress to catch up. So I am asking my colleagues of both parties and both Chambers to support my proposal. This is the right approach. It will enhance our economic security. It will ensure that we keep faith with our children. We shouldn't pass off this unsustainable debt to our children.

Madam President, I urge my colleagues to support this important proposal. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. How much time do I have?

The ACTING PRESIDENT pro tempore. There remains 45 seconds.

Mr. HATCH. I ask unanimous consent that I be able to complete these remarks. It might take a few seconds beyond.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, critics suggest a vote for our balanced budget amendment is a waste of the Chamber's time. That is pure bunk.

The same folks who say we should not be voting on the Republicans' balanced budget amendment have also offered up their own amendment to show their constituents that they too want to balance the budget.

I can tell you now that it is the Democratic alternative that misses the point, for a number of reasons. One, it doesn't address the true crisis. We have a crisis of spending. We are $15 trillion in debt, and the Democratic alternative does nothing to address it.

No. 2, it carves out massive portions of government spending from their definition of Federal outlays. No. 3, even its balance requirements, the most basic feature of any balanced budget amendment, are easily overridden. No. 4, there is no cap on Federal spending. And, No. 5, there is no supermajority requirement for tax increases.

Put it all together and this is what you get with the Democratic balanced budget amendment. You get a constitutional amendment that is going to force Congress to raise taxes on families and businesses to pay for out-of-control government spending. The Democratic alternative should be rejected. It might look good from a distance but up close it does not even begin to address our Nation's fiscal crisis.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the en bloc consideration of S.J. Res. 10 and S.J. Res. 24, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 5 minutes of debate equally divided prior to votes on passage of the measures.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, yesterday and today my Republican colleagues here in the Senate have been coming to the floor one after another to deliver a simple, urgent message, one that I hear every time I am home in Kentucky: Washington simply must change course. The spending spree must end. We must put our Nation's fiscal house in order before it is too late.

This is not a partisan message. Everyone recognizes that both parties played a role in getting us to this point. But let's be clear, Republicans are the only ones in Congress right now who are attempting to do something meaningful about fiscal restraint. The only way we will actually achieve it is by acting together on serious legislation such as the balanced budget amendment Republicans are voting on today—not through thinly veiled cover votes such as the one Democrats plan to hold alongside this morning.

For nearly 3 years now, Republicans have stood up to the fiscal recklessness of this administration and pleaded with the President and Democrats in Congress to stop the spending spree—stop it—and work with us on a serious plan to put our Nation's fiscal house in order.

For nearly 3 years we have met nothing but resistance. I even read this week that some Democrats in Congress actually view our insistence on fiscal responsibility as a good political issue for them. They say Americans have moved on, that they do not want to hear about fiscal restraint anymore. Apparently these Democrats are content to let this crisis continue to build and build until it pops up in the polls again.

What Republicans have been saying this week is that we do not have that luxury. We cannot wait for a European-style calamity to happen right here to finally do something about our fiscal problems, nor should we want to. After all, we were not elected to get reelected. We were elected to recognize the Nation's problems and to face up to them with foresight and with courage.

That is why Republicans have kept up our call for a serious and effective balanced budget amendment. We have seen all the statistics—that Congress now borrows more than 40 cents for every dollar it spends; that interest payments on the debt alone will soon crowd out spending on things such as education and defense; that annual deficits under this President routinely double and triple the previous record.

We know where it has gotten us. Under this President, the national debt has rocketed from $10.1 trillion all the way up to 15.1 trillion, more than a 40-percent increase in the national debt under this President in a record time of less than 3 years, a run of fiscal mismanagement only matched in its recklessness by total unwillingness to correct it.

The President's most recent budget was so irresponsible that not a single Member of the Senate voted for it, not one. The President's budget was voted down unanimously here in the Senate.

What about the first ever downgrade of U.S. debt, did that prompt action? Not in this White House. It prompted a round of ''shoot the messenger'' instead. This President's entire approach to our Nation's fiscal problems has been to sit back and blame somebody else, even as he continues to make all of these problems worse.

There was a time when President Obama claimed to believe in the importance of paying our debts. As a Senator he stood on this very floor and chastised his predecessor for even asking the Congress to raise the Nation's debt limit. He called it a failure of leadership. Yet earlier this year, as President

he demanded that Congress approve the single largest debt limit increase ever requested by a U.S. President—without any plan at all to cover the cost. It was this kind of fiscal recklessness that roused Republicans to recommit ourselves to the idea that, if we are going to preserve the American dream for our children, Congress has to stop spending more than it takes in, and it was the Democrats' resistance to that idea that convinced us the only way to make sure it happens is through a constitutional amendment that actually requires it.

For too long, the politics of the moment or of the next election have been put ahead of Congress's responsibility to balance the books. Too many promises have been made that cannot possibly ever be kept, and now the time for serious action has come; we must prevent what is happening in Europe from happening here.

That is what our balanced budget amendment would do. By permanently limiting Congressional spending to the historical norm of 18 percent of gross national product, and through a new three-fifths supermajority of both Houses of Congress to raise the debt limit, the balanced budget amendment Republicans are proposing today would go a long way in preventing that day of reckoning from happening right here in America. Every single Senator should support it.

Democrats here in Washington know the American people want Congress to get its fiscal house in order. That is why they proposed a balanced budget amendment of their own. Unfortunately, they have no real intention of passing it. If they did, they would join us in supporting a bill that we know would lead to the kind of fiscal restraint the American people are asking for.

I ask my friends on the other side to join us. It is not too late. We are only going to solve this problem together. Republicans are doing our part. We need them to do theirs. The American people are asking us to act. Let's do it. If this President will not take America's fiscal problems seriously, Congress should do it for him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as I rise to ask for the yeas and nays on the amendment, I point out my amendment is not a cover amendment. It includes many of the principles and provisions the House considered in a balanced budget amendment they voted on recently, and it also contains many of the provisions and principles that this body in the 1990s considered when Paul Simon and Senator HATCH and many others led on a balanced budget amendment proposal.

With that, I ask for the yeas and nays on S.J. Res. 24.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 21, nays 79, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—21

Baucus	Feinstein	McCaskill
Begich	Gillibrand	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Blumenthal	Heller	Stabenow
Brown (OH)	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Manchin	Wyden

NAYS—79

Akaka	Grassley	Murkowski
Alexander	Harkin	Murray
Ayotte	Hatch	Paul
Barrasso	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Burr	Johnson (SD)	Rockefeller
Cantwell	Johnson (WI)	Rubio
Cardin	Kerry	Sanders
Chambliss	Kirk	Schumer
Coats	Kyl	Sessions
Coburn	Landrieu	Shaheen
Cochran	Lautenberg	Shelby
Collins	Leahy	Snowe
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
DeMint	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Franken	Mikulski	
Graham	Moran	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 21, the nays are 79. Two-thirds of the Senate duly chosen and sworn not having voted in the affirmative, the joint resolution is rejected.

S.J. RES. 10

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on S.J. Res. 10.

Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, this is the last chance to vote for a constitutional amendment that will truly do something, that will tie the hands of Congress so they have to live within fiscal constraints. We are taxing and spending this country into bankruptcy. We have a $15 trillion-plus national debt, growing to $20 trillion to $30 trillion. We don't have any restraint around here.

People say: If we just live up to the Constitution and restrain ourselves, we can do that. They have been saying that for 35 years. The only time we have come to a balanced budget around here is when we had the first Republican Congress in over 40 years and we had a President who was willing to support it.

This is our chance to try to do something for our country that will stop the outrageous, out-of-control spending. We need to do it. This amendment is the only one that can do it.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I have actually voted for a balanced budget. Democrats in this Chamber and in the other Chamber voted for one and it passed. Not a single Republican voted for it. During the Clinton administration, we were able to balance the budget and start paying down the debt. A huge surplus was left to his successor and it was squandered by that administration.

We should not enshrine the extreme provisions in the current proposal in our Constitution. We should not make it more difficult for Congress to respond to economic and natural disasters. Proponents of this amendment say: Let's let the courts make these decisions. Let us not transform our courts into budget-cutting bodies. They are not equipped to perform that role. Even Justice Scalia, testifying before our committee, laughed at the idea that they could do that.

The Hatch-McConnell proposal will do nothing to spur economic growth or ease the partisan gridlock in the Congress. It will do the opposite. It will enshrine bad fiscal policy in the Constitution. A vote for this proposal is a vote for dramatic cuts in Social Security, Medicare, and veterans' benefits.

Partisan efforts like this may be good bumper-sticker politics, but they are bad solutions. I wish those who say they revere the Constitution would show it the respect it deserves rather than treating it like a blog entry.

I urge Senators to oppose this radical and ill-considered proposal to amend our Constitution.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—47

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—53

Akaka	Conrad	Kohl
Baucus	Coons	Landrieu
Begich	Durbin	Lautenberg
Bennet	Feinstein	Leahy
Bingaman	Franken	Levin
Blumenthal	Gillibrand	Lieberman
Boxer	Hagan	Manchin
Brown (OH)	Harkin	McCaskill
Cantwell	Inouye	Menendez
Cardin	Johnson (SD)	Merkley
Carper	Kerry	Mikulski
Casey	Klobuchar	Murray

Nelson (NE)	Sanders	Udall (NM)
Nelson (FL)	Schumer	Warner
Pryor	Shaheen	Webb
Reed	Stabenow	Whitehouse
Reid	Tester	Wyden
Rockefeller	Udall (CO)	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 53. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3630

Mr. DURBIN. Madam President, last night the House of Representatives passed a tax cut bill, one that is doomed in the Senate and that the President has made it clear he will not sign.

It is important for us to move beyond this stalemate on an important issue that will literally affect 160 million working Americans.

Currently those working families enjoy a 2-percent payroll tax cut. For the average family in Illinois with a $50,000 annual income, it means $1,000 a year or more in terms of a tax cut. So if we fail to continue this payroll tax cut, families across Illinois and across America are going to see an increase in their payroll taxes of about $100 to $125 dollars a month. We cannot let that happen. These families are struggling paycheck to paycheck. We want to help them. We want to make sure we help this economy by putting more life into it, which creates more opportunity for profitability for business and new jobs.

We also need to maintain our unemployment insurance which we have provided during these difficult times for those families struggling to find work.

At this point it is clear we should move immediately—immediately—to consideration of the House tax cut bill, a bill which passed the House and should be taken up immediately in the Senate. There is no reason for delay. It has to be done before we go home. Let's not waste any more time. Let's bring it to a vote.

Therefore, I ask unanimous consent the Senate proceed to the consideration of H.R. 3630, which was just received in the Senate from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote, and that the vote on passage be subject to a 60-affirmative vote threshold; further, that if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection?

Mrs. HUTCHISON. Mr. President, I object on behalf of our leader. This is a matter that needs to be decided between our two leaders. That has not been done. The bill has just come over. There needs to be some time. Certainly we hope in the future to vote on it at a time when the two leaders can agree.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I thank the Senator from Texas. I know her objection was on behalf of the Republican Senate leader. I would appeal to him and all Republicans on that side of the aisle, let's get down to the business of extending this payroll tax cut for working families and maintaining the unemployment insurance to help millions of Americans. Let's get it done before we even consider leaving for this holiday season.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

KEYSTONE XL PIPELINE

Mrs. HUTCHISON. Mr. President, at a time when our economy is staggering and global unrest is making long-term energy supplies uncertain, we are going to eventually be able to take up a bill that has been passed by the House that would bypass the President's decision to postpone until 2013, after the elections next year, a domestic infrastructure project that promises 20,000 immediate jobs, and 118,000 spinoff jobs, and provides a stable energy source from our trusted neighbor Canada.

After 3 years of unprecedented reviews by State and Federal agencies, the administration decided to delay the Keystone XL pipeline until after the 2012 election. Why? It would seem obvious that this is a decision that could now be made. The studies have been done. The jobs are needed. This is a privately financed traditional energy project. It is truly shovel ready. It is not a temporary government stimulus program based on wishful thinking, looking for things that can be done around the country. It is ready to go and it is privately financed, so there are no taxpayer dollars involved.

The pipeline is our Nation's access to the estimated 170 billion barrels of recoverable oil in western Canadian tar sands. It will provide energy from a reliable trading partner and friend, lessening our dependence on oil from turbulent Middle East and North African countries and from dictators and terrorism-supporting regimes in South America.

This turmoil leads to price spikes and supply interruptions that threaten our economy and our national security. If we can go forward with the pipeline project, it would have a tremendous impact on our Nation, where the project could stimulate $2.3 billion in new spending and generate more than $48 million in new tax revenues just in my home State of Texas.

The pipeline construction would result in 700,000 additional barrels of oils per day being sent to refineries in Texas. Our State's 26 refineries account for more than 25 percent of the total U.S. oil production, which is approximately 5 percent of worldwide capacity. Texas refineries working at capacity are of great benefit to the consumers of America. Oil is provided faster and more efficiently to domestic consumers and industry, bringing down the cost of energy to everyone in our country.

Last night the House approved this legislation. President Obama continues to threaten to veto any bill that comes to his desk that involves the Keystone pipeline. So I think it is fair to ask: What is his plan? The administration recently announced the President's 5-year blueprint for the future of America's energy resources. For example, the plan limits the offshore energy development to less than 3 percent of offshore areas.

The administration is decreasing our energy resources while other countries continue to increase their energy wealth, just off our coast in some instances, some as close as 25 miles from the U.S. waters. With the right policies, the oil and gas industry could create 1.4 million new jobs and raise $800 billion of additional government revenue by 2030. That would come from people working. That would come from people in the economy buying things, creating new jobs, and paying taxes because they are earning money. That is the way we should increase revenue in this country, not by stimulus programs that add to our deficit and to the debt that is going to be inherited by our children.

The administration is determined to pursue policies that limit our utilization of our own natural resources. Most other countries in the world are trying to develop their natural resources, and some do not have natural resources and wish they did. America has them but we are not using them.

We could—with a single pipeline—do something that would lower the cost of energy and create new jobs and raise additional government revenue. The fact that we are debating this project today in the face of a frozen economy and rising energy insecurity is unthinkable. We do not need more Solyndra fiascos. We do not need to waste additional billions of taxpayer dollars to support failed businesses that would not exist without federal subsidies.

This pipeline has not one taxpayer dollar in it. It is privately funded and will create private industry jobs that would be jobs that create more revenue for our country through the spending and the creation of still further jobs.

We would be doing it with a trusted neighbor and ally, Canada. This is something we should do. I would love to see us do it in a bipartisan way in this Senate as the House has already done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the urgent need to prevent a tax increase in the year 2012 if the Congress does not act to extend the payroll tax cut from last year. This is fundamental when it comes to working families across the country. Some 160 million working Americans are depending upon the Congress to do its work, to do its duty, and conclude this year on a couple of matters.

The principal focus of most people's attention right now, in addition to making sure we have a budget in place for the next couple of weeks and months but also, most urgently, is to make sure we are doing everything possible to bring about a cut in the payroll tax again as we did last year. So we should be voting today. We should not be waiting. We know the House has acted. I would guess that what they passed in the House will not pass in the Senate, but we should vote. Vote today. Get that done. Then both sides can sit down and work out a compromise on the payroll tax cut so we can give those 160 million American workers some measure of certainty as they begin to celebrate the holidays and prepare for our new year.

When I talk to people in Pennsylvania, they say to me basically two things: Do something to create jobs or to create the environment or the condition that job creation will flow from and, they say, do it in a bipartisan way. Work together as we, meaning Americans back home, have to work together. They have to work together at home to meet a budget. They have to work together at their worksite to be able to move a company or their agenda forward for an employer.

What we need is a very simple agreement on a very basic bill, and it should be a bill that would extend and, I would argue, expand. I wish to go beyond the payroll tax cut of last year. What we should be doing is cutting it in half. I know there might be others who do not want to go that far. But what we have now from the House is a 350-page bill loaded with all kinds of provisions that have nothing to do with the payroll tax cut and nothing to do with moving the economy forward. It is kind of a political game they are playing.

For example, the Keystone pipeline will be the subject of a lot of debate and discussion. But that has nothing to do with providing 160 million working Americans with a payroll tax cut, so we should set that aside and focus on cutting the payroll tax. Some of the provisions in the Republican bill will do substantial harm to families individually but also to the larger economy. Cutting 40 weeks—let me say that again—cutting 40 weeks from unemployment insurance is one provision. That is the wrong thing to do when have you between 13 and 14 million Americans out of work, in Pennsylvania over half a million people out of work, at last count 513,000 people out of work. They are telling us that we should cut unemployment insurance by 40 weeks.

Does that make any sense at all? Oh, by the way, what they leave out in that debate is what unemployment insurance does to the wider economy. You spend a buck on that, you get a lot more than a buck in return in terms of the economic impact. So unemployment insurance, when it is provided to people who lost their jobs through no fault of their own, helps the larger economy in addition to helping an individual worker or his or her family.

When it comes to the issue of the payroll tax cut itself, what we are talking about here is not something complicated and theoretical. We are talking about take-home pay, what goes in your pocket from your paycheck. We have got a choice here. If we go the right way and we extend the payroll tax cuts from last year, there is as much as $1,000 in take-home pay as a result of that.

I had a bill which we worked to try to compromise and change—we changed our bill in order to compromise, I should say. I thought it would be better if we cut the payroll tax for workers in half. That would be as much as $1,500 in your pocket for 2012. The other side objected to that. They wanted no payroll tax cut, apparently, for businesses, which I thought was a good idea. Then they also wanted to scale back what we could do for employees. But we are where we are. We will see what they are willing to do now. But let's not lose sight of what this is all about. If we do the right thing, we will have $1,000 extra in take-home pay for 160 million American workers, but if we go the way of some people here in Washington and play political games, it will be zero extra dollars of take-home pay. Very simple. It is a very simple choice.

I would hope our friends on the Republican side would allow us to vote today on the Republican House bill.

It is not going to pass, but it does provide clarity so that both sides can then sit down. They have rejected my compromise. Now the House version will come over here. But we will have some clarity about where both sides stand.

We can sit down and negotiate and get a payroll tax cut done, but we cannot do that until they let us vote on what the House did. We need to have that vote today. I don't know why the Republican side would want to hold it up in the Senate. We should vote on that. It is about take-home pay and also about peace of mind. I think a lot of Americans would like to know now that they can celebrate the holidays and move into 2012 with some peace of mind, knowing they are going to have some money in their pockets they might not have otherwise. It will have a tremendous impact on the economy. We know that from the data and from what happened in the first few months of 2011.

If the Congress fails to act, here is what it means for a State such as Pennsylvania. You can replicate this, I am sure, in other States as well. Mark Zandi, a respected economist on both sides of the aisle in Washington, looked at Pennsylvania and the impact of not extending the payroll tax cut for 2012. He said it would cost our State a little shy of 20,000 jobs in calendar year 2012—in a State, by the way, where in 2011 we created—or I should say the increase in jobs in Pennsylvania was more than 50,000 in 2011. That is not enough, and we need to do more, but certainly when you are creating jobs at that rate—and possibly in 2012 it could go above 50,000 jobs created in Pennsylvania. But not to act on the payroll tax and reduce that 50,000 or more by 20,000 jobs—and that is just one State—if you don't pass the payroll tax cut, that is the adverse impact on 1 State—20,000 jobs, according to Mark Zandi. That is a big mistake. We cannot afford to make those kinds of mistakes at this moment, which is very precarious in our economy, just when we are getting some—although not enough—good news about the economy.

We need to kick-start, jump-start job creation across the country. We can do that in large measure—although not completely—by a payroll tax cut.

It is time to move forward and time to move on. We should get this vote done on the House version, and then we can go to the negotiating table. While we are doing that, we can get some other things done. To hold up a vote on the House bill doesn't make any sense at all. We only have 17 days until the end of the year. We have other work to do as well. But the main thing we have to do right now is come together to protect 160 million American workers so that they can conclude the year and go into the holiday season and begin a new year with peace of mind to know they are going to have that payroll tax cut in their take-home pay and also to give those who are out of work and their families, their communities, and the country some assurance on unemployment insurance.

It is not time to play politics in Washington. This is the holiday season. If there is anytime in the year when people expect us to work together, it is at this time when we celebrate the holidays. We need to come together and compromise. I have compromised a couple of times in my legislation. I will not review that now, but I did that on my version of the payroll tax cut. We can all compromise more. We need to come together and stop putting up roadblocks to voting on measures that will lead us to a compromise.

The simple message for today is this: Let's vote on the House bill. If that doesn't pass, then we can go to the negotiating table and come up with a compromise to cut the payroll tax and put more take-home pay in the pockets of 160 million American workers.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the importance of sustained funding and support for the Low-Income Home Energy Assistance Program, better known as LIHEAP. I know it is something my colleague, the Presiding Officer, cares very much about as well.

LIHEAP helps households pay home heating costs and targets funds for those families with the lowest incomes and the highest energy costs. In 2010, nearly 165,000 families in Minnesota used this critical lifeline.

As the Presiding Officer knows, our home State may be known as the land of ice hockey and ice fishing and other winter sports, but our tough winters can be downright dangerous to families struggling to pay their utility bills and trying to keep the heat on.

Even as Minnesota's economy has weathered the recession better than most, we have seen a great increase in need for assistance with heating bills. From 2008 to 2010, there was a 30-percent increase in families who needed energy assistance. Without sustained funding for LIHEAP at current levels, we risk pushing these 38,000 families out into the cold.

This October, I joined with Members from many cold weather States, as my colleague did, in a letter that urged the Department of Health and Human Services to release LIHEAP funds as quickly and at as high a level as possible. We must follow up on this action by fully funding LIHEAP.

On October 28, the Department of Health and Human Services released $1.7 billion for LIHEAP. This is a start, but we need another $3 billion to ensure we sustain level funding from last year. Depending on how and what the final appropriations are for fiscal year 2012, it is important to recognize we will need over $1 billion to fully fund LIHEAP.

I believe seniors should not have to choose between paying for medication and their heating bills; that families should not have to choose between putting food on the table or keeping their furnaces on at night, and children should always have a warm home to sleep in at night. LIHEAP is targeting those families who are most in need. In fact, the average household served by LIHEAP in Minnesota had an income of $16,000, and 85 percent of the homes served by LIHEAP included at least one senior, a person with a disability, or a child under the age of 18. These families are struggling. Now is not the time to pull the rug out from under their feet.

LIHEAP is supported by nonprofit organizations such as Community Action of Minneapolis, the Salvation Army, State and local governments, and utility companies. These organizations know the value this program has to ensure that families have the tools they need to stay safe during the coldest winter nights. They also see how it creates economic activity by maintaining demand for utilities when household budgets are under the greatest strain and may be forced to go without.

According to economists, LIHEAP is a smart investment. For every dollar in benefits paid, $1.13 is generated in economic activity. As a cosponsor of the LIHEAP Protection Act, introduced by Senator JACK REED of Rhode Island, I want to commend my colleagues on their leadership on this issue, and I look forward to working with them to ensure this legislation is passed and that funding for the critical program is maintained.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS CONSENT REQUEST—H.R. 3630

Mrs. BOXER. Mr. President, I am going to eventually make a unanimous consent request. We have alerted our Republican friends to it. But before I do, I want to set the stage for why I am going to eventually ask we be allowed to go to H.R. 3630, which is at the desk, and that there be a debate and a vote on the Republican-passed payroll tax cut.

For the life of me, I don't understand why, as we approach the end of this year, Republicans do not want, right now, to have a vote on their own bill. Maybe it is because they do not have a lot of votes for it because it is a disaster. The President has spoken out very strongly for a payroll tax cut. We need that. It has been in effect, and if we don't extend it in this time of recovering from a deep dark recession, economists of all stripes have said we are going to see a reduction in economic growth. That is something we don't need right now.

Initially, Republicans said they didn't want anything to do with this tax cut. They loved the tax cuts for the millionaires and billionaires. Oh, that one they have a heart for but this one, they don't really like.

I think they took the heat back home, and good for the American people. They then decided they had to pass it because if they didn't pass it, working people were going to notice that $1,000 increase in their taxes.

So we are facing a very odd situation. Having served in the House for 10 years—I had left before Newt Gingrich became Speaker; I ran for the Senate. I know how things work over there. I can almost see—though I have no accuracy on this; it is simply my own feeling—the mindset: The President wants this tax cut so badly, let's do it, but let's load this up with things he is not going to be able to abide. Frankly, that is what they did.

Let's look at some of the things that are in this payroll tax cut. First of all, they added environmental riders. One of them I am very familiar with, and I want to spend a minute explaining.

The EPA passed a rule to control the filthiest and dirtiest boiler operations. These boilers are located in our communities. They spew forth things you really don't want to know about, but we better know. They are things such as mercury, arsenic, and lead. All these things cause cancer, and all of these things are dangerous to all of us, particularly to children and to pregnant women. So the EPA has crafted a rule—listen to this—that only goes after 5,500 of the 1.6 million boilers. Again, these are the filthiest and the dirtiest.

In crafting this rule, they had peer review science that showed this rule would prevent 8,100 premature deaths every single year. That is because we are talking about mercury, lead, and arsenic. These are not our friends.

Now, not being able to abide by this, those in the House are standing with the dirtiest polluters, and they put a stop to that rule. To me, this is shocking, as chairman of the Environment and Public Works Committee. If I saw you were driving a car in a certain direction, Mr. President, and I said to you, if you continue to drive your car in that direction, you are going to hurt people; you are actually going to be responsible for the deaths of 8,100 people in the course of a year, you would turn that car around. But, no, they are barreling forward. I am not even citing the stats—because I don't have them in my memory—on the number of missed workdays, the number of asthma cases, and the lost schooldays, but it is in the tens of thousands in a year.

So they attached what I call a real poison pill to the payroll tax cut. But that wasn't enough. Despite the objections from the Republican Governor of Nebraska, they pushed forward on the tar sands pipeline before the studies were done. By the way, the environmental impact report was done by a company that had ties to the developer. So before we rush to judgment on this, colleagues, we need to have more information. But, no, they are going to jam that through.

So those are two environmental riders that are in the bill that are very dangerous for the American people. So it is sort of like, here is $1,000 for you with the payroll tax cut, but we have just increased your risk of getting asthma or perhaps dying of cancer or a heart attack. Maybe that is why they object to having a vote on this bill.

Now, in this bill, the way they pay for things is unbelievable. They are so fearful of hurting the upper income people—those earning over $1 million a

year and paying for this payroll tax cut the way we do, with a small surtax on the millionaires and billionaires, which doesn't kick in until they get past the $1 million mark—they go after the middle class. They raise premiums on Medicare for 25 percent of Medicare recipients who earn $80,000 a year, and they raise it 15 percent for some of them in this time of recession. They cut the number of weeks an individual can get unemployment insurance, which also, at this time, is just plain cruel. They go after the salaries of middle-class workers, such as Federal firefighters, veterans, nurses, air traffic controllers, FBI agents, and all Federal employees while they allow government contractor employees to earn up to $700,000 a year.

Senator GRASSLEY is here, and I know he probably disagrees with some of what I said, but I know he agrees on the Federal contractor issue. In this particular bill, which the House crafted, I say to my friends, they go after middle-class workers, but the government contractor workers can earn up to $700,000 a year. To me, that is the only reason I can see why Republicans are objecting to having a vote on this so-called payroll tax bill—because it is so loaded with things that are going to hurt the American people.

So I think we ought to have that vote and kill this Christmas turkey, because it is a turkey. It is harmful to the middle class. It is literally going to cause an increase in premature deaths, in asthma cases, and it is literally going to hurt middle-class workers while it leaves the millionaires and billionaires alone. What kind of value system is that? Merry Christmas to the middle class. No, it isn't.

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3630, which was just received from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote; and that the vote on passage be subject to a 60-affirmative-vote threshold; further, if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I must object, but I wish to make clear that the Senator from California understands I didn't come to the floor to object to her request, but on behalf of the Republican leader I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I thank my colleague. We are buddies. We work together on a lot of good government issues. But the minority leader, the Republican leader, is objecting.

So in summing this up, as I leave the floor, I would ask rhetorically, why on Earth the Republican leader is afraid to vote on a Republican bill, other than the fact that that bill, in my view, exposes a set of values that are not consistent with the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for what time I might consume, but I wouldn't expect it would be more than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the Fast and Furious investigation. But I would also like to follow up and have this portion of my remarks follow the Senator from California because I think my side has a legitimate position to take on some job creation things that are in the House bill that has come over here; that if people just hear one side of the story, they might misunderstand we are not interested in creating jobs and we are only interested in putting stumbling blocks in the way of regulations or Presidential decisions that are made. But it is directly related to, in the case of rules by EPA that the Senator spoke about, it is a fact that under this administration there is an explosion of regulations. A lot of those regulations, because of their cost, have led to the elimination of a lot of jobs or a lot of jobs not being created as a result thereof.

So if we hear the President of the United States saying we ought to pass legislation that he is for to create jobs or we hear the President of the United States, one or two times a week, flying all over the country at taxpayers' expense to give political speeches and asking to put the pressure on Congress to pass his jobs bill at the very same time his departments are issuing regulations costing jobs or not creating jobs or the President making a decision that we shouldn't build a pipeline from Canada down to Texas so we can import more oil in a cost-effective way from our friend Canada—a reliable friend—instead of spending $830 million every day—every day—to import oil and paying that to countries that either hate us or want to kill us, we think there is an inconsistency between the President who is going around the country giving speeches on why Congress isn't passing his legislation to create jobs, when his administration is making decisions—in the case of the pipeline, 20,000 jobs could be created right now, union-paying jobs, good jobs, and 110,000 jobs on the side related thereto, plus what it does good for the energy policy of the United States to have that built. The President is standing in the way.

He says it needs another year of study. The State Department has already given two studies over a period of years saying it is OK to go ahead. It is not an environmental problem. The Nebraska legislature held it up for a little while because of the aquifer, but they have reached an agreement that it can go through their State in a little different direction.

We think we ought to create those 20,000 jobs and we ought to do it right now and this legislation that has come over from the House does that. This legislation coming over from the House puts some block of some regulations going into effect that is going to eliminate jobs or stop the creation of jobs.

So we are a little bit irritated about the inconsistency between an administration that wants us to pass legislation to create jobs when, at the very same time, one person is making a decision that we are not going to move ahead with job creation projects. This legislation allows to move ahead for that.

FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, the reason I came to the Senate floor is to give my colleagues an update on the Fast and Furious investigation that I have been conducting since last January 31.

For almost 11 months now, I have been investigating Fast and Furious, an operation of the Bureau of Alcohol, Tobacco, and Firearms, ATF. On December 2, the Justice Department finally came clean about who helped draft its February 4 letter to Congress. That was a letter I wrote that they responded to since I opened the investigation on January 31. It only took them a few days to get a letter to me that had a tremendous number of falsehoods in it.

That letter falsely denied ATF whistleblower allegations that ATF walked guns. The revelation in the December 2 documents of this year were the last straw for me. They admitted the February 4 letter had falsehoods in it. I called for Assistant Attorney General Breuer to step down, and I don't do that lightly.

Earlier documents had already shown Mr. Breuer displayed a stunning lack of judgment in failing to respond adequately when told guns had walked in Operation Wide Receiver in the years 2006–07. The December 2 document showed that Mr. Breuer was far more informed during the drafting of the February 4 letter than he admitted before the Judiciary Committee just 1 month earlier. These two issues led me to call for the resignation of Mr. Breuer, the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver.

The December 2 documents also established a number of other key points. The first is that the Justice Department has a flawed process for responding to letters from Congress that involve whistleblowers. So any of my colleagues, any of the 99 other Senators who are writing letters to the Justice Department, understand they have a flawed process if it involved whistleblowers responding to us. I will show

that to you. In the cover letter that accompanied the documents, the Justice Department wrote that, in drafting their February 4 response, which had these falsehoods in it:

> Department personnel . . . relied on information provided by supervisors from the components in the best position to know the relevant facts.

They were listening to supervisors because they only listen to supervisors. That is the problem with not answering the letters in a truthful way, to me, 5 days later after I handed them to the Attorney General. I will show that in just a minute.

Clearly, the Justice Department did not rely on those in the best position to know the facts, since the letter was withdrawn on December 2 due to its inaccuracies.

I don't know how they can withdraw a letter that is in the public domain, but they just somehow withdraw the letter.

The whistleblowers were in the best position to know the facts. Frontline personnel—not supervisors—were in the best position to know the facts, not these senior bureaucrats or political appointees. Yet the Department failed to provide a credible process for whistleblowers, people who know what is happening on a day-to-day basis, and other frontline personnel to provide information without fear of retaliation.

Employees simply do not believe they are free to report misconduct because they see what happens to those who speak out. They know it is a career killer because the ATF and the Justice Department culture protects those who retaliate against whistleblowers. Yet whistleblowers in this case spoke out anyway.

In other words, these whistleblowers were speaking out, taking a chance on their professional future in Federal Government because they knew something wasn't right about the walking of guns. So they risked their career to make sure the truth was known.

The only crime committed by whistleblowers, generally, is the crime of committing truth. But when the Office of Legislative Affairs sought information to respond to my inquiries, it didn't ask these brave whistleblowers what happened. Instead, it simply relied on self-serving denials of senior officials at ATF headquarters or the criminal division here in DC or the U.S. attorneys in Arizona.

In other words, the Department took the word of the very officials the whistleblowers alleged had mismanaged the situation in the very first place, without getting both sides of the story.

The U.S. attorney has since admitted in testimony to congressional investigators he was too strident when he first heard these accusations. He claimed he didn't know all the facts.

We can't rely on the chain of command when we have a whistleblower. By definition, whistleblowers emerge because the chain of command is broken. Whistleblowers come to Congress because they are unsuccessful in getting their supervisors to address fraud, waste, and abuse. Sometimes those supervisors attempt to cover tracks and paper over the problem. That is why we have to get the story straight from the horse's mouth. We can't let the facts be filtered through multiple layers of bureaucracy. After all, the bureaucracy is filled with the same supervisors who should have done something about the problem in the very first place before whistleblowers even come forward.

These problems are particularly prevalent in the Federal Government that is so very large it is virtually impossible for anyone to ever be held accountable for anything. So it is crucial those investigating whistleblower allegations go straight to those on the ground level with firsthand knowledge of the facts. Their goal should be to understand the underlying facts of the whistleblower allegations, not to intimidate whistleblowers into silence. Instead, inquiries all too often focus on the whistleblowers themselves and what skeletons they have in their closet. That approach is exactly what is wrong with the Federal Government and why it doesn't function as efficiently as it can. Because if more whistleblowers were listened to and wrongs were brought to the surface and transparency ruled, there would be more accountability.

The focus should be on whether the accusations are true so the problems can be corrected. Too often, however, the focus is on finding out what information the whistleblower disclosed so the agency can circle the wagons and build a defense. That needs to change. If the department is going to regain its credibility, it needs to provide straight answers, not talking points and spin.

The only way to provide straight answers is to make sure we get straight answers in the first place. That is one reason we have pushed in our investigation to be able to interview frontline personnel.

The Justice Department objected in a letter Tuesday night. In that letter, the Justice Department also objected to us talking to first- or second-level supervisors. This is exactly the sort of approach that prevents key information from getting to senior officials and to Congress and impedes Congress's constitutional responsibilities to see that the laws are faithfully executed. In other words, we don't just pass laws and say that is the end of it. We have to pass laws to make sure we are a check on the executive branch of government and that means to do the constitutional job of oversight. That means ask questions. That means we are entitled to answers—unless somebody is trying to cover up something. When they are trying to cover up something in the bureaucracy, I always tell them: If you get stonewalled, eventually the truth is going to come out. The more truth that comes out, the more egg you are going to have on your face. Mr. Breuer is one of those who has tremendous egg on his face.

Justice cites the so-called line personnel policy for refusing to provide officials for voluntary interviews. The policy is based purely on nothing but the Department's own preferences. This isn't any law or statute or even case law. The Department has frequently set aside the policy and made exceptions.

For example, line attorneys gave transcribed interviews under oath to Congress in the 1992 Rocky Flats Nuclear Weapons Facility investigation. As recently as October, assistant U.S. attorney Rachel Lieber, the line attorney responsible for the anthrax investigations, participated in an interview with PBS's ''Frontline.''

How can the Justice Department tell me or argue to Congress that Congress should not be allowed access to line attorneys when they give that same kind of access to the press? Those are the kinds of line personnel and individuals who have the actual answers. I kind of surmise that the reason the Justice Department will let a U.S. attorney or some FBI agents be interviewed on television is that some public affairs officer has looked at it and said: This is a good story. This is going to make us look good. But when Congress wants to interview line people, no, and we have a constitutional responsibility to do that.

I would like to suggest that the Justice Department let the public affairs people make a decision of who can talk to Congress because it might make them look a little better if they will let them talk to Congress or are they afraid we might find out something? It is irritating as heck.

In this case, had the Justice Department gone to the horse's mouth before sending an inaccurate letter to me on February 4, they would have been able to get the story straight. The memo I have here I am not going to read, but I want to hold it up.

The memo is from an ATF line agent who substantiated the claims of the first ATF whistleblowers.

I ask unanimous consent a copy be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. It is dated February 3, 2011, the day before the Justice Department sent their letter to me. The memo was passed up his chain in response to investigators on my staff talking to him about Operation Fast and Furious. He accurately described the problems with Fast and Furious. What he said was consistent with the claims I had already heard from other whistleblowers. Information such as this is why I was skeptical days later when the Department sent its February 4 letter to me, denying the allegations. In other words, I had proof they were lying to us.

The agent wrote in the memo about being ordered by a Fast and Furious

case agent to hold back in their surveillance, so that they did not ''burn the operation.''

While watching straw purchasers hand off weapons to traffickers—violating the laws of this country but encouraged to do it by their own Justice Department—the case agent ''told all the agents to leave the immediate area.''

While a crime was being committed the agent said to the agents to leave the area immediately. The memo explicitly says:

> The transaction between the suspects took place and the vehicle that took possession of the firearms eventually left the area without agents following it.

A crime is committed, U.S. agents there let them move on.

After the phone call to my staff, the ATF agent's supervisor requested that he write this memo documenting what he had told my investigators. This passed up the chain all the way to the ATF leadership. We know that because there are e-mails attaching the memo sent to senior headquarter officials. However, the Justice Department has refused to provide copies of those e-mails and will only allow them to be reviewed at Justice Department headquarters.

The Department has also refused to provide a copy of this memo. My staff had to obtain it from confidential sources.

One of the questions yet to be answered is who in the Justice Department saw the memo and when. Either way, once the Justice Department got hold of it they tried to keep it under wraps by refusing to give me a copy. They made my staff go to the Justice Department to view it, even though the entire memo simply recounts information that was already provided to my staff. It is embarrassing to the Department because it shows that the truth was easily knowable before the false denial was sent to Congress on February 4. If they had asked for firsthand documentation such as this memo when they first got my letter in January, we would not be where we are today.

The second point these documents establish is that main Justice had problems of its own. It was not all the fault of the ATF or the U.S. attorney. Mr. Breuer's deputy, Deputy Attorney General Jason Weinstein, participated in drafting a false statement. The Justice Department's February 4 letter read:

> ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

Documents show that line originated in a phone conversation, February 1, 2011, between Justice Department legislative affairs assistant director Billy Hoover from ATF and Jason Weinstein from main Justice's criminal division.

Like Assistant Attorney General Breuer, Mr. Weinstein knew that ATF had let hundreds of weapons walk in Operation Wide Receiver, which was an earlier, smaller scale case than Fast and Furious. In fact, in April 2010, he brought that fact to the attention of Mr. Breuer, his boss. April 2010 is 8 months before I got involved in this investigation. His e-mail to Mr. Breuer about Wide Receiver said:

> As you'll recall from Jim's briefing, ATF let a bunch of guns walk in efforts to get upstream conspirators but only got straws, and didn't recover many guns. Some were recovered in [Mexico] after being used in crimes.

It is ironic that is how Mr. Weinstein described Wide Receiver. He was one of the officials who authorized wiretaps in Fast and Furious. Therefore, he was in a position to know that exact same description applied to Fast and Furious. Yet he allowed the myth to be perpetrated that ATF would never do such a thing. Mr. Weinstein saw the Justice Department's very first draft of the letter to Congress. In fact, as one of his Justice Department colleagues in the Deputy Attorney General's office said, ''CRM,'' which happens to be the criminal division, and OLA, which is the Office of Legislative Affairs—''CRM and OLA basically drafted it.''

Mr. Weinstein knew the letter contained a blatantly false line. Yet he did nothing to correct it and that line thus remained in every successive draft of the letter.

On December 2 this year, the Justice Department's latest spin was that its statement that ''ATF makes every effort to interdict weapons'' was ''aspirational.'' Nevertheless, that did not stop them from withdrawing the letter for inaccuracies. Perhaps the ''aspirational'' language should be saved for mission statements. Responses to specific and serious allegations ought to, in a commonsense way, stick to the facts, right? This was an oversight letter. I was not asking for some ''feel good'' fuzzy message about what ATF aspired to. I was asking for simple facts.

A U.S. Border Patrol agent had died, and at the scene of his death were two guns from Fast and Furious. So his death was connected to the ATF operation. Whistleblowers were reaching outside of the chain of command because supervisors would not listen. Instead of treating these allegations with the kind of seriousness they deserved, the Justice Department resorted to damage control.

I do not know what else my investigation is going to uncover, but we are going to pursue it until we get to the end of it because my goal is to find out who at the highest level of government, in Justice or the White House, approved this, and get them fired; make sure that the Terry family gets all of the information about the death of their son—to this point they have had hardly anything—and, No. 3, to make sure a stupid program like walking guns, Fast and Furious, et cetera, never happens again.

This week the investigation revealed that shortly after the February 4 letter, Lanny Breuer asked Mr. Weinstein to write up an analytical memo of Fast and Furious. This suggests that Mr. Breuer and his deputy Mr. Weinstein were down in the weeds on Operation Fast and Furious a lot earlier than previously admitted. Mr. Weinstein was in an excellent position to write such a memo, since Mr. Breuer has acknowledged that Mr. Weinstein was one of the individuals who approved wiretaps in the summer of 2010 as part of Operation Fast and Furious. However, we had to learn of this memo from sources not from the Justice Department but from outside of the Justice Department. The Justice Department has not provided it to us, even though it is clearly responsive to a House Oversight Government Reform Committee October 25 subpoena.

This type of maneuvering is what got the Justice Department in trouble to begin with. The Justice Department should produce this document immediately, along with all the other responsive documents.

This investigation will continue. People must be held accountable. The Justice Department must stop stonewalling today.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Washington, DC, February 3, 2011.

Memorandum To: Special Agent in Charge, Dallas Field Division

Thru: Resident Agent in Charge, Lubbock Field Office

From: Gary M. Styers, Special Agent, Lubbock Field Office

Subject: Contact with Congressional Investigators

On February 2, 2011, at approximately 1500 hours, ATF Special Agent Gary Styers was contacted telephonically by Robert Donovan and Brian Downey, representing United States Senator Chuck Grassley and the Senate Judiciary Committee. Downey and Donovan after identifying themselves asked Special Agent Styers if he would be willing to answer some questions regarding the time Special Agent Styers spent on a detail to the Phoenix Field Division, Phoenix Group VII Office. Special Agent Styers said he would be willing to answer questions to the best of his knowledge.

Special Agent Styers was asked if he was familiar with the large firearms trafficking case in Phoenix Group VII and Special Agent Styers said he was. Downey and Donovan asked if Special Agent Styers knew the name of the case and he responded that it was ''Fast and Furious.'' Downey and Donovan then asked if Special Agent Styers knew who the case agent was and Special Agent Styers said it was Special Agent Hope McAllister. Special Agent Styers was also asked who the supervisor of the group was and Special Agent Styers said it was Group Supervisor David Voth. Downey and Donovan also asked who helped Special Agent McAllister, Special Agent Styers said that Special Agent McAllister had a Co-Case Agent from Immigration and Customs Enforcement (ICE) as well as an agent from Group VII. Downey and Donovan asked who was the Agent from ICE and Special Agent Styers told them it was Lane France.

Downey and Donovan asked Special Agent Styers if he knew what the agents were assigned to do on the investigation. Special Agent Styers explained that a group of agents were assigned to the case and that since the case was in the stage of an active

wiretap, some agents were working within the group and Special Agent Styers was then asked about his general impression of the Fast and Furious case. Special Agent Styers stated that the case had systematically divided and isolated agents from the group. The case agent had solicited the advice of numerous experienced agents, including Special Agent Styers, regarding how to conduct and end the wiretap operations and case overall. Special Agent Styers gave the case agent his honest opinion and advice since Special Agent Styers had worked two wiretap investigations in his career. Special Agent Styers felt that his advice and opinions, as well as other agents' advice and opinions were widely disregarded. Along with other agents within the group, Special Agent Styers explained that he was no longer asked to assist with Fast and Furious and concentrated on his assigned cases and provided necessary assistance to fellow agents within the detail and group.

Downey and Donovan asked Special Agent Styers what he felt was incorrect about the way the Fast and Furious case was conducted. Special Agent Styers explained that first and foremost, it is unheard of to have an active wiretap investigation without full time dedicated surveillance units on the ground. Special Agent Styers relayed that no agents in the group were assigned to surveillance on the Fast and Furious case. Special Agent Styers said that other agencies or task force officers may have been used to conduct surveillance and respond to calls of FFLs, but it seemed that either the case agent or Group Supervisor would poll the office for agents who were available to respond at short notice.

Secondly, Special Agent Styers said that it appeared odd to have a majority of ATF Agents working on a wiretap investigation, who had never worked such a case. Especially, when numerous, permanent Group VII agents and detailers had previous wiretap experience.

Special Agent Styers was provided with contact information for Downey and Donovan and the conversation was ended. Special Agent Styers contacted the Lubbock Resident Agent in Charge, Jim Luera at 1545 hours after the conversation with Downey and Donovan ended, to inform him of the contact. Special Agent Styers was later asked to document the conversation herein and attempted to do so to the fullest extent possible.

Respectfully,

GARY M. STYERS.

Mr. GRASSLEY. Mr. President, I do not see another Member on the floor. Unless some staff person among the Republicans or Democrats tells me somebody is coming, I wish to take another 5 minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, more like 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC HOLDS—LIGHTSQUARED

Mr. GRASSLEY. Mr. President, the cornerstone of Congress's ability to effectively oversee the Federal Government is the free and open access to information—in other words, congressional oversight, what I was talking about in regard to Fast and Furious.

On another investigation 231 days ago, on April 27, I made a very simple request. I requested that the Federal Communications Commission turn over communications regarding its controversial approval of the LightSquared project. LightSquared is a company owned by a hedge fund called Harbinger Capital Partners that is seeking FCC approval to use its satellite spectrum to build a terrestrial wireless network. To accomplish its goals, LightSquared has already spent millions of dollars on lobbyists and made large political donations.

The problem is that LightSquared's signals would, according to Federal Government tests, cause massive interference with the global positioning system, more commonly referred to as GPS. GPS, as you know, is a critical tool for anything from military drones and missiles to car and ship navigation. LightSquared's initial plan, which the FCC conditionally approved, would have interfered with just about every single GPS user.

The surprising fact is that there is no evidence the FCC even tested LightSquared's plan before approving it. In fact, the FCC granted this waiver—which is estimated to be worth at least $10 billion to LightSquared—in a shortened comment period starting right around Thanksgiving, 2010. Giving a company a possible $10 billion windfall in a holiday-shortened comment period without doing any testing is very suspicious. Risking our Nation's GPS assets, including the role they play in defending our Nation to accomplish this goal, is downright dangerous.

The question I am asking is, Why would the FCC do this? Of course, to get to the bottom of this question I asked the Federal Communications Commission for some documents—again, a simple question, a request for some information. The FCC, an agency with employees who are supposed to work for the American people, said no to my request. My staff was told the FCC intentionally ignored my document request. The FCC officials said they have determined that they will only be responsive to two Members of Congress: the Chairs of the House and Senate Commerce Committees, not even to ranking members of those same committees, and, of course, not to members of those committees whether you are majority or minority. Presumably, they would not even answer to the majority leader of the Senate or to the Speaker of the House, but for sure they surely are not answering to this senior Senator from Iowa. If you happen to be one of the 99.6 of the Congress who doesn't chair one of those two committees, from the FCC's point of view, sorry, you are out of luck. No documents for you. This attitude is unacceptable. I conveyed my concerns to the FCC on July 5 and asked again for documents. Again, I was stonewalled. This time the FCC claimed that since I cannot subpoena the FCC, it would not respond.

President Obama committed to run the most transparent administration in history. Yet the FCC is saying if you cannot force us to be open, we won't do it. I wrote another letter asking the FCC for documents on September 8, and again I was stonewalled.

This brings us to where we are today, 230-some days later. The FCC's decision to impede Congress's constitutional duty of oversight has forced me to make a difficult decision. I do not take that decision to hold up nominees lightly, but I never do it in secret. I always put a statement in the RECORD, and this is in addition to that statement. But when an agency flagrantly disregards congressional oversight, something must be done.

Before I publicly announced my intention to hold the nominees, I, through staff, contacted the FCC officials. I informed them that if the documents were not forthcoming, I would hold up the Federal Communication Commission's nominees whom the President sent up here. I was surprised and disappointed by their response. Despite knowing my intentions, they chose not to provide any documents. As a result, I am honoring my promise to hold those nominees.

It is unfortunate the FCC has chosen this path. Due to the FCC's decision to hide its actions from the public and Congress, these nominations are now stalled in the Senate. The question I would ask today of my colleagues and the President of the Senate is: Why? The FCC has already told me it would likely provide these documents if certain members—chairmen of committees—asked for them, but somehow 99.6 percent of the Congress has no right to this information. In other words, 99.6 percent of the Members of Congress cannot do their constitutional job of oversight of the Federal Communications Commission. To paraphrase a very popular slogan these days, I guess that makes me part of the 99.6 percent.

My concern is not just specific to this document request. It is broader than that. In the future, any Member of Congress may request documents from the FCC. As the courts have put it, every Member has a voice and a vote in the process under the Constitution. Each one of us has the authority to request and receive information from the executive branch in order to inform those votes. That is what our court has said. That authority is inherent in each Member's responsibility to participate in the legislative process.

The creation of the committee system and the delegation of certain responsibilities to committee chairmen doesn't change that at all. Individual Members still have a right, as well as a responsibility, to inform themselves by requesting information directly from agencies. For Congress to have a complete view of how an agency works, we need to have access to documents. Turning off that flow of information shortcircuits transparency and hurts accountability.

In this case, the Federal Communication Commission's actions have real-

world effects. The FCC's decision to grant a waiver to LightSquared created uncertainty for GPS users, and that includes our own National Defense Agency, the Department of Defense, and other Federal agencies. Another one is the Federal Aviation Administration which claims that 800 people would die as a result of LightSquared's initially proposed network. To the FAA, the FCC's decision could have killed people.

The Department of Defense wrote a letter to the FCC saying that it was not consulted by the FCC. Press reports say that General Shelton—who heads up GPS for the Armed Forces—said that LightSquared's interference would harm the military's use of GPS. To the Department of Defense, the Federal Communication Commission's actions would have harmed national security.

These are only two agencies, but the Department of Transportation, NASA, and NOAA, among others, have already raised concerns about LightSquared's plan. The effects of the FCC's decision are not just limited to the Federal Government; they also affect ordinary Americans. Here are two examples: For Americans who hope that NextGen air traffic control will reduce air traffic delays, the FCC's action would have continued to increase air traffic wasting time, fuel, and ultimately money for the flying public. For Americans who use precision agriculture to save time and money, the FCC's actions would harm the accuracy and reliability of their equipment. This again leads to wasted energy, lower crop yields, and higher prices for products such as wheat and corn. At the end of the day, the FCC's actions would cost the American consumers money.

Does the FCC even care? I don't know. But the agency certainly has not provided any evidence that it took any of this information into consideration. What we see today is an agency that is completely unaccountable and unanswerable to 99.6 percent of the Congress and, by extension, the American public. This is simply wrong, and I will continue to hold the FCC's nominees until this attitude changes.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

BENEFITS EXPIRATION

Mr. REED. Mr. President, I rise today to urge my colleagues to immediately extend the payroll tax cut and to fully continue jobless benefits for millions of Americans. In less than 3 weeks 160 million Americans face an automatic tax increase and millions of out-of-work Americans will begin to lose their jobless benefits. In order to keep our economy on track, we must continue the payroll tax cut and jobless benefits for millions of out-of-work Americans.

My State of Rhode Island, in particular, has felt the economic downturn acutely. With four unemployed job seekers for every one job and middle-class families struggling to get by—the possibility that Congress would let the payroll tax cut and jobless benefits expire is unthinkable.

I have joined my colleagues on this side of the aisle and voted time and again to cut taxes for middle-class families, and each time our Republican colleagues have opposed the measure because they value tax breaks for the top one-tenth of 1 percent of income earners more than they do tax cuts for middle-class Americans. Republicans have even rejected our effort to provide tax cuts to businesses and provide them incentives to hire. So in response, Democrats narrowed the focus of the tax cuts to employees. But, Republicans again refused to provide a tax cut for the middle class because it was paid for by asking the top one-tenth of 1 percent of Americans to contribute.

We have seen Republicans refuse to invest in our Nation's roads, bridges, schools, and in policies that will create jobs because Republicans cling to their belief that the wealthiest in our Nation should not have to share in the sacrifice every other American has made during these very difficult economic times. Republicans have voted in favor of millionaires and billionaires five times, costing middle-class Americans tax cuts and the continuation of jobless benefits and other policies that would help create and sustain jobs.

Republicans are not putting forth serious proposals. The House Republican extenders plan that passed that body yesterday is the latest example of not only brinksmanship but their ideological rigidity. Instead of reaching a sensible compromise that works for all Americans, the House Republicans voted to slash the current unemployment insurance program nearly in half and eliminate targeted relief for the hardest hit States like Rhode Island even as our job market is still weak and 14 million Americans are out of work. Republicans are in effect refusing to pass critical legislation, particularly with respect to continuing unemployment insurance. And instead of continuing unemployment insurance they are working to put an end to it by implementing aggressive waivers leading to block granting and creating artificial barriers to benefits—all with the long-term goal of dismantling the system. The Republicans would blunt one of the most effective countercyclical tools we have and ultimately throw it away.

At the core of the Republican Party's effort to reduce jobless benefits is the terribly misguided belief that Americans don't want to work. I say to my Republican colleagues—Americans do want to work. But we have to create jobs or incentivize the private sector to create jobs so they can work.

Instead of compromising and focusing on economic policies that will help create jobs and help the middle class, House Republicans focus on dead-on-arrival special interest pet projects such as the Keystone pipeline and further efforts to weaken the Clean Air Act.

The Republican plan ignores the reality and the challenges that face American families—to maintain their home, to maintain their job, to provide for the future of their families and their children and their retirement.

For those who have lost their jobs in one of the worst economic downturns we have ever faced, unemployment insurance is a lifeline. It is also important for Main Street businesses that rely on these dollars. Grocery stores and drugstores—they all depend on people having some cash to come in and take care of the necessities of life. Without the extension of jobless benefits, consumers will pull back spending, hurt local businesses, and decelerate the progress our economy has made.

We have had 21 months of private sector job growth. This is not sufficient to satisfy the needs across the country, but the growth stands in stark contrast to the absolute collapse of employment in the last months of the Bush administration. This job growth has not been an accident. It has been the result of decisions that the President and Congress made, which include the Recovery Act and other programs that keep the economy moving—not fast enough—but keep it moving forward.

The Economic Policy Institute has estimated that failing to extend UI benefits could result in a loss of $72 billion of economic activity in 2012—$72 billion of lost demand, which would slow down the economy and slow down job creation.

These are challenging times for millions of Americans. We cannot afford to let Congress be sidetracked by marginal issues. The core issues are very clear: extend tax cuts for middle-class Americans, continue unemployment benefits to those desperately searching for work. We are facing a tough job market; we have to pass these measures. We have to pass a clean tax cut for millions of working middle class families, and we have to continue jobless benefits in order to help millions of out-of-work Americans looking for a job.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. BOOZMAN. Mr. President, when President Obama was sworn into office, the Nation's average price for a gallon of gasoline was under $2. We all know that is not the case today. In most parts of the country, gas remains well over $3 a gallon. In my home State of

Arkansas, the price of gas ranges anywhere from just under $3 to $3.50 a gallon. The reason it stayed at a steady price is because there is a decreased demand because of the poor economy.

Business owners will tell you that when the price of gas hits $3.50 a gallon, it truly does affect how decisions are made. When it hits the $4 mark, things start to shut down in terms of the economy because the average person's disposable income is going to the gas pump instead of local businesses.

Our country at this time lacks an energy policy. We are also facing a jobs crisis of enormous magnitude. And our President is standing in the way of one project that can help address both of these problems: the Keystone XL Pipeline.

The proposed 1,700-mile pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast. Canada's oil sands are among the largest oil reserves in the world. As global demand for oil surges and Canada increases production, the addition of the Keystone Pipeline will ensure that Americans benefit from reliable and secure oil from our largest trading partner and trusted ally.

The $7 billion pipeline cost will be paid by the Keystone consortium and will fund nearly $½ billion in salaries. It will result in the purchase of $6.5 billion worth of materials, services, and other local economic activity. None of this will be funded with any Federal money. It is a no-brainer.

Some of these jobs are in my home State of Arkansas. Welspun Tubular Company, which makes pipes for the oil industry, has been producing pipe for the Keystone project. Unfortunately, due to the administration's delay on Keystone, the company has already begun to lay off workers in Little Rock. They have 500 miles of pipe that was produced for the project, ready to go, that is just sitting in the facility.

By delaying the start of the project, it is putting Americans out of work instead of putting Americans to work. Delaying this project costs thousands of well-paying jobs when Americans need reliable employment, and it hurts Arkansas businesses that have invested millions of dollars to help produce the pipeline. It is also a major step backward for energy policy goals of reducing our dependence on oil from unstable regimes.

When it comes to energy policy, I am kind of a T. Boone Pickens guy. I firmly believe that if it is American, we need to be using it. This goes for not only renewable forms of energy but the vast amount of fossil fuels we have been blessed with throughout the United States and directly off our shores. If we use what we have here in a responsible manner, we can be better positioned to pick and choose from whom we import our remaining oil.

Importing oil from Canada would accelerate America's independence from overseas oil by increasing the petroleum trade with one of our most reliable allies, one of our most reliable friends, instead of depending on the likes of Saudi Arabia and hostile regimes such as Venezuela for much of our oil. The amount of oil provided through this project is equal to half the amount we import from the Middle East. I doubt that anyone in this body would argue that any of the countries we import oil from in that region are more stable than Canada.

President Obama needs to quit pandering to the radical environmentalists. He needs to do what is best for the country, not what he perceives is best for his reelection. The Keystone Pipeline is what is best for America. Let's move forward.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

WITHDRAWAL FROM IRAQ

Mr. MCCAIN. Today the President of the United States traveled to Ft. Bragg, NC, to mark the end of the war in Iraq and to pay tribute to the more than 12.5 million men and women of our Armed Forces who have served and fought there since 2003. Those Americans deserve all of the praise and recognition they receive, for they have given up their comfort and safety. They have given up less demanding and more lucrative jobs. They have given parts of their bodies and cherished parts of their lives. They have given the quiet little sacrifices that often go unmentioned but often hurt the most: the anniversaries spent alone, the birth of a child missed, the first steps not seen, and the first words not heard.

They have given all of that, and always they are prepared to give more. They deserve to be honored by us all. I know the President's words of praise and appreciation for our troops today were sincere and heartfelt. I have every reason to believe he will do all in his power to keep his promises to take care of our troops and their families at home and to never forget how those noble Americans have done far more than their fair share for the betterment of our Nation.

The President is a patriot and a good American, and I know his heart swells with the same pride and sense of awe all of us feel when we are in the presence of our men and women in uniform. These are humbling feelings, feelings of wonderment and gratitude, and they unite all Americans whether they supported the war in Iraq or not.

But let me point out a fact the President did not acknowledge today, which is this: Our men and women in uniform have been able to come home from Iraq by the tens of thousands over the past 3 years, and not just come home but come home with honor having succeeded in their mission for the simple reason that the surge worked.

All of this is possible because in 2007, with the war nearly lost, we changed our strategy, changed our leaders in the field, and sent more troops. This policy was vehemently opposed at the time by then-Senator Obama and now President of the United States and his senior leaders right here on the floor of this Senate.

On January 10, 2007, the day the surge strategy was announced, then-Senator Obama said:

> I am not persuaded that 20,000 additional troops in Iraq is going to solve the sectarian violence there. In fact, I think it will do the reverse.

On November 15, 2007, when it was clear to GEN David Petraeus and Ambassador Ryan Crocker and many of us that the surge was working, then-Senator Obama said:

> The overall strategy is failed because we have not seen any change in behavior among Iraq's political leaders.

Finally, on January 28, 2008, when it was undeniable the surge was succeeding, he had this to say:

> President Bush said that the surge in Iraq is working, when we know that's just not true.

At the time the President's preferred alternative was to begin an immediate withdrawal and have all U.S. troops out of Iraq by the end of 2009. I will let future historians be the judge of that proposed policy. All I will say is that for 3 years, the President has been harvesting the successes of the very strategy he consistently dismissed as a failure. I imagine this irony was not lost on a few of our troops at Fort Bragg today, most of whom deployed and fought as part of the surge.

The fact is, the President has consistently called for a complete withdrawal of all U.S. troops from Iraq at the earliest possible date, and he has never deviated from this position as President. Indeed, he always reaffirmed his campaign promise to end the war in Iraq and withdrawal of our troops. So perhaps it should not have come as a surprise when the President announced in October that he was ending negotiations with the Iraqi Government over whether to maintain a small number of U.S. troops in Iraq beyond this year to continue assisting Iraq security forces.

I continue to believe this decision represents a failure of leadership, both Iraqi and American; that it was a sad case of political expediency triumphing over military necessity, both in Baghdad and in Washington; and that it will have serious negative consequences for Iraq's stability and our national security interests.

I sincerely hope I am wrong, but I fear that GEN Jack Keane, who is one of the main architects of the surge, could be correct again when he said recently:

> We won the war in Iraq, and we are now losing the peace.

Let me be clear. Like all Americans, I too am eager to bring our troops home. I do not want them to remain in Iraq or anywhere else for a day longer than necessary. But I also agree with our military commanders in Iraq who were nearly unanimous in their belief that some U.S. forces, approximately 20,000, should remain for a period of time to help the Iraqis secure the hard-earned gains that we had made together.

All of our top commanders in Iraq, by the way, chosen by the President of the United States—all of our top commanders in Iraq—General Petraeus, General Odierno, General Austin, all of them believed we needed to maintain a presence of U.S. troops there, and they consistently made that clear to many of us during our repeated visits to Iraq.

On February 3, the commander of U.S. forces in Iraq, GEN Lloyd Austin, and U.S. Ambassador to Iraq Jim Jeffrey testified to the Committee on Armed Services that for all of the progress the Iraqi security forces had made in recent years—and it has been substantial—they still have critical gaps in their capabilities that will endure beyond this year. Those shortcomings included enabling functions for counterterrorism operations, the control of Iraq's airspace, and other external security missions, intelligence collection and fusion, training and sustainment of the force.

Our commanders wanted U.S. troops to remain in Iraq beyond this year to continue assisting Iraqi forces in filling these gaps in their capabilities. Indeed, Iraqi commanders believed the exact same thing. In August, the chief of staff of Iraq's armed forces could not have been any clearer. He said:

> The problem will start after 2011. The politicians must find other ways to fill the void after 2011. If I were asked about the withdrawal, I would say to politicians, the U.S. Army must stay until the Iraqi Army is fully ready in 2020.

During repeated travels to Iraq with my colleagues, I have met with all of the leaders of Iraq's major political blocs, and they too said they would support keeping a presence of U.S. troops in Iraq. So let's be clear. This is what our commanders recommended, it is what Iraqi commanders recommended, and it is what all of Iraq's key political leaders said privately that they were prepared to support. So what happened? What happened?

Advocates of withdrawal are quick to point out that the current security arrangement which requires all U.S. troops to be out of Iraq by the end of this year was concluded by the Bush administration. That is true. But it is also beside the point. The authors of that agreement always intended for it to be renegotiated at a later date to allow some U.S. forces to remain in Iraq.

As former Secretary of State Condoleezza Rice, whose State Department team negotiated the security agreements, has said:

> There was an expectation that we would negotiate something that looked like a residual force for our training with the Iraqis. Everybody believed it would be better if there was some kind of residual force.

So if that is not the reason, I ask again: What happened? The prevailing narrative is that the U.S. and Iraqi leaders could not reach agreement over the legal protections needed to keep our troops in Iraq. To be sure, this was a matter of vital importance. But while this may have been a reason for our failure, the privileges and immunities issues are less causes than symptoms of the larger reason we could not reach agreement with the Iraqis. Because of his political promise to fully withdraw from Iraq, the President never brought the full weight of his office to bear in shaping the politics and the events on the ground in Iraq so as to secure a residual presence of U.S. troops. This left our commanders and our negotiators in Baghdad mostly trying to respond to events in Iraq, trying to shape events without the full influence of the American President behind them.

Last May, I traveled to Iraq with the Senator from South Carolina, Mr. GRAHAM. We met with all of the major Iraqi leaders. All of them were ready to come to an agreement on a future presence of U.S. troops in Iraq. But as Prime Minister Malaki explained to us, the administration at that time and for the foreseeable future had not given the Iraqi Government a number of troops and missions that it would propose to keep in Iraq.

For weeks after, the administration failed to make a proposal to the Iraqis, and when the Iraqis finally united in August and publicly asked the administration to begin negotiations, the response from Washington was again characterized by delay. This ensured that a serious negotiation could not begin much less succeed.

I know Iraq is a sovereign country. I know it has an elected government that must answer to public opinion. I know there could be no agreement over a future U.S. military presence in Iraq if Iraqis did not agree to it and build support for it. So this is as much a failure of Iraqi leadership as it is of American leadership. But to blame this on the Iraqis does not excuse the fact that we had an enormous amount of influence with Iraq's leaders and we did not exercise it to the fullest extent possible to achieve an outcome that was in our national security interest.

In fact, in the view of many, they deliberately refused to come up with a number. They deliberately refused to engage in serious negotiation with the Iraqis, with the ultimate purpose of fulfilling the Presidents's campaign pledge that he would get all U.S. troops out of Iraq.

That is not a violation of sovereignty. That is diplomacy, that is leadership. Leaders must shape events and public opinion not just respond to them, and starting in early 2009, from their desire to accelerate our withdrawal from Iraq faster than our commanders recommended, to their hands-off approach to the Iraqi process of government formation last year, to their record of delay and passivity on the question of maintaining a presence of U.S. troops beyond this year, this administration has consistently failed at the highest level to lead on Iraq.

I say again, perhaps this outcome should not have been a surprise. It is what the President has consistently promised to do, and that decision makes good political sense for this President. But such decisions should not be determined by domestic politics. The brave Americans who have fought so valiantly and have given so much did so not for political reasons but for the safety and security of their fellow citizens, for their friends, for their families, for their children's future, and for us.

This is a decisive moment in the history of America's relationship with Iraq and with all of the countries of the broader Middle East. This is a moment when the substantial influence we have long enjoyed in that part of the world could be receding—in fact, it is receding. We cannot allow that to be our Nation's future. We must continue to lead. We must not let short-term political gains dictate our longer term goals. We need to continue working to shape a freer, more just, and more secure future for both Iraq and for people across the Middle East, for it is in our own national security interest to do so.

Over 4,000 brave, young Americans gave their lives in this conflict. I hope and I pray—regardless of these decisions made in large part for political reasons—that their sacrifice was not in vain. I hope their families will not mourn the day their sons and daughters went out to fight for freedom for the Iraqi people.

Unfortunately, it is clear that this decision of a complete pullout of U.S. troops from Iraq was dictated by politics and not our national security interests. I believe history will judge this President's leadership with the scorn and disdain it deserves.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PROJECT

Mr. BLUNT. Mr. President, the House yesterday passed a bill that included an effort to move forward on the Keystone XL Pipeline project, and I wish to talk about that project for a while today and American energy generally.

We all agree private sector job creation needs to be the No. 1 priority in Washington. One of the best ways to jump-start job creation is simply

through good energy projects. The shortest path to more American jobs is more American energy.

Unfortunately, the President and the administration have delayed one of the largest domestic, shovel-ready projects until after the election next year. This is a project that is ready to go. The States this project would go through have cleared the way for the project. There is no government money involved. This just takes a government OK, saying: Yes, it is all right to create these jobs. These jobs not only have the short-term impact of creating the jobs that are created to build the pipeline but the long-term impact of all the economic activity that occurs because of this new North American energy to which we would have access. In delaying this program, the President is simply stalling the creation of thousands of jobs and postponing not only the growth in our economy but also a move toward more energy security.

Not too many years ago, I don't think one could say with a straight face that we need to do everything we can to create something that closely resembles energy independence. We are in a situation now with North American energy where we can do that. The numbers on the Keystone XL project speak for themselves.

This project would create 20,000 direct jobs during the construction phase—20,000 jobs. That is why the labor union movement in the country supports this project. Twenty thousand jobs to build the pipeline. It would generate $20.9 billion in new private sector spending. It would generate around $5 billion in new State, local, and Federal revenue when this project is being built and when this project is completed. Nationwide, the project would benefit 1,400 American job creators.

The Keystone XL project would also help reinforce America's energy security by reducing our dependence on other parts of the world. With Canada, our largest trading partner, it is a miracle relationship, this large border that we don't worry very much about, all the back-and-forth economic activity that occurs. In fact, for every $1 we would send to Canada for that energy, they would send 91 cents back. So this is $1 we are spending to get 91 cents back, to be more of an energy partner with our closest neighbor—we have clearly a bigger border with Canada than we do with Mexico—to be an energy partner with our closest neighbor rather than to worry about energy in places where, frankly, they don't like us very well. If they do like us, they don't get the money back to us in the same way.

In fact, by comparison, of the 91 cents we would get back for every $1 we send to Canada for North American energy coming out of Canada, we get 49 cents back from Saudi Arabia. That doesn't mean Saudi Arabia is a bad trading partner. It just means they are not as good a trading partner as the Canadians are. We get 33 cents back from Venezuela. So why would we want to send $1 to Venezuela or $1 to Saudi Arabia for energy if we could send $1 to Canada and almost all of that $1 comes right back to us?

Domestically, this project would help encourage more oil production in the Bakken formation in the Upper Great Plains. The Bakken formation—which I sure didn't know about 15 years ago and I don't know that anybody did—is thought to be the greatest new energy development since Prudhoe Bay in the 1960s. I read somewhere the other day that North Dakota has become the fourth or fifth energy-producing State in the country, passing Oklahoma. This is a great resource right at the incoming border of where this new pipeline and all this energy activity would be.

Regardless of the White House's decision to delay this project, the Canadian oil sands will be developed. It is not a question of whether there is going to be a market; it is who gets the market. The Canadians have said, as they should: If we don't build a pipeline through the United States to the refineries in the Southern part of the United States, we are going to build that same pipeline in another direction. Most likely, the pipeline will go to the Pacific coast and then the energy goes to Asia.

Why would we want energy going to Asia from a trading partner where we get 91 cents back rather than energy coming here? Why would we want to buy more energy from the Middle East and less energy than we could buy from our neighbor? Why would we think for a minute that the energy security of the country would be better served in any other way than this one?

So this is going to most likely go to Asia. If it doesn't go to Asia, I guess it can go to the Atlantic coast and go to Europe. But what everybody believes is, if it doesn't come here, they just turn the pipeline to the west instead of the south, and those oil sands, that great energy resource goes somewhere else rather than where it makes more sense for us to get it or more sense for them to send it.

This is as close to an energy no-brainer as I can think of. But the majority leader says this project is dead on arrival in the Senate. I don't believe he meant just dead on arrival if it was part of a package that extended the payroll tax. I think the quote was: ''It is dead on arrival.'' It is not going to go anywhere in the coming year, at a time when we need those jobs. Eventually, we all know as quickly as we can get it, we need to be more dependent on North American energy and less dependent on energy everywhere else.

There have been many reports that say the administration's timing is in consideration for the reelection effort. This appears to be about one American job instead of more American jobs, and we need to be concerned about more American jobs.

Some reports have noted that the President's advisers ''fear that a decision in favor of the project could dampen enthusiasm among volunteers needed for door-to-door campaigning in battleground States.''

I thought that bus went to battleground States. That should be enough to get to battleground States. We shouldn't have to worry about not having these volunteers because we choose to do what makes sense for us in the energy situation.

Others have noted that ''the President decided to punt on this project in order to placate parts of the coalition that elected him in 2008.''

Americans are looking for jobs, not more of the same from Washington. This isn't time for politics. We need to jump-start the private sector economy. Again, I will say, the quickest road to more American jobs is more American energies.

For the better part of 60 years, we have used more energy than we could produce. The marketplace is there. The consumer is there. The user is there. This is what capitalism is all about. It is what free enterprise is all about, figuring out how to connect the product with the consumer. So we know the consumer is there. Let's do what we can to connect that consumer with the energy needs they have.

According to a Gallup poll, the sharp decline in the workforce last month may have more of a reflection on the large number of Americans deciding to give up looking for work. Let's do things that energize the economy and energize the American workforce.

I am glad to be a sponsor of the North American Energy Security Act. The House again pursued this week a similar policy as part of their effort to vote on a payroll tax extension, with this as an effort to create new jobs. Whether it is the Keystone Pipeline or the Utility MACT rule that slows down people's decisions to make a job-creating decision or other EPA rules and potential rules that make people think twice and three times and eventually enough times you don't do it about job creation or what we need to do to get to the oil and gas shale reserves of the country or oil in the Gulf of Mexico, let's do what is necessary for North America. Let's make North American energy work for America. I don't know a better way to do that at less government cost or less government involvement than the Keystone Pipeline.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYROLL TAX CUT

Mr. COONS. Mr. President, I rise to share a feeling that many in my home

State have expressed to me. I rise to share my frustration.

It is not just the frustration you may feel, as I have felt presiding over this body, when for hours at a time it is empty, when there is such precious and important work that we can and should be doing to get the people of this great country back to work, to strengthen our national security, to lay the groundwork for a strong recovery, to deal with the hundreds of issues this body should be dealing with. I am expressing my frustration at our inability to work together and to make real progress.

Today, I have had the blessing of being visited by a number of Delawareans for lunch, for business visits, for just some constituent catchup. As I do almost every day, I commuted down from Delaware this morning. As I have heard from folks on the train, as I have heard from folks in my office, as I have heard from folks who have written and called my offices in Delaware and in Washington, they are puzzled and they are frustrated. They don't understand why we can't move forward.

To paraphrase the good Senator from Missouri who just spoke, there is a no-brainer right in front of us, and it is the extension of the payroll tax cut. It is something that at least apparently has the support of both parties in both Houses. It is something a number of economists have said is an important contributor to the modest but steady economic growth that is helping pull America out of this terrible great recession.

So I ask: Why is it we sit here stalled, unclear on when we can proceed to a vote, to a consideration of a clean payroll tax cut? There have been a whole series of efforts to get us to the floor for a vote to an extension of the payroll tax cut. This is a simple enough matter.

Working Americans all over this country—I believe 160 million of them—will be hit with an increase in their payroll tax rate at the end of this month, just a few days now away, unless we act. My good friend Senator CASEY of Pennsylvania has suggested several versions of a payroll tax cut that would build upon and strengthen the payroll tax cut that the President proposed and this body passed last year. The Casey compromise that has most recently been considered and debated in this body would put up to $1,500 in the pockets of hard-working Americans all over this country and would contribute as much as 1.5 percent to GDP growth in the coming year. But in the last 2 weeks, we have seen our colleagues on the other side of the aisle four times block our efforts through filibusters and dilatory tactics to attempt to get to a payroll tax cut extension. The first Republican version was opposed by 26 Senate Republicans; the second version opposed by 25.

So on some level I have to ask, what are we doing? Since when do Republicans openly oppose tax cuts? I have been in this Senate just over 1 year. As you know, I was sworn in last November. In my freshman year, I have seen many moments when we have been unable to reach reasonable compromise, when we have been unable to move forward, and when we have flirted with having to shut down the whole Federal Government because we couldn't reach an appropriate compromise with our colleagues on the other side of the aisle. Now we, once again, stand here this Wednesday, knowing that unless we can act in partnership, we will shut down this government on Friday without a continuing resolution.

Last night, the House acted. They passed this payroll tax cut extension and sent it over to us, and I am puzzled as to why we are not moving to it on the floor today. I will tell you that when we get to move to it, I will vote against it, and I know many others here will as well. Why? Because H.R. 3630, which passed the House last night, is not just a clean extension of the payroll tax cut bill—in fact, far from it. It is loaded with a whole series of other policy riders, things that have nothing to do with the payroll tax cut extension which House leadership had to do in order to garner enough votes to move it.

Today we should be considering this bill sent to us last night, the Speaker asking us to take it up, and it has a whole series of provisions which I suspect many here and at home don't know about. I will briefly consider a few of them.

It undermines health care reform by punishing low- and middle-income families whose economic circumstances changed during the year. It cuts 40 weeks of unemployment benefits from the 99 weeks we would like to extend to 54 weeks. It overrides the President's decisionmaking process on the Keystone XL Pipeline—in my view, simply to embarrass the President—and it amends the Clean Air Act to block EPA's proposed rules on toxic air pollution from industrial boilers.

It would also freeze Federal pay through 2013 and impose a triple contribution, mandatory contribution to Federal retirement programs, effectively cutting Federal employee pay and taking more than $53 billion out of the pockets of Federal workers.

To me, in some ways most alarmingly, it allows States to impose drug-testing requirements on employees who have lost their jobs and are seeking unemployment.

In short, what came over to us from the House last night is the furthest thing possible from a clean extension of the payroll tax cut. It is a payroll tax cut with rider after rider sitting on the back of this horse that has weighed it down so greatly, it can clearly hardly move. It is a terrible bill, and in my view we should move to it, dispose of it, and get back to the business of the country.

Last, I am puzzled as to why we are not proceeding to it. My recollection—and I don't have the joy of sitting here on the floor all the time, but my recollection from what I read and heard is that the Republican leader has twice called on us to move to this bill. I believe he did so twice earlier this week, saying we should put partisanship aside and promptly take up whatever is sent over to us from the House by way of a payroll tax cut extension. I think I quote when I say his comment was:

> I think the first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed. And so I'd rather not speculate about what happens later. I'm hoping we are spending our time and energy trying to get this bill passed in the Senate, as well as in the House.

That is a perfectly reasonable attitude. We should proceed to this bill. We are here. We have the bill. We have been waiting almost literally the entire day without making any progress. We need to extend tax cuts for payrolls. We need to extend tax cuts that incentivize clean energy investments. We need to extend tax cuts that can help inspire innovation, research, and development.

There is a whole list of tax cuts that will expire at the end of this year without action. We need to pass the National Defense Authorization Act. We need to pass a continuing resolution to fund this government and the rest of this year's appropriations bills. There are so many important bills to which we must turn.

My sole question is, why, when we tried to proceed to this bill this morning, did the Republican leader object?

I am just a freshman, but I represent a State that is deeply frustrated and puzzled. Since when do Republicans load up a tax cut extension with so many riders that they are afraid to even bring it to a vote on the floor of this Chamber? I am puzzled. I am frustrated.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

THE KEYSTONE XL PIPELINE

Mr. BARRASSO. Mr. President, I would like to speak today in support of the Keystone XL Pipeline.

The Keystone XL Pipeline is one of the largest shovel-ready infrastructure projects in the United States. It would bring oil from North Dakota and from Canada to refineries along the gulf coast and in the Midwest. The pipeline would strengthen America's energy security and create tens of thousands of new jobs. These are good-paying jobs. But don't take my word for it, just consider what representatives of organized labor have had to say.

The president of the Building and Construction Trades Department of the AFL–CIO said:

> [A]ny discussion of the Keystone XL project begins and ends with one word: JOBS.

He went on to say:

> Throughout America's Heartland, the Keystone Pipeline represents the prospect for

20,000 immediate jobs . . . without one single dollar of government assistance.

The general president of the International Brotherhood of Teamsters said:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

Consider the remarks of the general president of the Laborers' International Union of North America. He said:

This project . . . is not just a pipeline, but . . . a lifeline for thousands of desperate working men and women.

House Democrats also recognize the importance of this Keystone XL Pipeline. This summer, 47 House Democrats voted in favor of the bill to require a decision on the pipeline by November 1. On October 19, 22 House Democrats wrote a letter to the President. This is what they told President Obama:

America . . . cannot afford to say no to this privately funded . . . jobs-creating infrastructure project.

They went on to say:

It is in our national interest to have a Presidential Permit issued for the Keystone XL Pipeline as soon as possible.

Senate Democrats also support the Keystone XL Pipeline. Senator BAUCUS of Montana said:

We need to put Montanans back to work and cannot afford further delays to the Keystone XL Pipeline.

Senator TESTER, also from Montana, said:

The Keystone Pipeline will create Montana jobs and it should not have to wait 14 months for an up-or-down decision.

Senator MANCHIN of West Virginia said:

I'm for the Keystone Pipeline . . . all the trade unions, everyone's for it. It creates thousands of jobs.

Senator BEGICH and Senator LANDRIEU have also written in support of the pipeline.

Until recently, President Obama suggested that he too believed the pipeline to be in the interests of the United States. On April 6, the President held a townhall event in Pennsylvania. There, he received a question about Canadian oil sands production. In response, the President of the United States discussed the Keystone XL Pipeline. This is what he said:

. . . importing oil from countries that are stable and friendly is a good thing. . . .

Let me repeat. The President of the United States said:

. . . importing oil from countries that are stable and friendly is a good thing. . . .

However, on November 10, the President reversed course, and he showed a different side. After protests from environmentalists, the President decided to punt his decision on the pipeline until after the 2012 Presidential election.

Many in the press say the President delayed his decision so that environmental activists would turn out on election day to support him. If true, the President's decision to delay the approval of the pipeline was not only political, it was also cynical—cynical because these environmental activists believe they can shut down Canadian oil sands production. They believe they can shut down the production by stopping construction of the Keystone XL Pipeline. It simply is not true, and the President knows it. But maybe the President does not want to be honest with these environmental activists. Maybe he just doesn't want to disappoint them. He doesn't want his political base to stay home on election day.

But don't take it from me; consider what Austan Goolsbee had to say. Many Members of this Chamber know he is the former Chairman of the White House Council of Economic Advisers, this White House Council—President Obama's Council of Economic Advisers. This is what he said:

It is a bit naive to think that the tar sands would not be developed if they don't build that pipeline.

Eventually, it's going to be built. It may go to the Pacific, it may go through Nebraska, but it is going to be built somewhere.

Again, Mr. Goolsbee was President Obama's top economic adviser.

Why are the Canadian oil sands going to be developed? Because the oil sands are a huge national asset for Canada, and Canada will not allow that asset to be stranded.

Let's consider the findings of the Canadian Research Institute. This is an independent, not-for-profit research entity that was established in 1975. Its mission is to provide relevant, independent, and objective economic research on energy and environmental issues.

This June, they released a report. It was entitled ''Economic Impacts of Staged Development of Oil Sands Projects in Alberta from 2010 to 2035''—a 25-year future look. This report looked at a variety of scenarios, including one in which no new pipeline capacity is built. Under that scenario, the institute estimated that the total impact on Canada's GDP would be about $2.3 trillion over those 25 years. It also estimated that the compensation for Canadian employees will reach almost $650 billion over this same period. It estimated that the direct, indirect, and induced employment in Canada will grow from 390,000 jobs to a peak of 490,000 jobs in 2020, just 9 years from now. It also estimated that the royalties to Alberta will go from approximately $3.6 billion in 2010 to a peak of $22.6 billion in 2020—in 10 years, from $3.6 billion to $22.6 billion in royalties to Alberta.

Again, the Canadian Energy Research Institute made all of these estimates assuming that no additional pipeline capacity will be built. What do these estimates mean? They mean Canada will continue to develop its oil resources whether or not Keystone XL Pipeline or any other pipeline is built. It means the environmental activists trying to shut down oil sands production are naive at best.

It also means that the President, President Obama, is once again failing to lead, that he once again is failing to be forthright with the American people, and that he is unwilling and failing to make difficult decisions. The President is showing that he thinks his job is really the only job that matters.

Of course we all know Canada will not sit idly by. Canada will add additional pipeline capacity whether or not Keystone XL Pipeline is built.

Canada's Prime Minister, Stephen Harper, has said that the decision to delay approval of Keystone XL Pipeline demonstrates ''the necessity of making sure that we're able to access Asian markets for our energy products.'' That is what the Canadian Prime Minister had to say. He was just in Washington last week. Alberta's Premier, Alison Redford, said that the decision to delay approval of the pipeline ''is a clear reminder about the strategic importance of diversifying our export markets.'' ''A clear reminder about the strategic importance of diversifying our export markets.'' In other words, Canada has a tremendous amount of oil, and Canada will ensure that its oil is brought to market. It may go to the United States, it may go to China, it may go to another country, but Canada's oil will be brought to market.

Thus, the question for President Obama is very simple, very straightforward: Is it in America's interests to reduce our dependence on oil from the Persian Gulf and from Venezuela? Is it in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment? The answer is abundantly obvious. The answer, of course, is, yes, it is in America's best interests to reduce our dependence on oil from the Persian Gulf and Venezuela. It is in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment.

It is time that the President starts to say yes and stops saying no to jobs and to energy—yes to energy security, yes to tens of thousands of new good-paying jobs.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I seek recognition in morning business.

The PRESIDING OFFICER. The Senator is recognized.

PAYROLL TAX CUT

Mr. LAUTENBERG. Mr. President, we are at a time in the calendar that usually is a time of excellent anticipation. Christmas is coming. The holidays are coming. People are trying to

get their families in order, do the shopping, and all the things we have to do. It would seem this is a moment of fairly happy days and the holiday season is here. But these are not happy times for many Americans.

Across our country, families are fighting to keep their heads above water. Some parents do not know how they are going to put food on the table tonight, much less presents under the Christmas tree or during the Hanukkah holidays. That is why our side of the aisle is fighting to continue and expand a tax cut that has benefited millions of working families this year. This is a tax cut for people who need it—families who depend on a paycheck. With the payroll tax cut, the typical family in my State, the State of New Jersey, would receive an extra $40 a week, starting next year. That is what a typical household in the Northeast pays for gasoline or health care each week.

Mr. President, $40 a week adds up to $2,100 a year. For parents who are struggling—as many are—to make ends meet, an extra $2,100 goes a long way to help buy groceries or pay the electric bill or purchase medicines. It can help pay for childcare, preschool or college tuition—the necessities that help ensure children succeed in life.

To make sure all working families continue receiving this much needed relief next year, we are asking America's millionaires—people who earn over $1 million a year—to pay their fair share of what the country needs to get ourselves back into reasonable balance. But the Republicans will not even allow us to vote on a bill that their colleagues in the House approved last night.

I wish to just spend a minute here. The House passed a bill last night. It included tax relief for some and we should take it here and consider it. But the Republicans will not even let us bring up the bill that passed in the House last night, and there is a question as to why. Why will they not let us do it? There is, obviously, a hidden meaning.

But what we see is, the Republicans are acting like Scrooges. This picture I have in the Chamber shows a mean-looking guy, as we see. That is what they want to do for Christmas.

For GOP Scrooges, this is not the season of giving; it is time to take things away. He said: No payroll tax cut for you this year.

They want to take away the tax cut for ordinary working families. The Republican Scrooges want to take away unemployment insurance benefits for 1 million people—imagine, people who are dependent on unemployment insurance at times when they are out of work, to help sustain their families, put food on the table, to try and just keep their heads above water. But that does not matter to our friends on the Republican side.

Today in America there is only one job available for every four unemployed people. This is not the time to cut unemployment benefits.

Republicans also want to weaken safeguards that keep our air clean—filling our atmosphere with poisons and endangering the health of our children. They want to weaken those safeguards.

To add insult to injury, the Republicans are also trying to ram through a massive pipeline that will carry toxic materials into our country—toxic materials. We are so conscious of what damage the toxic environment can do to our families, to our children. But they want to have a pipeline that will carry toxic materials into our country. They want to make it easier for coal-fired industrial facilities to foul the air, spew toxins into our neighborhoods.

It is hard to believe. Instead of gifts, the Republican Scrooges want lumps of coal in the stockings and coal pollution in our lungs.

In many families, it is a tradition to teach children to welcome Santa Claus during the holidays. This year, we are going to tell our kids to hide away from the Republican Scrooges. We are not going to alarm our children and tell them things that are difficult may be even more difficult if some tax relief that is proposed for working-class families is not available to them.

The Republican priorities are different. They want to raise taxes on middle-class families—families who work for a living—to protect luxuries for millionaires: nice boats, airplanes. I do not mind—they have made the money; it is what they buy with it—but at least carry their fair share of our financial needs in this country.

The Republican priorities say they are for lower taxes, but that only goes for the jet set. When it comes to cutting taxes for working families, the Republican mantra is: Hey, we have to take care of the wealthy. We have to watch out for the wealthy, make sure they are OK. Don't ask them to carry more of the load. It is not a good time to deal with them. After all, maybe they will be big contributors to our political campaigns.

Let's not kid ourselves. American millionaires do not need help. They do not need the Republicans' help. Since the 1980s, our country's wealthiest 1 percent of the working people have seen their average household income increase by 55 percent. Let me restate that. Since the 1980s, our country's wealthiest 1 percent have seen their average household income increase by 55 percent—enormous—but for the bottom 90 percent average household income has not increased at all. As a matter of fact, it has gone down because the cost of living has gone up much faster than even any raises that come through.

Even though incomes are growing for the very wealthy, their tax rates are actually going down. Their taxes are going down. We can also look at the chief executive officers to see how well the wealthy are faring.

CEOs at the largest companies are now paid an average salary of $11 million a year. Note that. The largest companies' CEOs are now paid an average salary of $11 million a year. That is 343 times as much as the average worker's salary of $33,000 a year. This comparison is so hard to reconcile. The CEOs of the largest companies have an average salary of $11 million a year, and the average worker's salary is $33,000 a year. Where is the equity in this? When we send the people out to fight, put on the country's uniforms, do the jobs, build the foundations, make sure the country is strong—$33,000 a year. That is tough.

Just a few decades ago, the pay gap between CEOs and workers was much more modest. The CEOs—again, the CEO, people at the top of these companies—were paid an average of 42 times as much as the average worker, as we see on this chart. The chart demonstrates that in the 1980s, the CEOs made 42 times the average worker's pay. So the difference was not that obvious or that big. In 2010, CEOs made 343 times the average worker's pay. There is no equity there.

I come from the corporate world, and I know what big salaries are. I have seen it in my own company. But the one thing you have to do is at least encourage the people who are working for you to understand that they have a chance in life to provide the things we all talk about for our children—a college education, the prospect of a decent job, the prospect of being able to take care of our own family.

The numbers make it clear: Our goal should not be protecting millionaires. They do not need our help. We should be focused on protecting Medicare, food safety, home heating for the poor, and Head Start for little kids who have a first chance to learn—to learn—to understand education, to see how important it is to learn, to start reading books at an early age, to start having conversations with their parents about what is going on in this world.

They want to take those children out of the Head Start facility—so many of them, 200,000; it has been proposed in some of the House budgets—take them out of the Head Start school.

But our Republican colleagues do not want to hear about that. They continue asking the poor, the middle class, the elderly, and our children to bear the entire burden of these tough times.

The Republicans now remind me of what accountants are like. They are people who are obsessed, obligated to deal with the bottom line. There is no soul, no humanity, no compassion—not around here—unless it is for the wealthy. They have compassion for themselves.

Let's be clear: It does not hurt those of us who have been successful to pay our fair share. I remind those within my voice, who hear me, we have two wars going on. We have people paying a terrible price to serve our country's needs—a terrible price. This is a time

for those who are fortunate enough to make above $1 million to say: Hey, I want to help carry this burden. I do not want to ask people who are scratching for a living—just trying to make ends meet—I do not want to ask them to do more without saying I want to do my share.

I was lucky. I ran a very big company. I want to do my share. That is why I am here. That is what I am talking about. To those who make more than $1 million a year, I say: Look in the mirror. Ask yourself if you could succeed without help from anyone else or did your country help you achieve your prosperity. Was it people who built the buildings and built the infrastructure and manned the jobs all across the country—service jobs? They built the foundation upon which those who make $1 million a year build their futures, build their fortunes. That is what happens. But there is not the respect for the hard-working families that we like to see.

I ask our Republican colleagues, think about the true meaning of the holidays.

It is not Halloween, it is not trick or treat, because otherwise that is what the game looks like. This time of the year is about coming together, caring about your fellow man. This should be a season of giving, not taking away the necessities from our country's most vulnerable.

We all remember at the end of a ''Christmas Carol'' when Ebenezer Scrooge opened his heart and became a hero. We need the same kind of miracle here in Congress. We need the Republican scrooges to have a change of heart and work with us to help our fellow Americans this holiday season. We need them to help us continue and expand the tax cuts for working families. We need them to help us continue unemployment insurance benefits for the jobless and clean air safeguards for our children. We need them to help us protect the programs that benefit the people who need them most, whom we need to keep our foundation strong.

To our Republican colleagues, we say, come on, let's work together. Let's do this. Let's put the acrimony aside. Let's put the selfishness aside and say, those who work every day for a living and try to keep things together—and we have millions of people who are looking for jobs who cannot find them right now—let's work together to make sure our children and grandchildren inherit an America that is even stronger than the one we inherited. Show the heart of America. That will be the best gift we can ever give them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

UNEMPLOYMENT INSURANCE

Mrs. MURRAY. Mr. President, there are no more important issues for middle-class families across America than jobs and the economy. This is what they want their elected officials to be focused on. It is exactly what I think we ought to be working on every single day. That is why I have come to the Senate floor again and again to urge my Republican colleagues to stop blocking our attempts to extend and expand the middle-class tax cut so many of our families are counting on. That is why I come to the floor once again today to discuss the urgent need to maintain Federal unemployment benefits for middle-class families across our country. This should be an easy issue.

Unemployment benefits provide a lifeline for millions of families, and it would be simply wrong to cut off this support while the economy continues to struggle and so many of our workers are having so much trouble finding work. Right now, there are more than four unemployed workers for every single job opening. If every opening were filled tomorrow, we would still have more than 10 million workers across the country without a job to even apply for.

Additionally, nearly half of all unemployed workers have been out of a job for 6 months or longer, which is higher than we have seen for more than 60 years.

So millions of Americans are unemployed today, not because they do not want to work and not because they do not have valuable skills but simply because they find themselves in an economy that is not creating jobs as quickly as we need it to. Those unemployed workers are desperate to get back on the job. Unemployment benefits make all the difference for them and their families while they scour the want ads and pound the pavement and send out resume after resume after resume.

I recently sent a letter to my constituents asking for their stories about what these benefits actually mean to them and their families. The response to that was unbelievable. Within a few days, I received hundreds of e-mails. People sent me videos. They sent me pictures of their families. I received story after story from workers and families from across my home State of Washington who are fighting to make ends meet in this very tough economy and who cannot afford to have the rug pulled out from underneath them.

One of those stories came from a woman named Vicki, who lives in Maple Valley, WA. She was an unemployed single mom, lost her apartment, and told me she now has to share a room with her son in a relative's home. Vicki told me she has made every effort—going to interviews, sending out her resumes to hundreds of employers, still not able to find a job.

She understands that in this economy finding a job will not be easy, but she is going to keep trying, and the support she receives from unemployment benefits has kept her and her family afloat and made all of the difference. She said those benefits allowed her to put food on the table for her family and gas in her car so she could go to job interviews. She told me, ''If I lose my unemployment benefits, I do not know what I will be able to do to provide for my son.''

She is not alone. I heard from older Americans such as Judy. She is a grandmother of five from Bothell, WA. Judy told me she had been working for 47 years before being laid off from her teaching job in 2009. She said over the last 12 years she has worked to teach adults the skills they need to move into jobs as bookkeepers and receptionists and schedulers. But in this economy, although she was an expert in her area, even she cannot find a job in those fields.

She wrote to me, saying:

> I want to work, but nobody will hire older citizens no matter how much experience they have. I started looking for a job at the pay level I was at when I was laid off. But after being unemployed now for 2 years, I am even looking at jobs for less than half of that. Still I am told my experience does not match their requirements.

For Judy, unemployment benefits are not the solution. She wants a job. But they provide her with some critical support while she looks for that last job before she can retire.

I also heard from Sheila from Bellevue, WA. Like Judy, she is close to retirement, but she was laid off last year from an engineering technician job that she told me she loved and now she is desperate to get back to work. After sending out over 500 resumes since then, she has had 4 interviews. In her e-mail to me, Sheila wrote:

> I was devastated when I was laid off. I now look for work 7 days a week. I have worked hard my entire life. I do not want everything I have worked for to disappear.

She told me that is what would happen if her unemployment benefits run out now.

Finally, I received a video message from Scott in Olalla, WA. Scott told me that after working at the same company for 20 years, he was laid off in March and filed his first unemployment claim in the 30-plus years he has been in the workforce. He said he always thought unemployment insurance was for the other people, never thought he would be the one collecting it. Now he calls it a godsend for him and his family. In his video, Scott told me about the uncertainty his family would face if his benefits expired before he could get back on the job. If this happens, Scott said:

> I cannot imagine what it would do to my family to lose our home. We spend our money wisely. We live well within our means. But if we lost our home, we would be just another statistic. The last thing I want to do is to explain to my wife and my daughter that we have to leave our home.

That is exactly what he said would happen if he loses his unemployment benefits in this tough economy.

Those are just a few of the many stories I have received. There are so many of them out there. Millions of the people across America, including about 100,000 in my home State of Washington, will stand to lose their benefits

that they count on if Congress does not act by the end of this year, in a few short weeks. These workers are not looking for a handout. They do not want to be a burden, but they need support while they get back on their feet and back on the job.

In this struggling economy, maintaining these unemployment benefits is critical. The nonpartisan Congressional Budget Office has said maintaining unemployment benefits is one of the most effective policy tools we have now to boost the economy and get money into the pocket of our consumers. If they are cut off, it would not just be devastating for the families who count on this support, it is going to hurt our small businesses and communities to have billions of dollars pulled away from consumers who spend it every month on food and rent and clothing. We cannot afford to have this lifeline cut off. Our great country has always been a place that stands with our middle-class families when times are tough and gives them the support they need to get back on their feet and back on the job and contributing to their communities once again.

I urge all of our colleagues to stand with us as the holidays approach, to maintain these unemployment insurance benefits that so many of our families are counting on, and to keep working to cut taxes for the middle class and get our economy moving again and put our country back to work.

On that last point, before I finish, I want to join our majority leader and so many others who today called on Republicans to stop blocking their own bill and allow it to be brought up for an up-or-down vote. We know the Republican bill that passed the House yesterday is going to fail. It is bad policy, and many in their own caucus apparently do not support it. Their bill takes some of the policies we are fighting for to support the middle class, including unemployment benefits, waters them down, and then adds a whole bunch of tea party red meat to attract the Republican support it needed to pass the House.

I am focused on delivering the tax cuts that middle-class families need and deserve, so I will vote against the Republican bill if it is allowed to come up. But I cannot believe that our Republican colleagues are now preventing us from taking a vote on their own bill and then not allowing us to come together, which we need to do in these last few days before the holidays, to get a bipartisan deal and get it to the American people. They expect us to do this job. That is what is holding us up.

I urge our colleagues to sit down, work out an agreement, so that we can all celebrate the holidays with our families, and the families out there who are counting on us will know we have done the job for them.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE KEYSTONE XL PIPELINE

Mr. THUNE. Madam President, I think there are a few things that many people across the country, and, hopefully, in the Congress, agree upon. One is that we need to focus like a laser on creating jobs. That is something I think there is universal agreement on here.

I also think there is universal agreement that we ought to become more energy independent as a nation. We need to look for ways in which our country can lessen that dangerous dependence we have on foreign sources of energy. We import a good amount of our oil from other places around the world—some of them not so friendly regimes. That is why it is such a mystery as to why the Keystone XL Pipeline project is running into such resistance from the administration.

It is ironic in many respects because we had the President of the United States, several months ago, saying:

> We are going to have to import some oil; and when it comes to the oil we import from other nations, obviously, we've got to look at neighbors like Canada and Mexico that are stable, steady, and reliable sources.

That is what the President said earlier this year, that if we are going to get energy, if we are going to import oil, we ought to import it from countries that are friendly to the United States. I argue there is no country more friendly to the United States than Canada, with whom we have a very robust trading relationship. We do about $640 billion of bilateral trade annually with our Canadian neighbors. So thinking that we might be able to get oil from Canada, as opposed to from Venezuela or somewhere in the Middle East, seems like a good option for this country—a good option that policymakers here ought to be very supportive of.

That, again, makes it an even greater mystery as to why the administration has insisted on blocking or even making a decision about whether we can develop a project called the Keystone XL Pipeline, which would take advantage of those oil resources available in Canada and bring them into the United States, transport them through a pipeline that is 1,700 miles long to refineries where that product can be refined, and people here could benefit from it or it could be sold perhaps somewhere else. Nevertheless, it would benefit the economy.

Both in the initial stages when the project is under construction, as well as later on, it will create lots of jobs. In my State of South Dakota—the pipeline would come through South Dakota as it makes its way down to the refineries, and we would benefit from hundreds of jobs that would be created and $½ billion in economic activity will be created alone in South Dakota. That is during the construction phase, not to mention all the State and local tax revenue that would benefit many of the local governments across my State and other States through which the pipeline would traverse.

It is increasingly a mystery—I don't know how else to describe it—a curiosity or something—to those of us who see the great benefit in getting our oil resources from a friendly country like Canada as to why this administration would be so opposed even to issuing a decision on permitting this pipeline project that would enable that oil to come from Canada through to refineries in this country.

The other issue on which there is universal agreement is that we ought to put policies in place that create jobs. There is no greater shovel-ready project than the Keystone XL Pipeline. It would have an immediate impact of 20,000 jobs that will be created immediately—a $7 billion initial investment and billions more over the years as this project continues to be utilized. Furthermore, I argue that it will create other opportunities for energy project development. Certainly, the Bakken oil find in North Dakota would stand to benefit from having a pipeline this accessible to it. It creates all kinds of spinoffs and other types of economic activity that would be good for jobs.

We will have something that lessens our dependence upon foreign sources of energy by about 700,000 barrels of oil a day, creates hundreds of thousands of jobs, and enhances the ability of State and local governments to collect revenues, which they desperately need for their own purposes and needs. Yet here we are looking at this project—or at least a decision on it—being blocked by this administration for no apparent reason other than politics, I argue.

We are heading into a political year, and the President is running for reelection next year. I think it is clear that the delay on a decision on this project for 18 months was clearly designed to get past the Presidential election so the President would not have to make a decision that splits his political base. We have the labor groups that are for it and the environmental groups that are opposed to it. I guess it must be a political decision for this administration to delay this project. It doesn't make sense for America and American workers.

The President says he gets up every day and he thinks about what he can do to create jobs. Well, here are 20,000 immediate jobs that we can benefit from right away—not to mention the many jobs that would come if this project was built.

As we look at the legislation sent to us from the House of Representatives, it includes this Keystone XL Pipeline language that would allow a decision

to be made 60 days from its enactment. So we could accelerate at least the period in which this decision could be made.

Why is that important? Because this project is going to go on one way or the other. If it is not built in this country, it will be shipped somewhere else around the world—perhaps China or another country—and the American workers and the American economy will suffer, and the American need that we have for energy will not be met. We are not going to benefit or be advantaged by not having this project here or if it goes someplace else. That makes absolutely no sense for our economy, no sense for jobs and for many States that are in support of this project.

I hope as this debate gets underway on the proposal sent from the House of Representatives, the sticking point, the thing that hangs it up is not the Keystone XL Pipeline. People will probably have honest disagreements about various provisions in the legislation being sent to us from the House, but one thing that should not delay or in any way detour this from being considered in the Senate is resistance or objections to a final decision being made on the Keystone XL Pipeline.

I want to read a few things for you that have been said by some of the folks across this country who think this is a good idea. Many represent working people—the labor unions. The Teamsters said:

> The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

The AFL–CIO said:

> For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: Jobs.

Look at what has been said by the Brotherhood of Electrical Workers:

> At a time when jobs are the top global priority, the Keystone project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

That is what some of the labor leaders are saying. I want to read what some key Democrats in Congress have said about this. These are a few excerpts from Democratic Members of Congress:

> America truly cannot afford to say ''no'' to this privately funded, $20 billion jobs-creating infrastructure project, which could bolster our economic, energy, and national security. To that end, we respectfully urge you to ensure that the Presidential permit is issued for Keystone XL.

Here is another quote:

> Mr. President, America needs the Keystone XL pipeline. It is in our national interest to have a permit issued for Keystone XL as soon as possible.

The Department of State's final environmental impact statement reaffirmed the findings of the two previous environmental impact statements; namely, that the pipeline will have no significant impact on the environment.

So we have a project that has been OK'ed by the environmental agencies in this country, the people who look at the environmental impacts, who have said this project is ready to go. We have labor organizations that are waiting and are saying this is important to getting people back to work. We have Democrats in Congress who have said this is a project that we should be for. In fact, there was a vote on this language in a freestanding bill in the House recently. There were 47 Democrats who came out in support of the Keystone XL Pipeline legislation. So we have 47 Democrats on record.

Mr. CONRAD. Madam President, I have some sympathy for the position I hear the Senator enunciating—that the issue of the pipeline ought not to be the thing that prevents us from moving forward. I personally think the pipeline is absolutely in the national interest. It will help us reduce our dependence on foreign energy—at least foreign sources that are hostile to our interests.

The big question is—at least for this Senator—would the language permit a rerouting of the line within the State of Nebraska so that the question of the Ogallala aquifer would not be addressed? Is it the Senator's understanding that the language that has come to us from the House would permit Nebraska to reroute the line to avoid the aquifer?

Mr. THUNE. Madam President, through the Chair, I would say to my colleague from North Dakota that my understanding is the legislation does permit that to happen, and that is why I believe the State of Nebraska, including the Governor and our colleagues here in the Senate from Nebraska, have now come out in support of this. Whereas previously there had been some concern about the Ogallala aquifer, my understanding is the legislation allows for that issue to be addressed. And I have a statement here from the Governor of Nebraska expressing his support for this legislation. So it does strike me that at least that should not be an issue that in any way deters consideration of this pipeline and that we shouldn't have to wait 18 months.

I am saying to my colleague from North Dakota—and I think he recognizes the value of this, as he is from North Dakota, and obviously his is a State that could be favorably impacted by the economic activity resulting from this pipeline—that if we don't do this, somebody else is going to benefit from it. This is not going to wait around. There are vast oil sands reserves up in Canada, and they are looking for a place where they can get this to a refinery and get it refined. If the United States doesn't move forward, some other country is going to benefit.

Mr. CONRAD. If I could just say to my colleague, Canada is going to develop this resource. This oil is going to go somewhere. It is absolutely in our national interest for that oil to come to our country. If the language is, as the Senator represents, that it permits the rerouting of the line within Nebraska to avoid the issue with the Ogallala aquifer, then I, for one, on this side, would hope this could be part of the final package.

I hope this is something we can work through in the coming hours. This should not be the thing that prevents us from reaching across the aisle, reaching across the divide between the two Chambers and achieving a result that is critically important for the country.

I thank the Senator for allowing me to ask this question.

Mr. THUNE. I appreciate the question and comments of the Senator from North Dakota. I couldn't agree more with the sentiments he expressed.

I do believe we have in front of us something for which there is a lot of bipartisan support—an extension of unemployment insurance benefits, with some reforms, a payroll tax cut extension, a fix for the physician reimbursements under Medicare, and a number of other things that have been put into this with an eye toward not only addressing what are some very serious concerns—many of these things expire at the end of the year—but also something that would really create jobs, that has a jobs component to it that would do something positive for our economy.

I hope that we can find a way to come together and that this does not become a deterrent to the legislation that is going to be before us in the not too distant future—the proposal that came to us from the House of Representatives. I certainly hope that doesn't unravel as a result of the Keystone XL Pipeline language being included because I recognize—as the Senator from North Dakota has expressed, and many of his colleagues on his side, along with many of my colleagues on our side—the value of what this could do for jobs, what this could do for our economy, and what this could do for America's energy needs. This will enable us to do business with a friendly partner to the north—Canada—as opposed to continuing to import oil from other countries around the world with which we do not have that kind of a friendly and stable relationship.

I would hope the President would make a decision not to get in the way or assert pressure on Members on his side to vote against this simply because it includes this particular provision. It is good for America, it is good for the States that are impacted, and many of the local governments would benefit. It is certainly good for jobs and the economy, as has been voiced by the various labor unions across this country that represent working Americans. With 700,000 barrels of oil coming to America from Canada, we would be creating economic activity and jobs versus 700,000 barrels of oil going someplace else around the world and some

other country benefitting and our becoming even more dependent on foreign sources of energy.

So, Madam President, again, I don't know what to say. This is a no-brainer, and so I hope the Senate will find its way before we adjourn for the Christmas holiday to enact this legislation that has been put forward that would enable this project to be decided. It doesn't prescribe one way or the other what the President does; it just says the President either has to approve it or give a reason why it is not in the national interest.

I see the other Senator from North Dakota, Mr. HOEVEN, is here as well. He has been a leader and involved in getting this legislation introduced. I thank both my colleagues for recognizing its importance, and I hope we can move legislation that will get this project decided one way or the other. In my view, an affirmative decision would be preferable and would allow us to move forward.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

ECONOMIC POLICY

Mr. CONRAD. Madam President, I wanted to come to the floor to discuss the question of extending the payroll tax cut, dealing with unemployment insurance, dealing with compensation for doctors who treat Medicare patients, and also addressing the question of the alternative minimum tax and, of course, the other tax extenders as well.

This is a key moment for the country. As I expressed earlier—as Senator THUNE was addressing the body—I personally do not believe the Keystone Pipeline should hold us back. This is something upon which I think we could get broad agreement, especially if the language is as the Senator has represented and as Senator HOEVEN has assured me—that it permits the State of Nebraska to reroute that line so that the Ogallala aquifer is not in danger. In my judgment, it is entirely in the national interest to get the Keystone Pipeline advanced. So that should not be the issue that hangs us up.

As we look at things that are holding back the economy, unemployment remains far too high, the housing crisis continues, and we have weak consumer confidence and demand. That really is at the heart of our ongoing economic weakness. Personal debt is still near record levels. We have tightened borrowing standards for businesses and consumers. I hear very often that even good businesses with good track records at paying back loans can't secure the credit they need to expand. And we have State and local budget cutbacks that are continuing.

As we look at the private sector jobs picture, there is some good news because we have now had many months of expansion of private sector payrolls. In fact, if we go back to 2010, in March of the year, ever since then we have seen private sector payrolls increasing to the tune of millions of jobs. So there is progress being made.

When we look at the reason there has been progress, I believe two of the most distinguished economists in the country gave us a background to understand why we are seeing this progress after one of the greatest financial debacles in our country's history. Alan Blinder, the former Deputy Chairman of the Federal Reserve, and Mark Zandi, who was an economic adviser to the McCain campaign, did an analysis of the Federal Government's response to the financial crisis and the recession. Here is what they found, and they are speaking of TARP and the stimulus:

> We find that its effects on real GDP, jobs, and inflation are huge, and probably averted what could have been called Great Depression 2.0. When all is said and done, the financial and fiscal policies will have cost taxpayers a substantial sum, but not nearly as much as most had feared, and not nearly as much as if policymakers had not acted at all. If the comprehensive policy responses saved the economy from another depression, as we estimate, they were well worth their cost.

Madam President, we have a debate going on in this country about economic policy, and our friends on the other side believe that they have the answer, that they have the prescription. I would just remind those who might be listening that it was their policy and their prescription that led this country to the brink of economic collapse. They controlled the economic policy of this country for 8 years, and they put in place a series of policies that they said would dramatically expand job opportunities in this country and strengthen the economy. But we know what happened.

At the end of 2008, I was in the meeting here in the Capitol with the Bush administration's Secretary of the Treasury and Chairman of the Federal Reserve. They told us they were taking over AIG, the big insurance company, the next morning, and they told us that if they did not, they believed there would be a financial collapse within days. Going back to the same tired, failed economic policies that put us in that position is a mistake—a profound mistake. Hopefully we would learn from history.

I believe what is needed now is for America to take steps to strengthen the economy in the short term but to combine that with fiscal discipline over the mid and longer term so that we can get back on track and face up to this debt threat.

Two of the more distinguished economists in the country, in addition to the two I have already cited, have just concluded work for the Peterson Institute for International Economics. These are the Reinharts—Dr. Carmen Reinhart and Dr. Vincent Reinhart—and this is what they concluded following severe financial crises. They found that economic recoveries are shallower and take much longer. Here is what they said in their analysis:

> Real per capita GDP growth rates are significantly lower during the decade following severe financial crises. In the 10-year window following severe financial crises, unemployment rates are significantly higher than in the decade that preceded the crisis. The decade of relative prosperity prior to the fall was importantly fueled by an expansion in credit and rising leverage that spans about 10 years; it is followed by a lengthy period of retrenchment that most often only begins after the crisis and lasts almost as long as the credit surge.

What they are reporting to us, after looking at a long period of economic history and dozens of countries, is that after a financial crisis, recovery takes much longer than is typical from a standard recession.

We now have a bill that was sent over from the House that I believe has serious defects. I believe that bill is a nonstarter.

First of all, the House leaders included extraneous provisions making it a partisan bill. President Obama has said he will veto it. Even the Senate GOP won't vote on it. So we have the curious circumstance where we have a bill sent to us by the House of Representatives, controlled by the Republican Party, and the Republican Party in the Senate won't permit a vote on the Republican bill. One might ask, why would that be? Perhaps the reason is they know there aren't many votes for it in this Chamber, just as there weren't many votes for it when it was previously offered on this side.

So more than just extending the payroll tax cut is at stake. We also need to extend unemployment insurance, and we need to fix the cut that is about to happen to doctors who treat Medicare patients. That is the so-called doc fix. We need a compromise, not just partisanship, from both sides. Both sides need to find a way to come together.

I have tried to indicate on this side a willingness to cross the partisan divide with respect to the Keystone Pipeline. Some on the other side have said that is important for their support for this legislation. I have said—at least speaking for me—that I am prepared to support the Keystone Pipeline because I do believe it is in the national interest.

As we look at the effect of allowing the expiring payroll tax cut to die, this is what Goldman Sachs said to us:

> Should [the payroll tax cut and extended unemployment benefits] expire at the end of the year, fiscal drag will be intense in 2012.

In other words, because there will be a reduction in demand in the economy, we will see lower economic growth, we will see lower job creation, we will even see a risk of returning to recession. This is from Goldman Sachs, the U.S. Economic Analyst, ''What Turns a Stall Into a Slump?'' They are telling us one way to turn a stall into a slump is to fail to extend the payroll tax cuts and to extend unemployment insurance benefits to those who have been out of work for extended periods of time.

That is not just the view of Goldman Sachs. I wrote a letter to the Congressional Budget Office—that is nonpartisan—and I asked them which of

the policy initiatives we could take would give us the biggest bang for the buck. What they told us is No. 1 would be extension of unemployment insurance. Why? Because the people who receive those benefits are most likely to spend the money. That means there would be increased demand in the economy, and that would give additional lift.

Let me be swift to add: For those who are concerned about deficit and debt, I am with you, absolutely, because our long-term threat is this growing debt. But CBO has told us in testimony before the Budget Committee there is no contradiction between taking steps in the short term to give lift to the economy and taking steps in the medium term and the longer term to rein in deficits and debt.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair and I thank my colleagues.

This is what JPMorgan Chase has said on expiring payroll tax cut and emergency unemployment benefits:

> For 2012, the more important issue is what happens to expiring stimulus measures. . . . Together, [the payroll tax cut and the emergency unemployment benefits] have lifted household disposable income by about $150 billion this year. If they expire as scheduled, consumption growth early next year would be challenged. . . . In our baseline view, the drag from tightening fiscal policy [including expiration of the payroll tax cut and emergency unemployment benefits] could subtract 1.5%–2.0% from GDP growth next year.

Since GDP growth is only forecast at 2.5 to 3 percent, a reduction of 1.5 to 2 percent would be a dramatic reduction.

This is what Mark Zandi, the chief economist of Moody's Analytics, said:

> If policymakers do nothing here, if Congress and the administration just sit on their hands and they do nothing, the odds are very high we'll go into recession early next year. . . . We have a payroll tax holiday, all of us. . . . We'd be in recession right now without it. . . . If they don't [extend] that, at the very minimum, we'll likely go into recession.

I hope very much that colleagues are listening. I hope very much that we are able to proceed to address this matter of extending the payroll tax cut and of extending unemployment insurance.

I think I want to end as I began. If we had not had the government response in TARP and stimulus, Zandi and Blinder—two of the top economists in this country, one who was an adviser to the McCain campaign, one who was the Deputy Chairman of the Federal Reserve—have said we would be in a depression today. We would be in a depression today, with 16-percent unemployment and 8 million fewer people having jobs. We ought to pay close attention to that advice. We ought to act on it, and we ought to do it together. We ought to find a way for principled compromise on both sides.

This body is bigger and better than we are demonstrating at this hour. We have the chance to prove to the American people that we are worthy of their confidence and that we are able to respond and do the urgent business of the Nation. I hope we don't disappoint them.

I thank the Chair and my colleagues for the courtesy of the additional time, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent the period for morning business be extended until 7:30 p.m., with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

KEYSTONE XL PIPELINE

Mr. HOEVEN. I wish to begin by thanking my esteemed colleague from the great State of North Dakota. I appreciate very much his support for this important project as he has again expressed. This is something we worked on for a great length of time. It is something we have quite a bit of background and experience with, energy production and the infrastructure needs that go with it. Again, I express my appreciation to Senator CONRAD for his support of the project, and also for expressing, and I think doing so in very eloquent terms and in terms that are very much appreciated, that he feels this is something that needs to advance; that he feels as we work forward in terms of determining how to handle the payroll tax cut holiday issue, this is something that can be helpful and constructive.

I am here to speak in support of the Keystone project. You might say, Why? Why is it important that we move forward with this project? Well, first and foremost, because it is a tremendous job creator, but also because it reduces our dependence on foreign sources of oil as well as improving environmental stewardship. I want to take a minute to talk about all three aspects of the legislation.

Together with my colleagues, I put forward the North American Energy Security Act of 2011. Essentially, that legislation clears the path to move forward with the Keystone XL Pipeline project.

For those who may not be familiar with the Keystone XL Pipeline, I brought this chart that actually shows the route it travels. It is a 1,700-mile-long pipeline which runs from Alberta, Canada, down to our refineries in the gulf coast region. As you can see, it is this blue line laid out on the chart. Right next to it we have this red line. This is the Keystone Pipeline. I will take a minute to talk about that, because I think it is important in the context of what we are trying to do with Keystone XL.

Prior to being elected to the Senate, I served the State of North Dakota for 10 years as Governor. During that time, we worked with many companies to develop pipeline infrastructure in North Dakota as we produced more and more oil for this Nation, but we also worked with our neighbors from the North who provide oil to our country as well, in fact 2.2 million barrels a day, to move that product safely into our country.

The Keystone Pipeline, built by TransCanada, as you can see, tracks from Alberta, Canada, all the way down to Patoka, IL. So it is similar in that it brings Canadian crude into our refineries here in the United States, which is refined and reduces our dependence on other sources of oil. About 590,000 barrels a day flow through the Keystone Pipeline right now. So when we talk about the Keystone XL project, we are not talking about something which hasn't been done before. In fact, we just got done permitting this pipeline, which is almost identical, bringing oil from roughly the same place in Canada down to refineries into the United States. That has already been approved by EPA and the Department of State. It went through the requisite NEPA and study processes, it went through the proper processes with the Department of State, and it has been approved, 590,000 barrels a day coming into our country to reduce our dependence on oil from places such as the Middle East and Venezuela right now. So when we talk about Keystone XL, we are not talking about doing anything we haven't already done.

This pipeline—which would run a little bit to the west—again roughly starts up about the same place, Alberta, Canada, comes down further than the existing Keystone Pipeline down to our refineries. It is important to know that this isn't just about moving crude oil from Canada to the United States. This is also about moving oil within the United States.

In this part of our country, in North Dakota and in Montana, we are producing a tremendous amount of oil. My home State of North Dakota today is closing in on oil production of 500,000 barrels of oil a day. We will put 100,000 barrels a day of crude oil, such as sweet crude, into this pipeline as well. So it is not just about moving Canadian oil in America, it is about moving oil within our country, production from the Bakken region in the Williston Basin, down to our refineries.

Also, you will notice that the pipeline comes down to Cushing, OK. Right now we have a backlog of oil in Cushing, OK, and this pipeline will move oil from Cushing down to the refineries in Texas and Louisiana. So it helps solve bottleneck issues, moving oil in our country, which will help reduce prices to consumers as you eliminate some of these bottlenecks and price disparities.

Again I go back to the point of my being here today, talking about this legislation, which is solutions-oriented legislation, problem-solving legislation. What it does is it creates jobs, it reduces our dependence on Middle East oil, and again it provides better environmental stewardship. So when I say it is solutions oriented, what do I mean by that? The issue, as I think most people who follow this issue will recall, the concern or the problem was in the Sandhills region of western Nebraska. Concern had been expressed about going through the Sandhills of Nebraska. That is an area where we have the Ogallala aquifer, and there was concern there that there might be an issue should there be any kind of breach in the pipeline. So that was the issue.

However, the State of Nebraska recently had a special session. In that special session, they said, Hey, we will work to reroute the project to eastern Nebraska, similar to the pipeline that already exists. That eliminates the problem. Now we don't have an issue anymore in the Sandhills area of Nebraska.

The legislation we have written and that has now been incorporated into the House bill takes that very solution and incorporates it into the legislation. It says the Nebraska Department of Environmental Quality can work with EPA and the State Department to reroute the project in Nebraska so there is no longer an issue. We solve the problem. It is problem-solving legislation.

We say as to the entire project that the administration, with State, the EPA, and so forth, has to make a decision on whether to approve the project within 60 days. Is it in our national interest? They have to make that decision within 60 days so the project can get started and we can start creating those construction jobs. But as to Nebraska, they are not bound by the 60 days. They have the time they need to incorporate the solution from the State's special session.

All we are saying is this project has been studied for 3 years. It has been studied for 3 years already. It has gone through the NEPA process. It has gone through the full EIS. State was ready to make a decision. It got held up because of Nebraska, and we specifically addressed that problem. Now it is time to go forward. That is why this is problem-solving legislation.

Again, this is about creating jobs. This is about reducing our dependence on Middle East oil. We absolutely address the issue of Nebraska. We do not set a 60-day time limit on it. As to the rest of the project, we can get started.

Let's talk about who supports the project. The Prime Minister of Canada, Stephen Harper, has talked to our President and said, look, our greatest ally is Canada. Canada says, this is a very important project for Canada. This is about producing our energy resources in Canada. This is about jobs and economic opportunity in Canada.

Let's join with our best ally and together create jobs and produce energy we can count on.

The issue has been brought up about environmental stewardship. For those who say we have some concerns about producing oil in the oil sands region of Canada, I submit Canada is doing what we are doing. North Dakota all the time is improving their technology in order to improve their environmental stewardship. For example, going to in situ mining rather than for excavation for things such as producing the oil sands.

The point we have to understand that is very important is, if the pipeline doesn't go this way, if the pipeline doesn't go south, it is going to go west. If this product does not come to the United States, this 700,000 barrels, it is going to the west coast of Canada, where it will be loaded on ships and it will go to China.

We have a choice to make. Do we want to reduce our dependence on oil from the Middle East and from Venezuela and other parts of the world where we have real security issues? Do we want to increase the relationship and the economic ties with our best ally in the world or do we want 700,000 barrels a day of Canadian oil going to China instead?

By the way, let's talk about the environmental stewardship. That means we have to haul it over there on oil tankers. We have to continue to bring our product in on oil tankers, so we have higher emissions instead of lower emissions. Instead of that oil being refined in the cleanest refineries in the world, which we have, it is going to be refined in refineries in China, which have much higher emissions.

Again, the whole focus of the legislation—I authored the bill. The whole focus in writing this bill was to say: How do we solve the problem? How do we deal with the concerns? How do we make sure we are being fair to people but that we move forward with real job creation, with producing more energy to increase our energy independence with our good friend and neighbor, our strongest ally—Canada? How do we continue to do more in terms of private investment, deploying technologies, creating better environmental stewardship? It is about problem-solving legislation.

We can see we have not only the U.S. Chamber of Commerce now supporting this legislation, because they want to see job creation, but we have all the large building and trade unions supporting it as well—AFL–CIO, International Brotherhood of Teamsters, International Brotherhood of Electrical Workers, Labors International Union of North America, United Association, International Union of Operating Engineers.

It is America's workers who are clamoring for the expedited approval of this important project. We can't wait.

Mark Ayers, president, Building & Construction Trades Department, AFL–CIO:

> The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

James P. Hoffa, International Brotherhood of Teamsters:

> At a time when jobs are the top global priority, the Keystone Project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

President Edwin D. Hill, International Brotherhood of Electrical Workers. The list goes on.

As I said, this project has been studied for 3 years. We have already built the sister project. We have gone through that whole process. This has been studied for 3 years already.

How much will this project cost the American taxpayer? This is a $7 billion investment, but it is private investment. It is private investment that stimulates job creation. Not only will it not cost the American taxpayer one dime, The Perryman Group from Waco, TX, estimates it will create hundreds of millions of dollars in local and State revenues.

Our country faces some real challenges. One of those challenges is we have to get people back to work. We have 8.6 percent unemployment. We have 13.3 million people looking for work. We need to get them back to work. So government needs to create the legal, tax, and regulatory environment that stimulates private investment and gets people back to work. This legislation, this project, helps do that.

We have a deficit and a debt—a deficit of about $1.3 trillion, a debt that is now $15 trillion. When our President took office, our debt was $10 trillion. The national debt was $10 trillion. Today it is $15 trillion.

We have to get a grip on our spending. We have to start finding savings, but at the same time we have to grow this economy. We have to get private investment going and grow this economy. That growth in revenues and controlling our spending is what will reduce the deficit and the debt.

You know what, we have to do more to reduce our energy dependence on places such as the Middle East and Venezuela, where we have real challenges. This is the kind of project that can do it. I submit we need to move forward. This body has the opportunity to truly empower the kind of investment we need to move our economy forward, to create greater energy independence, and to help Americans get back to work. That is exactly what they want. I encourage my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

BALANCED BUDGET AMENDMENT

Mr. KIRK. Mr. President, too often we have set-piece speeches in the Senate without any resort to the traditional debate, where two sides are equally dividing time without a set script on a critical issue before our country. I would like to restart the true Senate tradition of debate with a debate with my colleague from Delaware.

I will yield to him right now.

Mr. COONS. I thank Senator KIRK. I am grateful for the Senator inviting me to join him in a real debate on the floor on an issue about which we disagree and about which we cast opposing votes earlier today. It is an issue of real import to our country. It is something that has been debated in the past and will be in the future but essentially whether we should have a balanced budget amendment.

Mr. KIRK. What I would like to do now, in sort of a chess clock style, is take 10 minutes, with unanimous consent, to be equally divided between me and the Senator from Delaware on the subject of the balanced budget amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered. For 10 minutes, the Senator from Illinois and the Senator from Delaware may engage in a colloquy. The Parliamentarian will keep track of the time of each, to the best of our capability.

Mr. KIRK. Mr. President, the United States needs to adopt a balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson backed it and it is an even more important idea today. What we are seeing in Europe is a collapse of government finance because they have spent too much, taxed too much, and borrowed too much. Not only do they have a crisis of their government debt, but they have higher taxes and lower economic performance because of that philosophy.

We cannot repeat that mistake. That is why the Senate should have adopted a balanced budget amendment. I will speak in bipartisan fashion—any of the balanced budget amendments we considered today would have been better, rather than to subject our country to a rising tide of debt and an economic model which is already, we are seeing, failing in Europe.

Mr. COONS. I could not agree more that we need to be responsible; that the United States and this Senate need to face our serious and crippling national deficits and debt.

It was a good idea when Thomas Jefferson recognized that a balanced budget amendment was a bad idea. Thomas Jefferson actually, several years later, after supporting a balanced budget amendment, acted as President in ways that demonstrated he understood that real opportunities required extraordinary capabilities by the Federal Government.

I was a county executive. Others in this Chamber who were mayors or Governors lived with balanced budget requirements and it imposed great restrictions on us. It forced us to make tough decisions on annual timelines, so I understand why it is tempting to consider passing one of the balanced budget amendments that were before this Chamber today.

But there is a difference between the Federal Government and the State and local governments. Thomas Jefferson acted decisively to make the Louisiana Purchase possible and to finance the War of 1812. During the current economic downturn, if the Federal Government had not been able to borrow and invest in restoring growth to this country, we would not have had a great recession, we would have had a second depression. I am convinced of it, and it is one of the reasons I think, had the balanced budget amendment been in place, we would have been in even greater trouble than we have been over the last few years.

Mr. KIRK. What we see now, today, though, is that we are awash in $15 trillion in debt and that since the creation of the triple A credit rating by Standard & Poor's, the United States has now lost that rating.

When young Americans are born today, they already owe the Federal Government $40,000. So they will have a lower income and a higher tax burden throughout their working lives because of the debts put on them.

The biggest reason for a balanced budget amendment, though, is we have a structural inability to represent young Americans. They cannot vote until they are age 18. Yet the representatives of their parents can transfer tremendous burdens onto that young generation of Americans. The essence of the American dream is that our children's lives will be better than our own. But given the weight of the debt we are now transferring onto the backs of the next generation, that may no longer be possible.

We absolutely have to have a structural way to prevent one generation from transferring new spending and new debt to the new generation so the American ideal is preserved and so they have a fighting chance to have a better life than their parents.

Mr. COONS. This Senate can, should, and has shown the ability to reach balanced budgets—no, in fact, surpluses—within living memory. In fact, when President Clinton was the President, this Senate and the House acted together. They adopted budgetary self-restraint.

Why amend the Constitution of the United States, our most foundational document, when we have within our own power, recently demonstrated in the late 1990s, the capacity to control ourselves?

The Senator and I agree we are leaving to our children an enormous, crushing legacy of a national debt that has exceeded safe boundaries. But why amend the Constitution in order to force the Senate to do our job? Instead, I think we should embrace some of the tough, big, bold, bipartisan proposals that have been put on the table—whether the Bowles-Simpson Commission or others. The framework of a broad deal that requires sacrifice from all, changes to the spiraling Federal spending, and changes in the direction of the country is on the table before us. Why take a detour into amending America's foundational document rather than simply stepping up and doing the job that is before us?

Mr. KIRK. The job of each generation is to make sure the Constitution deals with critical problems facing the country, so we amended the Constitution so we could prohibit slavery. We amended the Constitution so we could grant women the right to vote. We should amend the Constitution to prevent one generation from encumbering the next generation.

America is the greatest experiment in self-government and, more important, the underlying value of self-rule ever designed. But we have seen in recent days that self-control disappear. We work in the Senate, now well onto I think 900 days, without a budget. This is the most successful corporation, the most successful enterprise on Earth, representing the real aspiration for human dignity and freedom. Yet that is in danger if we become indebted to China and other countries in ways that no previous generation of Americans have done. This country has regularly amended the Constitution to fix inequities in our society, and the growing inequity we see today is debt and deficits, especially to other countries. Therefore, we should amend the Constitution to protect those who cannot yet vote from an economic fate that would otherwise befall them.

Mr. COONS. Mr. President, how much time remains?

The PRESIDING OFFICER. On the Senator's side, 2 minutes 20 seconds; on the side of the Senator from Illinois, 1 minute 16 seconds.

Mr. COONS. Mr. President, as the good Senator from Illinois suggests, we are, indeed, encumbering future generations with a debt that has risen above $40,000 per American. This is a central challenge of our time, one in which our national security leadership has cited as critical to ensuring our security and our liberty going forward. But, in my view, the balanced budget amendment that was advanced through S.J. Res. 10 earlier today would compel exactly the sort of intergenerational burdens that my good friend from Illinois suggests he seeks to avoid.

Let me be clear. The requirements of that balanced budget amendment include a spending cap, a supermajority requirement to raise the national debt, and a two-thirds requirement for any increase in Federal revenue. Those in combination would compel drastic, immediate, and substantial reductions in a wide range of programs—such as Social Security, Medicare, Medicaid, veterans benefits—that if imposed would

have not just a short-term, very negative impact on our current economy but a significant restructuring of the longstanding relationships between individual citizens and generations.

Yes, leaving a legacy of debt to the next generation is a terrible thing for us to do, but leaning on the crutch of the Constitution and the fig leaf of a constitutional amendment to avoid doing our responsibility—a job which the Senate is fully capable of doing—avoids that responsibility to the next generation.

I close with this question: As we say in the law, if there is a right, what is the remedy? If we were to pass this constitutional amendment, how would it be enforced if the Senate in the future were to fail to balance the budget? Would lifetime Federal judges around the country be imposing choices in terms of budget cuts, spending cuts, revenue changes? I think that would be no better—in fact, far worse—than the Senate simply doing its job.

Today I voted against this balanced budget amendment because I think we have it within our power to show self-control and to secure the future for the next generation of Americans.

Mr. KIRK. I would close by saying the Senator and I agree. I think the Simpson-Bowles plan is the right way to go, and my hope is that we join together on a bipartisan basis to reduce expected Federal borrowing by $4 trillion along the lines of that bipartisan Presidential commission. But, unfortunately, the Simpson-Bowles plan is gathering dust. The supercommittee that was given procedural powers to possibly put that forward also collapsed. We have not been able to do our job, and we are now encumbering the next generation with even greater amounts of debt—historic amounts.

I think the Founding Fathers did not contemplate the ability to borrow as much from other countries as we now have, and with the United States as the center of freedom and democracy around the world there is a lot riding on the credit of the United States.

My colleague from Delaware talks about a very vital future—especially for people like my own mother—of Social Security and Medicare, but I think she understands that a bankrupt country cannot support Social Security and Medicare. We have to defend the credit of the United States, and therefore I think a balanced budget amendment is essential to the long-term future of the United States.

With that, I thank my colleague.

Mr. President, we have just finished. I hope we do return to a tradition of actual debate, and I thank my colleague for the chance to carry out this debate.

Mr. COONS. I thank the Senator.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MAJOR GENERAL BENNY LANDRENEAU

Ms. LANDRIEU. Mr. President, while we have a bit of quiet time on the Senate floor this evening, I thought I would make brief remarks about the extraordinary career of MG Benny Landreneau. General Landreneau recently retired as the most senior Adjutant General in the Nation, with nearly 14 years of service as head of the Louisiana National Guard, serving under three Governors, and nearly four decades of service to the State of Louisiana and our Nation.

Over many years I have had the joy and pleasure of calling General Landreneau a friend and a colleague and I have worked closely with him and the 11,000 members of our Louisiana National Guard. Through the September 11 attacks on our country and through Hurricanes Katrina, Rita, Gustaf, and Ike and the recent BP oil-spill—one of the largest environmental disasters in our Nation's history—General Landreneau has proven his leadership to the people of Louisiana and our Nation time and time again.

Benny, as he is known by his friends, credits his father with inspiring him to serve in the National Guard. His father Joseph Audley Landreneau was a World War II veteran and engineering soldier and a combat veteran. Benny, who grew up in Vidrine, LA, chose to follow in his father's footsteps and quickly rose through the ranks in the Louisiana National Guard.

As a young man, in 1969 he enlisted as a light weapons infantryman in the 773rd Maintenance Battalion. Two and a half years later he graduated from Officer Candidate School and became a second lieutenant platoon leader as part of the 3671st Maintenance Company. From those very early beginnings in the National Guard, he progressed rapidly through the ranks.

During his time with the Guard, General Landreneau was part of several major campaigns, including a deployment during Desert Storm. During the first gulf war General Landreneau and his 527th Engineer Battalion were tasked with any number of important missions, including the No. 1 mission for the gulf war commander himself, GEN Fred Franks.

General Franks needed an unmanned aerial vehicle landing strip built immediately, so he knew who to call to get that job done. He called Benny Landreneau and his battalion. Need I say that it was done, I am sure, under budget and before time.

After the 527th returned to the command headquarters, General Franks called General Landreneau to thank him for what he did, which was extraordinary, and asked the general what he could do as a return favor. Without blinking an eye, General Landreneau just said:

> Sir, please, if you could get us home for Mother's Day, it would be appreciated.

So all of the mostly guys were home from other States—some women in the battalion as well—and they were thrilled to be home with their parents.

In 1996, shortly after the gulf war, General Landreneau retired from the Department of Agriculture and Natural Resources where he served also as a State conservationist for almost 30 years. Since that time, he has taken the National Guard in Louisiana from a strategic reserve force to an operational force that continues to lead the Nation both on and off the battlefield, and I will talk about off the battlefield in just a minute.

General Landreneau was quoted as saying:

> The Louisiana National Guard soldiers and airmen are part of the finest National Guard in America. It is their dedication and professionalism, their commitment and their hard work that has made the Louisiana National Guard the finest guard in America. The Louisiana National Guard has performed in such an outstanding matter in accepting these new challenges of being an operational force and responding to the wars in Afghanistan and Iraq and deploying throughout the world when called on and, at the same time, being able to take up the work of their State emergencies—

Which have been too numerous to count—

> and being able to respond to the citizens of this State in an outstanding fashion.

This is due in part, I say, to his leadership and vision.

General Landreneau has also been instrumental in implementing one of the most phenomenal programs in our country: the Louisiana National Guard Youth ChalleNGe Program. It is part of the National Youth ChalleNGe Program. This is what I mean by off-the-battlefield expertise as well as on-the-battlefield expertise.

Some years ago—I think about 15—when General Conway was the general for the National Guard, he helped to start this program that now has graduated over 100,000 young people between the ages of 16 and 18 who are unfortunately drifting from the straight and narrow path. They haven't ended up in prison yet, but they are headed that way. They have given up on themselves. They have gotten into a little bit of trouble and need a second chance. This program offers them that chance.

Under General Landreneau's leadership, we run three of the dozens of programs operating in the United States. I might say we run the best three, having been granted and acknowledged with awards in ceremonies for many years in Louisiana and having graduated the largest number of young people. This has been done because of General Landreneau's extraordinary commitment to the citizens of our State

and to the young people of our State and the respect he has of his rank and file for these men and women to go beyond their regular duties and responsibilities and step up and say: There is an epidemic in America. Our dropout rate is too high. What can the National Guard do, in addition to everything else they do both abroad and at home, to help? It is extraordinary.

His grandchildren and his children are proud of him. I know he is very proud of them.

He has assembled over the last 14 years arguably the most tested staff in the Nation. He is being succeeded as Adjutant General by GEN Glenn Curtis, who has served as General Landreneau's right-hand man for the last 6 years. It is the hallmark of his leadership that General Landreneau leaves his staff ready to step up, ready to serve, and ready to continue the excellent service they have given to the people of our State and our Nation. Although General Curtis will bring his own brand of leadership to the National Guard, there is no doubt, as he has said to me many times, he has learned at the elbow of GEN Benny Landreneau.

In conclusion, I would like to personally, on behalf of the people of our State, thank GEN Benny Landreneau for his many years of service and dedication to the people of Louisiana and our country. I want him to know he has positively impacted our State in ways that will long be remembered. The people of Louisiana are grateful for his service and for his dedication, and we honor his admirable career in the National Guard.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent that Senator WHITEHOUSE and I be permitted to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. FRANKEN. Mr. President, I rise today to address an alarming trend that I see in our national discourse. As legislators, our decisions need to be rooted in facts. Science driven by data and rigorous analysis needs to inform our policymaking.

Scientists are the ones who made the United States the world's innovator in the last century. Scientists are the people who gave us antibiotics, for example. Do you like being able to use antibiotics? Well, then, thank scientists.

Scientists put a man on the Moon—several men, actually—and got him back safely. These are rocket scientists.

Scientists made it possible for Americans to watch this speech on C–SPAN—that is C–SPAN, the Cable Satellite Public Affairs Network—also rocket scientists.

Scientists also came up with such useful things as the Internet.

A scientist from the University of Minnesota, a Noble Price-winning agronomist named Norman Borlaug, is credited with saving over 1 billion lives worldwide. He did this by using science to develop a high-yield, disease-resistant wheat that was planted in Pakistan, India, and elsewhere around the world.

By engineering our next-generation weapons systems, scientists ensure that our military will continue to be the most powerful in the world.

We rely on science and scientists, and if we are to progress as a country, if we and future generations of Americans are to be healthy and prosperous and safe, we better put science right at the center of our decisionmaking. Yet, right now, foundations and think tanks funded by the fossil fuel industry are spreading misinformation about the integrity of climate science, much as think tanks paid by the tobacco industry used misinformation to cast doubt about the health hazards of smoking.

Ignoring or flatout contradicting what climate scientists are telling us about the warming climate and the warming planet can lead to really bad decisions on natural energy and environmental policies here in Congress. So today Senator WHITEHOUSE and I want to take some time to talk about climate science and about the fact that a scientific consensus on climate change has been reached. Climate change is happening and is being driven by human activities.

From the National Academy of Sciences, to the American Meteorological Society, to the American Academy for the Advancement of Science, all of the preeminent scientific institutions agree that manmade greenhouse gas emissions are warming the planet and are a threat to our economy, to our security, and to our health, and so do the overwhelming majority of actively publishing climatologists.

This graph, taken from a study published by the National Academy of Sciences, shows responses to the survey question: Do you think human activity is a significant contributing factor in changing mean global temperatures?

What you see here is that as climate expertise goes up, so does the affirmation that climate change is real and is caused by human beings. Among the most expert pool of respondents, climatologists who are actively publishing on climate change, represented by this bar right here, the rightmost bar, 97 percent of that category of scientists answered yes. Of course, there are a few articles published by climate skeptics in peer-reviewed journals, but the vast majority—97 percent—of the peer-reviewed literature supports the notion that people are causing the Earth's climate to change.

What are peer-reviewed articles? Well, they are articles scientists write after conducting experiments. The experimentation is designed to test a hypothesis. If the hypothesis holds up, the scientist writes a paper describing the experiment and sends to it a professional journal. The journal then sends to it other experts in the field—peer reviewers—who see if they can tear any holes in the theory. They question the methodology. They check the math. Very often, they send the paper back with questions. And the researchers will make changes to satisfy the reviewers' inquires. If in the end the peer reviewers think the work is sound, they recommend the paper for publication. Then, after publication, other scientists in the field are free to read the paper and plug away and disprove it if they can. That is a peer-reviewed paper.

I repeat, the vast majority of peer-reviewed literature supports the notion that people are causing the Earth's climate to change, and 97 percent of published climatologists say yes when asked: Do you think human activity is a significant contributing factor in changing mean global temperatures?

Mr. WHITEHOUSE. Mr. President, as Senator FRANKEN has pointed out, despite the efforts to mislead and create doubt, the jury is not out on whether climate change is happening and being caused by manmade carbon pollution; the verdict is, in fact, in, and the verdict is clear, as shown by this group of scientific organizations that signed a letter supporting our efforts to do something about carbon pollution in the Senate back in October of 2009: the American Association for the Advancement of Science, the American Chemical Society, the Geophysical Union, the Meteorological Society, the Natural Science Collections Alliance, the Botanical Society of America.

Virtually every significant scientific organization accepts that these are the facts and that the verdict is in, and, indeed, there is some recent added support. The scientific community continues to examine this question.

A recent report by James Hansen and Makiko Sato says:

> Climate change is likely to be the predominant scientific, economic, political and moral issue of the 21st century. The fate of humanity and nature may depend upon early recognition and understanding of human-made effects on Earth's climate.

They continue:

> Earth is poised to experience strong amplifying polar feedbacks in response to moderate global warming. Thus, goals of limiting human-made warming to 2 degrees Celsius are not sufficient—they are prescriptions for disaster.

Another recent report, ''Climate Change and European Marine Ecosystem Research,'' reads as follows:

There is no doubt that rapid global warming and ocean acidification are real, and very high confidence that both are forced by human activities and emissions of carbon dioxide. Climate change effects are especially evident in the oceans.

I will get into that later on in our colloquy a little bit further.

Levels of atmospheric CO_2 are accelerating.

A third report, ''The World Energy Outlook for 2011,'' says:

Global energy-related carbon dioxide emissions reached 30.4 Gt in 2010, 5.3% above 2009, representing almost unprecedented annual growth. In the New Policies Scenario, our central scenario, CO_2 emissions continue to increase, reaching 36.4 Gt in 2035, and leading to an emissions trajectory consistent with a long-term global temperature increase of 3.5 degrees Centigrade.

What does that mean?

The expected warming of more than 3.5 degrees Centigrade in the New Policies Scenario would have severe consequences: a sea level rise of up to 2 metres, causing dislocation of human settlements and changes to rainfall patterns, drought, flood, and heatwave incidence that would severely affect food production, human disease and mortality.

There are also iconic American companies that have made the considered business judgment that climate change is real and we need to prepare. But we can get more on that later in the colloquy.

Mr. FRANKEN. Yet, in spite of all of this—and these are all new reports on top of this 97 percent number that was established. Yet the conservative media and some of my colleagues in Congress seem to think it is just fine to ignore what these scientists are saying.

Let me illustrate this with an analogy. Say you went to a doctor and the doctor told you: You better start eating more sensibly and start exercising, because you are tremendously overweight. I see that you have a family history of heart disease, and your father died of a heart attack at an early age. You have to go on a diet and start working out a little bit.

You say: You know what. I want a second opinion. So you go to a second doctor and he says: OK, you have a family history of heart disease. Your father died of a heart attack at a young age, and you weigh over 300 pounds. You smoke three packs a day. Your cholesterol is out of control, your blood pressure is through the roof. It would be irresponsible of me as a doctor not to immediately send you to this place at the Mayo Clinic that I know. I think you have to go there.

You say: Thanks, doctor, but I want a third opinion. So you go to the third doctor and the third doctor reads the chart and looks at you and goes: Wow, I am amazed that you are still alive.

You say: You know what. I want a fourth opinion. And then you go to the fourth, fifth, sixth, and seventh doctors. They are all saying the same thing. But you keep asking for more opinions.

Finally, you go to the 25th doctor. The 25th doctor says: It is a good thing you came to me, because all this diet and exercise would have been a complete waste. You are doing fine. Those other doctors are in the pockets of the fresh fruit and vegetable people. He says: Enjoy life, eat whatever you want, keep smoking, and watch a lot of TV. That is my advice.

Then you learn the doctor was paid a salary by the makers of Twinkies, which, don't get me wrong, are a delicious snack food and should be eaten in moderation. Am I making sense here?

Mr. WHITEHOUSE. It is actually quite a good example, because we have some of the phony science that has attacked the science of climate change, which is actually a pretty good comparison to what the Senator described.

Take, for instance, the bogus Marshall Institute, which was founded in 1984 by a physicist who had been the chief scientist behind the tobacco industry's campaign to convince Americans that tobacco is actually OK for you, and that there was doubt about whether it would actually do you any harm. A few years later, he organized something called the Oregon Petition, which denied that climate change was happening. They phonied up the Oregon Petition to look like official papers of the National Academy of Sciences. So the National Academy of Sciences had to take the unusual step of responding that the petition ''does not reflect the conclusion of expert reports of the academy,'' and further, that it was ''a deliberate attempt to mislead.'' So he is an ''expert'' saying that tobacco is OK for you. Suddenly, he turns up as a climate denier, and he phonies up his report to look like——

Mr. FRANKEN. Was he part of a foundation?

Mr. WHITEHOUSE. This is founded by the Marshall Institute. There are others of these out there. The other example is the Heartland Institute, another so-called think tank with backers from tobacco and the fossil fuel industries, founded also in 1984. It has written reports to try to manufacture doubt about climate science and about the risks of secondhand smoke. Heartland received nearly $700,000 from ExxonMobil through 2006. Their bogus policy documents include false claims that climate change is poorly understood, and simply wrong assertions, that there is no consensus about the causes, effects, or future rate of global warming.

Picking these two—but there are others in the constellation of bogus science—they are commonly funded by the Bradley Foundation, the folks who brought you the John Birch Society; by the Scaife foundations, which are constantly behind rightwing causes; the Olan Foundation, which is against public health causes; ExxonMobil; and by the Koch brothers. Although it may look like different voices, it is actually the same money speaking through different fronts.

Mr. FRANKEN. This is actually an interesting area. There is a well-established link between the scientists who have worked for think tanks such as George C. Marshall Institute, Heartland Institute, and other foundations, which were funded at first by tobacco money and, since then, by the fossil fuel industry. These scientists have been paid to spread misinformation in order to cast doubt. That is all they have to do—on a whole host of scientific issues—first, tobacco and acid rain, the hole in the ozone layer, and now climate change.

Take tobacco, for example. Scientists were paid to testify in court that there was no proof that smoking caused cancer or was addictive, even after the industry scientists knew darn well that cigarettes were addictive and did cause cancer and heart disease. In fact, the tobacco industry was found guilty in 2004 of plotting to conceal the health risks and addictiveness of cigarettes from the public. The judge found that the tobacco industry had ''devised and executed a scheme to defraud consumers and potential consumers about the hazards of cigarettes—hazards that their own internal company documents proved they had known since the 1950s.''

The whole purpose of this scheme was to provide misinformation, to confuse the public, to manufacture doubt, and that is what is happening right now with climate change. Public data from the Security and Exchange Commission and from charitable organization reports to the IRS report showed that between 2005 and 2008, ExxonMobil gave about $9 million to groups linked to climate change denial, while foundations associated with the private oil company Koch Industries gave nearly $25 million. The third major funder was the American Petroleum Institute. All in all, the energy industry spent hundreds of millions of dollars, even billions of dollars, on lobbying against climate change legislation between 1999 and 2010, including a large spike in spending from 2008 to 2010.

Mr. WHITEHOUSE. And it is not enough that they have a stable of paid-for scientists to create doubt, to create phony science that raises the level of doubt; they also go out of their way to attack legitimate scientists. You would not think this would carry much weight in a proper debate, but amplified by the corporate money behind it, and designed, as the Senator said, with the purpose not to win the argument but to create doubt so that the public moves on, it is actually worse.

One example of this attack on lifetime scientists has been the phony so-called Climategate scandal, which was an effort to derail international climate science and climate negotiations.

Mr. FRANKEN. Climategate. Sometimes the Senator and I refer to it as ''Climategate-gate.''

Mr. WHITEHOUSE. Yes, Climategate-gate. In fact, the real scandal here wasn't what the scientists did; the real

scandal was the phony attack on the scientists.

Mr. FRANKEN. I thank my colleague for bringing this up. Let's talk about that. This is the leak of thousands of e-mails from scientists at the University of East Anglia Climate Research Unit back in 2009. It was done right before the Copenhagen conference, right?

Mr. WHITEHOUSE. I believe that is correct.

Mr. FRANKEN. OK. The conservative media—remember, this doubt is amplified in the conservative echo chamber, talk radio, et cetera. You know what it is, the Wall Street Journal editorial page, Fox News, et cetera. Conservative media pounced, taking quotes out of context to sensational lies like this ''scandal.'' Most of the attacks were directed at an e-mail by Phil Jones, a climate scientist working with the East Anglia Climate Research Unit, in which in this e-mail he referred to using ''Mike's Nature trick of adding in the real temps to each series for the last 20 years to hide the decline.'' That sounds very bad, ''trick'' and ''hide the decline.'' That went viral in the conservative media—evidence that the scientific consensus on climate change was a giant hoax. We had a Member of this body who said the science behind this consensus ''is the same science that, through climategate, has been totally rebuffed and no longer legitimate, either in reality or in the eyes of the American people and the people around the world.''

But it turns out that the trick being referred to in the e-mail is actually a technique to use the most accurate data available. Pre-1960, temperature data would include measurements from thermometers, tree rings, and other so-called temperature proxies. Post-1960—this is the trick—they excluded tree ring data from some specific kinds of trees that were widely recognized by the scientific community to be unreliable after 1960. So the decline refers—they refer to it as—it isn't a decline in global temperatures, as the deniers claim.

Since 1960, we have had pretty good measurement of temperatures around the world with things such as thermometers. They knew this tree ring gave an apparent decline in temperature, as measured by these specific kinds of trees that were known to be inaccurate compared to all the sensors we have for measuring—and there are thousands and thousands and thousands and thousands and thousands of measurements of the temperature around the Earth every minute, every day.

So this was the ''trick''—a technique to use the most accurate data available of global temperatures from things, again, called thermometers, and one that excluded data widely known to the scientific community to be inaccurate. That is what the ''trick'' was. That is all. That is what Phil Jones referred to in his e-mail. Ironically, he was trying to be precise.

Mr. WHITEHOUSE. And it provoked considerable review afterward because of the alarmist claims that were made in this phony attack on the climate science. A number of pretty respectable organizations took a look at this. One was the university itself, and the university itself reached the conclusion on the specific allegations made against the behavior of CRU scientists, ''We find that their rigor and honesty as scientists are not in doubt. In addition, we do not find that their behavior has prejudiced the balance of advice given the policymakers. In particular, we did not find any evidence of behavior that might undermine the conclusions of the IPCC assessment.'' That was the university review.

Not enough? The National Science Foundation also——

Mr. FRANKEN. The university could be biased.

Mr. WHITEHOUSE. That is why we go on to the National Science Foundation, which found no direct evidence of research misconduct and therefore said, ''We are closing this investigation with no further action.''

Parliament looked into it as well, because the university was in Great Britain. And the House of Commons did an investigation. The Commons' investigation concluded that the challenged actions by Professor Jones and others ''were in line with common practice in the climate science community.'' They went on to say:

> Insofar as we have been able to consider accusations of dishonesty, we consider that there is no case to answer.

No case to answer. Finally, they said:

> We have found no reason in this unfortunate episode to challenge the scientific consensus as expressed by Professor Bennington that ''global warming is happening and that it is induced by human activity.''

So the studies that looked at whether the climate science was phony or whether the climategate scandal was phony have all come down supporting the science and pointing out that climategate should properly be known as climategate-gate because it was the scandal that was phony.

Mr. FRANKEN. Now, let's make a distinction between people who are climate skeptics and people who are climate deniers. This is kind of an important distinction. There is nothing wrong with skepticism. In fact, we love skeptics. Scientists are, by nature, skeptical. If someone has a new idea, they need to prove conclusively they are right before 97 percent of scientists will believe them. This has already happened for an overwhelming majority of climate scientists who have concluded, again, that global warming is happening and that it is caused by mankind. But there are a small number of them who still have questions.

On the other hand, a climate denier is someone who would not be convinced no matter how overwhelming the evidence. And, as I pointed out, a lot of these deniers are being paid by polluters to say what they want.

Now, shortly after climategate, or climategate-gate, a physicist at the University of California Berkeley, Richard Muller, who was skeptical of the prevailing views on climate science, decided to test the temperature records. Muller, a skeptic, started the Berkeley Earth Surface Temperature Study to reevaluate the record and weed out scientific biases. This was gold to climate deniers. In fact, among the funders for the Muller study was the Charles Koch Foundation. But things didn't work out the way the deniers had hoped.

In late March, Dr. Muller testified before the House Science and Technology Committee with his initial findings on temperature increases since the late 1950s. This is what he said:

> Our result is very similar to that reported by the prior groups—a rise of about .7 degrees Celsius since 1957. This agreement with the prior analysis surprised us.

Because, as I say, they were skeptics. Muller basically recreated the blade of the so-called hockey stick graph, or the temperature graph, that had come under attack in climategate.

This graph shows Muller's estimates against the previous estimates. Muller's Berkeley is black. You will see it is just identical, pretty much. This past October Dr. Muller's group released its findings, and to the dismay of skeptics and deniers these findings further confirmed the prevailing science behind climate change and the work of the scientists attacked during climategate-gate.

We can see the results on the chart. This gray band indicates a 95-percent statistical spacial uncertainty. But it is exactly—and his line is the black line—exactly what the other scientists measured.

The summary of the findings begins by saying, bluntly, ''global warming is real,'' and goes on to say:

> Our biggest surprise was that the new results agreed so closely with the warming values published previously by other teams in the U.S. and U.K.

Including East Anglia.

> This confirms these studies were done carefully and that potential biases identified by climate change skeptics did not seriously affect their conclusion.

So even though these claims that the consensus on global warming is a hoax have been refuted so convincingly—by a skeptic no less; funded by Charles Koch, no less—some of the deniers keep repeating it. The science is settled and climategate, or climategate-gate, was just a big distraction. So now let's move on and figure out how we are going to attack the challenge of climate change.

Mr. WHITEHOUSE. The challenge of climate change being extremely real, one of the things that is so frustrating about this campaign of phony, manufactured doubt is that in real life we are seeing the predictions of climate science come true around us.

Climate scientists predicted the atmosphere would warm, and the atmosphere is warming. Climate scientists

predicted the ocean would absorb heat, and sure enough, the ocean has absorbed heat and ocean waters are warming. Climate scientists predicted the ocean would absorb CO_2 and that would then lower the pH level of our ocean waters. The ocean is now more acidic than it has been in 2 million years, threatening coral reefs, shellfish, and the tiny creatures, such as plankton, that make up the base of the entire oceanic food chain.

Climate scientists predicted glaciers and Arctic sea ice would melt and, sure enough, we are seeing record melting. We just saw that notorious leftwing publication, USA Today, report:

> Federal Report Arctic Much Worse Since 2006. Federal officials say the Arctic region has changed dramatically in the past 5 years for the worse. It is melting at a near record pace and it is darkening and absorbing too much of the sun's heat.

Climate scientists predicted ecosystem shifts, and we are seeing ecosystem shifts, such as the million-plus-acre forests in the American West—dead to the bark beetle, gone from being green and healthy forests to just mile after mile of brown and dead trees.

Mr. FRANKEN. Explain why the bark beetle is doing this. What is happening and how does that relates to climate change?

Mr. WHITEHOUSE. The bark beetle relates to climate change because what was keeping those trees free from the bark beetle was cold winters that killed off the bark beetle larvae. As temperatures have warmed, the larvae lived through the winters, and they attacked the trees. So trees that were protected by cold winters are no longer protected, and there are literally millions of acres of forest lost in the West.

On a smaller scale, but more important to me in my home State of Rhode Island, the preeminent fish that was taken out of Narragansett Bay was called the winter flounder. My wife wrote her Ph.D. thesis about the winter flounder. It was a very significant cash crop for our fishermen and is now virtually gone because the mean water temperature of Narragansett Bay is up nearly 4 degrees.

Scientists also predicted we would be loading the dice for extreme weather with climate change, and we are seeing an unusual amount of extreme weather. The number of billion-dollar disasters has hit a record. A recent press clip noted:

> With an almost biblical onslaught of twisters, floods, snow, drought, heat, and wildfire, the U.S., in 2011, has seen more weather catastrophes that caused at least $1 billion in damage than it did in all of the 1980s, even after the dollar figures from back then are adjusted for inflation.

Serious, grown-up corporate entities, like the biggest insurance companies in the world, are noticing this and are concerned. Munich Reinsurance has written the following:

> The high number of weather-related natural catastrophes and record temperatures, both globally and in different regions of the world, provide further indications of advancing climate change.

Throughout the corporate world we are seeing this. Here is a list of companies that have gone public with the need for us to do something about climate change: American Electric, Bank of America, Chrysler, Cysco, DuPont, Duke Energy, eBay, Toyota, Timberland, Starbucks, Google, GM, General Electric, Ford, Siemens, PepsiCo, Nike, Nishiland, and John Deere. I am picking these at random, but these are not fringe organizations. These are the core of the American business community, and they recognize what is going on.

I want to single out one company, which is Coca-Cola. I was going to bring to the floor the new can of Coca-Cola as an exhibit to demonstrate this major international corporation—this huge American success story based in Atlanta—has taken probably the most iconic product in America—the Coke can—and has redesigned it to reflect what the climate change is doing in the Arctic and to polar bears. Unfortunately, my Coke can was confiscated by the cloakroom staff because I am not allowed to bring exhibits to the floor unless they are this. I should have snuck it out here, but that is why I don't have it.

Coca-Cola is a serious American business, and here is what they say:

> The consensus on climate science is increasingly unequivocal—global climate change is happening and man-made greenhouse gas emissions are a crucial factor. The implications of climate change for our planet are profound and wide-ranging, with expected impacts on biodiversity, water resources, public health, and agriculture.

So we put against that the core business community—iconic companies such as Coca-Cola, putting their very label behind the need to address climate change—and the phony-baloney-paid-for scientists who are creating this doubt, and it is time to close this episode.

Mr. FRANKEN. I am glad the Senator brings up the phony-baloney doubt, especially with this extreme weather we have been experiencing. Some of my colleagues on the other side have pointed to the extreme snowstorms—at least one of my colleagues has—in the Northeast over the last several winters as evidence that global warming is a hoax. Again, this is completely misleading. Intensifying blizzards aren't due to the Earth getting cooler, they are due to increased moisture content in the air. Warmer air holds more moisture.

Now, basically, it doesn't have to be that cold for it to snow. It just has to be 32 degrees or below. What is snow? It is frozen water. So it is about water. The atmosphere is now holding more water because it is warmer. Warmer air holds more water than colder air. The main point is that these increased natural disasters have real costs.

A few months ago we had a hearing in the Energy and Natural Resources Committee on the Forest Service's management of the intense forest fires we had out West this year. In that hearing, Forest Service Chief Tom Tidwell told me he is seeing longer forest fire seasons out West—more than 30 days longer than what we used to have even a decade ago. Forest Service climate experts—and these are scientists—have said that a major contributing factor to these longer fire seasons and more intense fires is climate change.

The cost of these fires, passed on to all levels of government and to society as a whole, is huge. It is something that Members on both sides of the aisle recognize and are concerned about. Several of my Republican colleagues in that hearing expressed their concerns about the cost.

They referred to a report from the Western Forestry Leadership Coalition, which estimates that the combined direct and indirect costs of forest fires can be as much as 30 times the cost of fire suppression alone. We need to factor in the cost of forest rehabilitation, the loss of tax revenues for local governments, loss of businesses that depend on forest resources from property losses, not to mention the immeasurable cost of lives which are lost due to the fires.

I wish to underscore for Members of this body that when we have discussions about important issues such as cost of wildfire response, we are talking about the cost of responding to climate change. If forestry specialists at the U.S. Forest Service tell us these fires are getting worse due to climate change, we should be listening to them.

Mr. WHITEHOUSE. If the Senator doesn't mind, if I change elements from fire to water since I represent an ocean State, another place where climate change is creating dangerous consequences is in our oceans. Let me cite a few reports that have come out recently.

Climate Change & European Marine Ecosystem Research says:

> Close to one-third of the carbon dioxide produced by humans from burning fossil fuels and other sources has been absorbed by the oceans since the beginning of industrialization, and that has buffered the cause and effects of climate change.
>
> A resulting lowered pH—

When carbon goes into the ocean, it acidifies it. It lowers the pH.

> A resulting lowered pH and saturation states of the carbonate minerals that form the shells and body structures of many marine organisms makes these groups especially vulnerable. The growth of individual coral skeletons and the ability of reefs to remain structurally viable are likely to be severely affected. Continuing acidification may also affect the ability of the oceans to take up CO_2.

So they will not be absorbing the one-third that they have absorbed any longer. It will stay in the atmosphere and atmospheric concentrations will increase even faster.

The Annual Review of Marine Science reports that:

Growing human pressures, including climate change, are having profound and diverse consequences for marine ecosystems. These effects are globally pervasive and irreversible on ecological time scales. Direct consequences include increasing ocean temperature and acidity, rising sea level, increased ocean stratification, decreased sea ice, and altered patterns of ocean circulation, precipitation, and fresh water.

The context for this is a pretty astounding one; that is, when we look back through history, we don't look at changes in terms of decades or even generations. We look at changes in terms of millions of years.

There is a special issue of Oceanography with a feature on ocean acidification, and it is called ''Ocean Acidification in Deep Time.''

We have now an atmosphere that already contains more carbon dioxide than at any time in the last 800,000 years of earth history and probably more than has occurred in several tens of millions of years.

We have had agriculture as humans for about 10,000 years, to give you an idea of what 800,000 years or several tens of millions of years means. The report goes on:

There are no precedents in recent earth history for what will be the immediate and direct consequences of the release of CO_2 into the atmosphere and its concurrent dissolution in the ocean's waters.

But we are playing with very dangerous effects when we ignore climate change at the behest of a tiny minority of scientists and their polluter industry funders behind them.

Mr. FRANKEN. There are folks who get the cost of inaction, and that includes the Department of Defense.

In its 2010 Quadrennial Defense Review—or QDR—the DOD identified climate and energy as among the major national security challenges that America faces now and in the future.

To give you a perspective on the significance of this, ''Crafting a Strategic Approach to Climate and Energy'' was alongside other priorities laid out in the QDR with titles like, ''Succeed in Counterinsurgency, Stability and Counterterrorism Operations,'' and ''Prevent Proliferation of Weapons of Mass Destruction.''

This is serious stuff. It matters for DOD because climate change is predicted to increase food and water scarcity, increase the spread of disease, and spur mass migration and environmental refugees due to more intense storms, floods, and droughts.

Mr. WHITEHOUSE. We had similar testimony in the Senate Intelligence Committee. The witness who testified before us released his testimony before the House Intelligence Committee and very much the same conclusion:

We judge that global climate change will have wide-ranging implications for U.S. national security interests over the next 20 years.

The factors that would affect U.S. national security interests as a result of climate change would include food and water shortages, increased health problems, including the spread of disease, increased potential for conflict, ground subsidence—the Earth lowering—flooding, coastal erosion, extreme weather events, increases in the severity of storms in the Gulf of Mexico, disruptions in U.S. and Arctic infrastructure, and increases in immigration from resource-scarce regions of the world.

There are probably climate deniers who say: That is all part of the conspiracy. The Defense Department is in on it. All those companies are in on it. The intelligence community is in on it.

But if there is a hoax, what is more mainstream than National Geographic? Is National Geographic in on it too? They would have to be because they did a special report a few years ago on climate change and they showed a polar bear stranded on the melting ice. Here is what they said:

It's here. Melting glaciers, heat waves, rising seas, trees flowering earlier, lakes freezing later, migratory birds delaying their flight south. The unmistakable signs of climate change are everywhere.

How do we know this? We know this because of the science. What do they say about the science?

How do we know our climate is changing? Historical records, decades of careful observations and precise measurements—

As the Senator said, with things such as thermometers—

around the globe along with basic scientific principles.

If you think National Geographic is in on it and you can't have faith in the Defense establishment and you can't have faith in the corporate establishment and you can't have faith even in National Geographic, perhaps you can have faith in the Pope, who said recently:

I hope that all members of the international community can agree on a responsible, credible, and supportive response to this worrisome and complex phenomenon, keeping in mind the needs of the poorest populations and of future generations.

The press release from Catholic News Service then quotes one of his bishops, Cardinal Rodriguez, who says:

Our climate is changing. Urgent action is necessary.

He called on our political leaders around the world ''to curb the threat of climate change and set the world on a path to a more just and sustainable future.''

Mr. FRANKEN. OK. Well, the Pope—I mean, didn't the Catholic Church go after Galileo?

Look, between the science supporting climate change and the reality of the dangers that climate change brings, we have to ramp up our efforts to master this challenge, and that means wise investments in clean energy R&D and deployment. They are just a good place to start. Plus, these investments encourage the growth of domestic clean energy—a domestic clean energy economy which would create jobs—and has created jobs—grow our manufacturing base, and keep us competitive in global energy markets. That is so important because Germany, China, Denmark, and countries all over the world are winning this race.

One of the great parts about this job is spending half the time here and half the time home in Minnesota. Minnesota is a national leader in clean energy.

In 2007, Minnesota passed the highest renewable energy standard in the country at the time, and all our utilities are on track to meet the goal of 25 percent renewable by 2025.

Our largest utility, Xcel Energy, is on its way to 30 percent by 2020. We have universities such as the University of Minnesota Morris which is pushing the frontiers of innovation in greening its campus through a biomass gasification system which provides heating and cooling and electricity, wind turbines that produce power, and LEED-certified buildings. Our farmers have led the country in biofuels, and our universities are leading R&D efforts for the transitions to cellulosic and other advanced biofuels.

By the way, the first commercial cellulosic plant that is scaled up to commercial levels is being built right now. St. Paul has the largest district energy system in North America. It is heating and cooling all of downtown St. Paul with woody biomass. SAGE Electrochromics is a manufacturing plant in Minnesota that has cutting-edge window glass technology that uses a little photovoltaic cell to control and turn these—these windows turn completely opaque and block out all UV during the summer. During the winter, they are these beautiful, huge windows that let in all the light. It isn't like a Polaroid. It is an incredible technology.

The University of Minnesota has just received two grants from the Advanced Research Projects Agency at the Department of Energy, ARPA-E, that was patterned after DARPA, the Defense Advanced Research Projects Agency that created the Internet. Across the State, businesses and cities are working together to make our buildings more energy efficient, using Minnesota-made technologies such as Marvin and Anderson windows. Minnesota, by the way, is the Silicon Valley of windows. We have 3M window films or McQuay heating and air-conditioning systems.

Just last month, I partnered with our cities and counties to launch the Back to Work Minnesota Initiative, aiming to break down barriers in financing retrofits, retrofitting public and commercial buildings across Minnesota. What is great about that, this pays for itself. You finance this and you retrofit a building; it puts people in the building trades to work who are in a depression, and it puts manufacturers that build energy-efficient materials and equipment, geothermal furnace systems and furnaces, heat exchange furnaces, pumps, and you save energy.

The energy efficiency pays for the retrofit in 4 or 5 years and you can capitalize this and we are finding innovative ways to do that. It pays for itself and you lower our carbon footprint. You use less energy, create jobs, save money. It is win-win-win-win. This is something we have to do. It is insane not to.

Mr. WHITEHOUSE. We are proud of what is going on in Rhode Island as well. We plan to meet 16 percent of our energy needs through renewable energy sources by 2020, and that is on top of a goal to cut energy use by 10 percent. So we will cut energy use by 10 percent and, of the remaining 90, get 16 percent of that out of renewable energy sources. Everybody is getting involved—utilities, towns, the State, the private sector. One of our cities, East Providence, is right now converting a brownfield which has been vacant for 40 years, nearly, into New England's largest solar institution. As my colleague says, there will be a payback and they will earn money on that for their taxpayers.

Our State of Rhode Island has been the national leader at how you map and prepare for offshore wind development. In the State and Federal waters off the coast of Rhode Island we are positioned to lead the country in offshore wind siting, with all the jobs that building those giant wind turbines and assembling them and erecting them offshore creates.

We have exciting companies such as BioProcess Algae, of Portsmouth, RI, which opened a spectacular facility in Iowa, which takes the exhaust from ethanol plants and runs it through algae farms and creates biofuels. They are at the cutting edge of that technology.

When you see these great technologies and these great opportunities—in this colloquy, we are ending on what I hope is a very strong, positive note for the economy. If we can pull away from the lies and the phony science and the polluter-paid nonsense that has so far distracted us from doing our duty as a nation, we can get into the race that is going on in this world for the energy future. The economy of this century is going to be driven by the $6 trillion clean energy industry. We do not want to fall out the back of that race and leave it to the Chinese and the Europeans. We want to be winning that race and the jobs and the economic success that can bring that not only can power our homes and our factories, it can power our economy back to security for all Americans.

I thank Senator FRANKEN for inviting me to join him in this colloquy. I think our time is coming close to expiring, so I yield the remainder of our time to you, and I ask unanimous consent Senator FRANKEN be allowed as much time as he needs to conclude. This has been a wonderful opportunity for me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I thank Senator WHITEHOUSE for his leadership. Algal—by the way, algal is the pronunciation of this. Algal energy is amazing. We are fueling jet fighters with jet fuel made from algae.

Both the President and Energy Secretary Chu have said we are in America's Sputnik moment. They are absolutely right. Fifty years ago we were in a global space race. Today we are in a global clean energy race. Whichever country takes the most action today to develop and make clean energy technologies will dominate the global economy in this century.

That means supporting financing for clean energy and energy efficiency projects. It means tax credits for clean energy manufacturing, providing incentives for retrofitting residential and public and commercial buildings. It means supporting basic research and keeping alive initiatives that support clean energy technology innovation. These need to be our priorities as we make energy policy and budget decisions.

We can pay for these investments by cutting expensive, outdated subsidies for oil companies that are making record profits. There is a lot more to be done if we are going to win this global clean energy race, but it is not going to be easy. It means unifying as a country and starting to do things differently than we have been doing them.

Albert Einstein said:

> We can't solve problems by using the same kind of thinking we used when we created them.

I am convinced we can win this race. No other country is better positioned. But first people need to understand the stakes. Climate change is real, and failure to address it is bad for our standing in the global economy, bad for the Federal budget, and bad for our national security. We can do better than that for our children and our grandchildren and posterity.

Mr. President, I thank Senator WHITEHOUSE and I yield the floor.

I suggest the absence of a quorum.

Mr. CARPER. Will the Senator withhold?

Mr. FRANKEN. I take that back.

The PRESIDING OFFICER. The Senator from Delaware.

BOILER MACT

Mr. CARPER. Mr. President, there is not the absence of a quorum, but I appreciate my colleague mentioning that. I said to him earlier today, maybe yesterday, Senator FRANKEN is a joy to have around here. Some of us know he brings a real special touch for trying to infuse some civility into this place again. He came up a year or two ago with the idea of a secret Santa exchange. We actually did it this year. I was not going to mention it tonight. My secret Santa turned out to be the Senator from Alaska, Senator MURKOWSKI, the colleague of the Presiding Officer. She gave me a most wonderful handmade gift that she and her staff created.

Delaware is the only State that doesn't have a national park. What they did is they created, on a sheet of paper like this—only it was a firm sheet of paper, not a regular sheet of paper, but they literally—this was the State of Delaware and they created a national park so we have a pop-up national park with a bus going around and our pictures riding along in the bus. I don't care what else I get for Christmas, that is going to be the best Christmas present for this year. I don't see how anybody tops that.

But that provides not only some civility but also some levity in a place that could use both, so I thank the Senator for all his contributions, but especially that one.

On something more serious. What I want to do is talk about the regulation EPA has been working on for a while. It is called the boiler MACT. The idea is maximum achievable technology here. If you go back in time, go back to about 1990—in 1970, in this country, Congress passed and the President signed—Richard Nixon actually signed—the Clean Air Act of 1970, a Republican President who had a Republican head of EPA. That was able to be implemented at the time we had the Cuyahoga River up in Cleveland, OH, that actually was on fire. There were lots of terrible things happening in our environment in this country.

Better things started to happen, not just cleaner water, wastewater treatment, and cleaner air, but it led in 1990 to the passage of the Clean Air Act Amendments of 1990. One of the requirements of the Clean Air Act Amendments of 1990 was in that legislation the Congress directed EPA to finalize regulations to reduce what are called air toxics from boilers by the year 2000. So the Clean Air Act was adopted in 1970. In 1990, 20 years later, the Clean Air Act Amendments were adopted, and in the Clean Air Act Amendments of 1990 Congress said: EPA, we want you to finalize regulations to reduce air toxics from boilers by the year 2000, 10 years.

The year 2000 came and went without any action. The Bush administration, George W. Bush administration, finalized a rule. I think it was in the year 2004. But they excluded many industrial boilers from having to comply. As it turned out, there are a lot of boilers in this country. I was stunned to find out there are about a half million boilers in this country. A lot of them are fairly small—schools or churches or smaller buildings, hospitals. But a bunch of them are pretty good size.

In any event, the Bush administration in the year 2004 came up with a rule, proposed a rule, but they excluded many industrial boilers from having to comply. In fact, the rule may not have been just proposed, it might actually have been finalized.

But, as a result, the regulation was vacated in 2007, 3 years later, by the Circuit Court of Appeals right here in the District of Columbia. So, 2004, EPA

finally gets around to finalizing the rule that they were called to do some 14 years earlier by the Congress. And 3 years later the DC Circuit Court of Appeals knocks it down and vacates that ruling on boilers.

It was not until June of 2010—and that is a full 10 years after the congressional deadline for action—it was not until 2010 that the EPA issued a proposal for boiler air toxic rules that addressed all the major emitters.

As with most air pollution regulation these days, EPA was under court order to finalize the rule by a set date. The court had said to EPA: We want you to finalize the rule by a set date. That date was the beginning of this year, January of 2011.

During the public comment period, the EPA received thousands of comments and new information from, among others, industry. In fact, they received so much in the way of comments and new information, in December of 2010—that was a month before the date set under the court order to finalize the rule—a month before that date was to occur, EPA asked the courts, a month before the January 2011 deadline, to extend the deadline for promulgating the final air toxic standards to April of next year, to April of 2012.

The courts said: No, don't think so. They said: EPA, you have had enough time to finish. They allowed EPA only until January 21 of this year to go ahead and actually promulgate these regulations.

Even though EPA didn't have a lot of time to process the comments, EPA was able to finalize a rule in February of this year that yielded the same benefits—I think this is pretty interesting—a rule that realized the same benefits in terms of reducing toxic emissions, mercury and arsenic, lead, that kind of thing—the same level of reductions in those emissions as in the June 2010 proposal that they made, but they cut in half the cost of compliance. That is pretty impressive, isn't it? They cut in half the cost of compliance, got the same amount of reductions in emissions of these air toxic substances for half the cost. However, EPA did not stop there. Wanting to address industry's concerns, the EPA opened public comment yet again to consider a reproposal of their regulations.

I know some people think EPA has been guilty of a rush to judgment in this regard. I think if you go through the chronology objectively, this is not a rush to judgment. I hope, if nothing else, to convey tonight that the EPA has moved deliberately, some say way too slowly, in order to address this. There are others who think way too fast, still too fast.

Anyway, last month the EPA proposed the boiler MACT regulation to try to address stakeholder concerns and I think they have done a workmanlike job, a good job. In this new proposal, of the 1½ million boilers in the United States, less than 1 percent would be affected—less than 1 percent would be affected by these emission limits.

I have a chart to show what it looks like. This is a good way to actually think of this.

The pie represents the 1.5 million boilers in the United States. Some are very small, and some are large industrial boilers. Less than 1 percent need the technology to meet the emission limits prescribed by EPA. That is the red tiny slice here. About another 13 percent of the 1.5 million boilers in the United States would need to follow best practice standards in ensuring that the emissions from those boilers are in order. And the rest—1.3 million boilers or a vast majority of boilers, a little over 85 percent—are not affected by the rules.

Not everybody likes the fact that less than 1 percent of the boilers are affected by these rules, and some of our friends in the environmental community understand that we have been very unhappy with how slowly this whole thing has proceeded.

The last thing I want to mention here—maybe two more things—in terms of moving from this point forward, how long would these less than 1 percent have to comply with the regs that have finally been promulgated? I am told the sources would have up to 4 years to comply. The EPA is still taking public comment and hopes to finalize this regulation by late spring.

The bottom line is that we have delayed long enough. Only 1 percent of our largest sources will need to clean up. The EPA has certainly tried to address many problems—maybe not all the problems but most problems—and they are still taking public comments. I am not sure we need to delay this boiler MACT any further.

There are a lot of people who sneeze during the course of their lives, as I have just done here on the floor. That was just a coincidence, but a lot of people in this country suffer because of the quality of our air. We have made great improvements in cleaning up the quality of our air. We still have too many people who suffer from asthma and other respiratory diseases. The kinds of problems and emissions we are talking about here deal less with asthma and respiratory diseases; we are talking about substances that can kill people. In the case of the substances we are talking about here, they have the ability to kill more than 8,000 people a year.

We don't have many large towns in Delaware. In Wilmington, we have about 75,000 people. In Dover—the central part of our State—we have about 30,000 people. And if you take 8,000 people, that is about as many people as live in any of the—well, Newark, where we have the University of Delaware, has about 30,000 people. But other than that, we don't have a lot of large towns. For us, 8,000 people could be the fourth or fifth largest town in my State. That is a lot of people. At the end of the day, even if these rules are fully implemented, we are not going to save all of those 8,000 people, but a lot of those lives will be saved in the coming years, and we need to do that.

We need to let this process go forward and do our dead level best—the EPA has tried to be responsive to concerns that have been raised—to provide for a cleaner environment and not to dampen our economic recovery.

The last word I would add is that I think the idea that we have to choose one over the other is a false choice. We don't have to do that. We can have a cleaner environment and we can have jobs. If you look at the growth of our Nation's economy since 1970, when the Clean Air Act was adopted, or 1990 when the Clean Air Act amendments were adopted, we have seen dramatic growth in our budget. We have seen growth in our economy, and we have seen the quality of air become a lot cleaner over that period of time. So one does not preclude the other.

While some serious concerns have been raised about the earlier proposals by the EPA, a lot of those concerns have been addressed. I think we need to get on with it.

With that, Mr. President, I think we are going to wrap it up here around 7:30, which is in another 10 minutes or so. I am looking around, and I don't see anybody else waiting to speak, so I will note the absence of a quorum and bid you good night.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the period for morning business be extended until 8:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT GENERAL PATRICIA D. HOROHO

Mr. INOUYE. Mr. President, today I rise to congratulate LTG Patricia D. Horoho on becoming the U.S. Army's 43rd Surgeon General. This is a momentous time for military medicine, with two historic firsts for the U.S. Army and for the Department of Defense. On December 5, 2011, General Horoho became the first woman and the first nurse to assume command of the U.S. Army's Medical Command. Then, just 2 days later, she became the Army's 43rd Army Surgeon General, making history again by becoming the

first woman and the first nurse in the Department of Defense to be sworn in as Surgeon General.

Lieutenant General Horoho earned her bachelor of science degree from the University of North Carolina at Chapel Hill in 1982. She received her master of science degree as a clinical trauma nurse specialist from the University of Pittsburgh. Her military education includes graduating from the Army's Command and General Staff College and the Industrial College of the Armed Forces, where she earned a second master of science degree in national resource strategy.

Lieutenant General Horoho has earned numerous civilian and military awards and recognitions throughout her distinguished career. Her civilian accolades include recognition in 1993 as one of the top 100 nurses in the State of North Carolina. She was selected as the USO's Woman of the Year in 2009. Most recently, the University of North Carolina School of Nursing selected her as the Alumna of the Year on November 30, 2011.

Some of Lieutenant General Horoho's previous military assignments include Deputy Surgeon General; Chief of the Army Nurse Corps; Commander of the Western Regional Medical Command in Fort Lewis, WA; Commander of the Madigan Army Medical Center in Tacoma, WA; Commander of the Walter Reed Health Care System in Washington, DC.; and Commander of the DeWitt Health Care Network in Fort Belvoir, VA.

Lieutenant General Horoho brings extensive leadership, education, and experience to her new position as the 43rd Army Surgeon General. I applaud the many accomplishments which have brought her to the highest level of rank and responsibility in military medicine, and I wish her success as she begins her new position.

RECOGNIZING THE NATIONAL GUARD

Mr. BROWN of Massachusetts. Mr. President, today I would like to congratulate the National Guard on 375 years of service.

It was on December 13, 1636, in Massachusetts that our Nation's military heritage was born. It was the members of the Massachusetts Bay Colony who stood together and founded an organization to protect and defend the peoples of the Bay Colony. They provided watch to ensure the security of their fellow settlers in Massachusetts, and they drilled to ensure they were prepared to fight if called upon.

From these grassroots origins comes today's National Guard: the most prepared, best equipped, and most mobile National Guard our Nation—or any nation—has ever had. Like the guardsmen of the first days of this Nation, today's guardsmen continue to answer the call to duty. They serve as leaders in our homeland defense response and disaster relief, and over the past 10 years, our guardsmen have served with courage and honor in Iraq and Afghanistan, right alongside our Active-Duty Forces. They are fighting on many fronts overseas and fulfilling many different missions.

Sometimes they are coming home with devastating injuries. When they return, these citizen soldiers and airmen face the challenges of recovery, readjustment, and finding jobs. The unemployment rate of today's National Guard remains well above the national average. To ensure that we honor the service of these guardsmen and veterans, I introduced the Hire A Hero Act which gives a tax credit to small businesses that hire veterans and members of the National Guard and Reserves, and I am pleased to say that the legislation has become law.

I have also pushed to ensure that all our National Guardsmen receive fair housing allowances. I introduced an amendment included in this year's National Defense Authorization Act that makes certain every guardsman who gets deployed will receive the housing allowance they need and deserve. When a guardsman is ordered to Active Duty for a contingency operation, the housing allowance for that guardsman currently reverts back to his or her home-of-record status rather than the current housing allowance of his or her present duty station, despite any significant loss of income. Basically, guardsmen are being punished financially for being deployed to a war zone. My amendment to this year's National Defense Authorization Act will rectify this inequity.

Also included in this year's National Defense Authorization Act is a monumental provision recognizing the significance of today's National Guard. As a 32-year member of the Massachusetts National Guard and a member of the Senate Armed Services and Veterans' Affairs Committees, I am proud to have cosponsored the amendment to make the Chief of the National Guard Bureau a full member of the Joint Chiefs of Staff. It is a long overdue measure that gives the National Guard the recognition and respect that it deserves. I am proud to have supported it, and I look forward to its final passage.

Today our National Guardsmen continue the tradition of service begun by the militia of 1636, and I want to pay special recognition to the guardsmen of the 26th Yankee Brigade serving overseas and to their families for their service and sacrifice. Massachusetts's own 26th Yankee Brigade is currently serving in Afghanistan. When asked, they answered the call to duty. This summer while I was in Afghanistan, I was fortunate enough to see firsthand the selflessness, courage, and professionalism of ''The Nation's First.'' They are a credit to the State of Massachusetts, the National Guard, and to this Nation.

Congratulations to the National Guard for its 375 years of service to this Nation and to all the guardsmen who are prepared to support and defend this great Nation in its times of need.

KEYSTONE XL PIPELINE

Mr. LEAHY. Mr. President, the House Republicans have sent us a payroll tax bill that is more of a political campaign commercial than a piece of serious legislation. Extending this tax break for ordinary Americans evidently has been a tough sell in the other body, unlike the eagerness found there for even more tax relief for the very wealthy. Among the many unrelated, controversial provisions they have attached as sweeteners is one that would force the President to approve the Keystone XL tar sands oil pipeline. Proponents of this tar sands project provision argue that it belongs on this bill because building the pipeline would create jobs.

Any construction project creates jobs. We could create thousands of jobs by investing in clean solar and wind energy, as the Chinese have done. And people can disagree about building the Keystone Pipeline, but there is a lot more to it than the short-term jobs it would create, and trying to jam it through Congress on this bill in the waning hours of the session is little more than a political stunt.

It was about 15 months ago that I first learned about the plan to build a pipeline to transport crude oil from tar sand strip mines in Alberta across the U.S.-Canada border and down through the Midwestern United States to refineries and ports in Texas.

Tar sands are a particularly dirty source of petroleum, from extraction to refinement. As I looked into this issue I saw some of the photographs of the boreal forest area where it is extracted, and I was shocked. Anyone who is interested in this issue, whether or not you think building the pipeline is a good idea, should look at the photographs. They depict an extraordinarily beautiful landscape that has been ravaged by heavy machinery, vast ponds filled with polluted water and sludge, and a scared wasteland where forests used to be. It is one of the more graphic examples of how our collective, insatiable thirst for oil has pillaged the fragile environment of this planet. Our demand for fossil fuels will continue to grow exponentially unless we come up with a comprehensive, national energy plan and have the will to implement it.

We all know that the extraction of oil, minerals, timber, and other natural resources often harms the environment. But there are degrees of harm. Removing the tops of mountains and dumping the refuse in rivers and ravines or extracting heavy oil from tar sands are among the most energy intensive and destructive.

Under the law, the State Department has the responsibility to approve or disapprove the pipeline because it crosses an international boundary. More than a year ago, I and 10 other Senators sent a letter to the State Department raising concerns about the

proposed pipeline and the impact of tar sands oil on global warming and asking a number of questions about the Department's decisionmaking process. Eight months later we received a response, which answered some of our questions and raised others.

I and other Senators sent two additional letters to the Department about the pipeline, most recently about reports of a possible conflict of interest between the contractor that performed the environmental review, Cardno/Entrix, and the energy company, TransCanada.

There have also been e-mails indicating a less-than-arm's-length relationship between a State Department official at the U.S. Embassy in Ottawa and a lobbyist for TransCanada. And a month ago the State Department's inspector general announced the beginning of an investigation into whether conflicts of interest tainted the environmental review process.

What began as basic questions and fundamental concerns about the pipeline has evolved into a significant controversy regarding the impact the pipeline will have upon our Nation's energy policy and continuing dependence on fossil fuels, the irreversible harm to the environment and the acceleration of climate change, and the potential for oilspills that could contaminate a key aquifer underlying an area of critical agricultural importance that hundreds of thousands of midwesterners depend on for irrigation and drinking water.

From the beginning, I have expressed misgivings about the State Department's ability to conduct a thorough, credible investigation of a project of this complexity that involves issues about which it has limited expertise. There are reports of inexperienced staff handling the lion's share of the work, and it is not surprising that the Environmental Protection Agency and the Department of Energy have raised concerns and identified flaws in the State Department's analysis.

It is my impression that the State Department, from the outset, approached this with a sense of inevitability. What they did not anticipate was the strong reaction of Members of Congress of both parties, including several from Midwestern States that have been coping with multiple oilspills from the original Keystone Pipeline that company officials have treated as inconsequential. They also did not anticipate the strong opposition from ordinary Americans who pay close attention to environmental and energy policy issues, for whom tar sands oil is particularly repugnant.

Concerns about the consequences of this project have united not only those living along the proposed route but people across the Nation, including in Vermont, as well as in Canada, who care about the environment, both in this country and in Canada, and who understand the need to wean our Nation from oil and other fossil fuels and to invest in renewables and energy efficiency.

Every President since the 1970s has spoken of the need to reduce our dependence on fossil fuels and particularly foreign oil. But despite all the speeches, year after year we are more dependent on these finite, polluting sources of energy than ever before.

Today, energy companies are spending staggering amounts of money in search of new sources of oil and gas in some of the most inhospitable places on Earth, where its extraction involves great risks to the people involved, the environment, and endangered species. We even send our young service men and women halfway around the world to fight wars, in part to ensure our continued access to a ready supply of oil. It has become a national security priority.

We have lost valuable time, and there are no quick fixes. No matter what we do today, later this week, or later this month, this country will be dependent on fossil fuels for many years to come. But simply replacing Middle Eastern oil with Canadian oil without creating new, dependable sources of renewable energy and improving efficiency in the energy we use does not alleviate the national security and economic risks associated with a global oil market that is vulnerable to manipulation and disruption.

There is also much more we could do to make use of what we have by wasting less, improving end-use efficiency, and increasing our use of renewable sources of energy. While TransCanada and its supporters extol the virtues of the Keystone XL Pipeline, as the minority leader and others have done, simply by reducing waste we could eliminate entirely the need for the energy produced from the oil that would flow through the pipeline.

I come from a State that shares a border with Canada. My wife's family is Canadian. I have a great fondness for that ''giant to the north.'' But this issue is not about U.S. relations with Canada. We are inseparable neighbors, friends, and allies. There are strong views about this pipeline, pro and con, in both countries. As Americans, we have to do what is right for our country's energy future, for the environment, for our citizens.

Some have argued that if this pipeline is not built, TransCanada will simply build a pipeline to the coast of British Columbia and export the oil to China. But there are significant obstacles and no indication that such an alternative route is a viable option. Others maintain that the carbon emissions from extracting and refining this oil would not appreciably exceed those from oil shipped by tanker from the Middle East, but they do not address the environmental harm and pollution caused by the strip mining and separation process.

TransCanada has flooded the media with dire warnings about the American jobs that will be lost if the pipeline is rejected, which our Republican friends have echoed, trying to turn this into a campaign issue. But most of these are construction jobs that will disappear once the pipeline is built. And the choice is not between jobs or no jobs. They do not mention the tens or hundreds of thousands of American jobs that could be created by investing in other cleaner, renewable sources of energy, which, unlike tar sands oil, will not be used up in a few short decades.

Last month, in response to concerns about the sensitive and crucial aquifer that the pipeline would traverse in the Midwest, the White House announced that the State Department will consider alternative routes through Nebraska and that this would delay a decision on the pipeline until 2013. This is positive, but it ignores the many other reasons to reject this project altogether.

It is my hope that on further reflection, the President will treat the debate over the Keystone XL Pipeline as an opportunity to draw a line between our past and future energy policies.

Fossil fuels are finite, inefficient, and dirty. The cost we pay at the gas pump bears no resemblance to the long-term environmental and health costs borne by society as a whole.

We cannot lessen our reliance on fossil fuels by simply talking about it. We cannot do it by putting our goals for a better future under the pillow and leaving any real action to future generations. We cannot do it by hoping that a scientific genius will suddenly discover an unlimited source of energy that costs pennies and does not pollute, nor should we do it by spending huge amounts of money, time, talent and American ingenuity to search the farthest reaches of the globe for every last drop of oil, regardless of how dangerous or harmful to the environment.

Will the Keystone XL tar sands oil pipeline have the cataclysmic consequences that some of its opponents predict? No one can say for sure. If anyone had asked officials at British Petroleum on April 9, 2010, about the probability of a disaster like the one that occurred the next day when the Deepwater Horizon exploded in the Gulf of Mexico, they likely would have dismissed it as farfetched. It turns out they were violating multiple safety regulations.

Are we going to change the pipeline's route to avoid the aquifer, only to continue to act as if global warming is nothing to worry about, that we can continue to burn more and more fossil fuels, emitting more and more carbon into the atmosphere, and destroying the landscape while we are at it?

This pipeline would perpetuate a costly dependence that has gone on for a century, for which we all share in the blame. Keystone XL would once again do nothing to address the problems associated with fossil fuels. It would virtually assure more oilspills, it would do nothing to promote conservation and reduce waste, and it would do

nothing to spur investment in clean energy alternatives.

Most important, it would provide yet another excuse for once again punting the urgent, national security imperative of developing a sustainable energy policy for this country. That is what the decision about the Keystone XL tar sands oil pipeline has come to represent regardless of what route it takes.

RECOGNIZING GOLDEN VALLEY, MINNESOTA

Mr. FRANKEN. Mr. President, I want to take this opportunity to honor the 125th Anniversary of the incorporation of Golden Valley, MN. As a child growing up in St. Louis Park, I have many fond memories of time spent in my neighboring town to the north, Golden Valley. As next-door neighbors, our cities shared a commitment to civic engagement, strong families, and a tight-knit community that worked for the wellbeing of all its citizens. We can see the results of those values today.

On its 125th birthday, Golden Valley has much to be proud of, a high quality education system, high living standards, and model businesses ranging from Fortune 500 companies to family-owned small businesses. Clearly, Golden Valley is doing something right.

As a representative of the great people of Minnesota, I can see that it's cities like Golden Valley make my State the best place to live in the country. My colleagues here might get tired of hearing how our State consistently does things better, but I will never get tired of telling those stories. Congratulations to the residents of Golden Valley.

ADDITIONAL STATEMENTS

REMEMBERING GIL CHAVEZ

• Mr. BENNET. Mr. President, today I come before you with a heavy heart to honor the life of Gil Chavez. Mr. Chavez died on November 30, 2011, of injuries sustained in a car accident outside of West High School in Denver, CO. He was 63 years old.

Mr. Chavez was a true community leader in every sense of the word. After graduating from Denver's West High School in 1967, Mr. Chavez spent the next 30 years of his life giving back to the school through teaching, coaching, and counseling. He was always there for his students, so much so that after retiring, he came back to volunteer coach for the wrestling team beside his son, Gil Junior, the current head coach at West. Mr. Chavez's family continues his legacy of always striving for excellence in all that they endeavor.

Gil Chavez was a committed educator and coach who was a role model to the students he worked with. He was a sincere motivator, and he backed up his words with promises that he kept to his students. Mr. Chavez was always there for those who needed him with an ear to listen, with help figuring out classes or locating a tutor, and always believing in those who needed it most.

To Mr. Chavez's entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Gil's life and by your knowledge that his community will never forget him. His memory will live on in the team, the school, the community, and all those he has touched along the way.•

TRIBUTE TO COLONEL WILLIAM M. VOIGT

• Mr. SESSIONS. Mr. President, today I wish to praise an exceptional man, COL William M. Voigt.

Colonel Voigt has been one of the foremost civil and military leaders in Birmingham and in my State of Alabama for around a half century now. I was proud to join Colonel Voigt recently in Birmingham when he accepted his well-deserved award as the 2011 National Veteran of the Year.

I have had the pleasure to know Bill personally for many years and to observe his devotion to his country. His patriotism is unsurpassed.

Colonel Voigt served his country with 30 years in the Alabama Air National Guard and another 5 years of service with the U.S. Air Force Reserve. He has achieved not only a bachelor of science in business administration from Auburn University and a master's in business administration from the University of Alabama in Birmingham but has also graduated from the Air War College, the Industrial College of the Armed Forces, the Air Command and Staff College, and the Squadron Officer School.

In addition to his own education, COL Bill Voigt has given his time and efforts to an impressive and exhaustive list of nonprofits and service organizations. On top of this, he has served for over 20 years as the president of the National Veterans Day organization.

Birmingham is the birthplace of Veterans Day. The very first Veterans Day celebration was held in Birmingham by this very organization in 1947. It was only in 1954, 7 years later, that Congress agreed to the value of this wonderful event and made Veterans Day the national holiday it is today.

The Birmingham National Veterans Day celebration is believed to be not only the oldest but also the largest in the country. The day includes a parade and a large awards dinner. The entire effort is a monumental planning exercise. For 20 years Bill Voigt made it happen.

This year's dinner was a very special one. The organization's president, James A. Holt, Congressman Spencer Bachus, Congresswoman TERRI SEWELL, and others took part in the excellent program. I was honored to be a part of the program also. The superb keynote speaker was RADM Tom Steffens (retired), a U.S. Navy SEAL for 34 years. It was a special program indeed, but the remarks all revolved around Colonel Voigt. I know he and his wonderful family were most proud.

Colonel Voigt represents the model for the type of person we should push our youth to emulate. He is a man who has proven time and time again that he is willing to serve his country, his community, and his fellow veterans who have fought for the ideals and goals of the United States of America.

Mr. President, it is my honor to pay tribute to this great man and by extension this wonderful annual Veterans Day event.•

RECOGNIZING SOUTHCENTRAL FOUNDATION

• Mr. BEGICH. Mr. President, I wish to recognize Southcentral Foundation, an Alaska Native-owned, nonprofit health care organization serving nearly 60,000 Alaska Native and American Indian people. Southcentral Foundation received the 2011 Malcolm Baldrige National Quality Award, an award administered by the Baldrige Performance Excellence Program to honor the country's most innovative organizations. The Baldrige Award is the only formal recognition of the performance excellence of both public and private U.S. organizations given by the President of the United States. Southcentral Foundation is the Alaska's first health care organization to receive this award.

Southcentral Foundation was established in 1982 to improve the health and social conditions of Alaska Native and American Indian people, enhance culture, and empower individuals and families to take charge of their lives. They employ over 1,500 people, of which 53 percent are Alaska Natives or American Indians. As mayor of Anchorage and now as Senator, I watched the growth of this excellent nonprofit from a small outpatient facility to a beautiful, culturally designed campus encompassing many buildings to serve their customer-owners.

Southcentral Foundation's innovative Nuka system of care combines medical, dental, behavioral, and traditional practices and creates relationships that focus on supporting wellness instead of just treating illness. This system has received national and international attention for its successes in health outcomes, operational efficiencies, and customer and employee satisfaction. It is a truly exemplary health care system that is one of the best in the country.

The award will be presented by President Barack Obama in April, 2012.•

IN RECOGNITION OF MR. BILL VANDERWENDE AND MR. DAVE BAKER

• Mr. CARPER. Mr. President, today I wish to recognize Mr. William ''Bill'' Vanderwende and Mr. David ''Dave'' Baker for their leadership, vision and commitment to Delaware's agriculture

community through their roles as Chairman and Vice-Chairman, respectively, of the Delaware Nutrient Management Commission. Both have dedicated their lives to Delaware and its farming communities, benefitting and protecting the farming industry and the thousands of farmers and citizens who rely on our state's priceless natural resources.

As the Chairman and Vice-Chairman of the 19-member Delaware Nutrient Management Commission since its inception in 1999, Bill and Dave have led the Commission through years of development—made up of innovation, labor and compromise—that resulted in Delaware's premier Nutrient Management Program—one that serves as a model for other States. Moreover, Bill and Dave helped guide Delaware through U.S. Environmental Protection Agency approval of the State's controlled animal feeding operation regulations, helping to preserve our State's rich agricultural resources, while protecting farmers and their livelihood for generations to come. When I was Governor of the State of Delaware, I worked closely with both Bill and Dave on the development of the Delaware Nutrient Management Program and know well their passion and loyalty to doing what is right for the First State's agricultural community, as well as for our environment and our neighbors' environments.

The Delaware Nutrient Management Program was established in June 1999 as a result of the Delaware Nutrient Management Law. The mission of the Delaware Nutrient Management Program is to manage those activities involving the generation and application of nutrients in order to help maintain and improve the quality of Delaware's ground and surface waters and to help meet or exceed federally mandated water quality standards, in the interest of the overall public welfare. The responsibilities of the Delaware Nutrient Management Commission include: considering the establishment of critical areas for voluntary and regulatory programs; establishing Best Management Practices to reduce nutrients in the environment; developing educational and awareness programs; considering incentive programs to redistribute excess nutrients; establishing the elements and general direction of the State Nutrient Management Program; and, developing nutrient management regulations.

In 2001, under the team's leadership, the Delaware Nutrient Management Commission outlined a Memorandum of Understanding with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, and the chief executives of all poultry companies operating in Delaware—an agreement that was the first of its kind. This unique partnership between the agriculture and environmental sectors in Delaware has helped contribute to the progress Delaware has achieved in nutrient management. Currently, the First State leads the nation in nutrient management planning participation. Ninety-nine percent of all farmers who are required to have a nutrient management plan do, indeed, have one.

The Delaware Nutrient Management Commission's strong working relationships with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, the U.S. Environmental Protection Agency, Delaware's Congressional delegation, and with Delaware's Governor and the State's General Assembly has contributed to the implementation of on-the-ground solutions for nutrient management that encourage environmental stewardship and have positive benefits to agriculture and its farmers.

A native of Harrington, DE, Bill Vanderwende is a man of family, faith and farming and serves as a proud, lifelong member of Delaware's farming tradition. For over 40 years, Bill and Ellen—his wife of almost 60 years—along with their 4 children, 10 grandchildren and several employees, have run a dairy, grain and vegetable farming operation in Bridgeville with 700 head of dairy and 3,000 crop acres. Bill has represented Delaware's dairy industry for decades.

Bill's leadership in the agricultural community stretches beyond the Nutrient Management Commission. Bill has been a distinguished member of the Sussex County Conservation District Board of Supervisors for 20 years, serving as chairman since 1992. In addition, Bill served as a member of the Governor's Advisory Council on Agriculture, a member of the Governor's Advisory Council on Soil and Water, and as Vice-Chairman of Delaware Aglands Preservation Foundation Board of Trustees. Bill and the Vanderwende family have also received numerous awards recognizing their positive impact and influence on Delaware's farming tradition, including Bill's honor as the recipient of the 2009 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture and the Vanderwendes' 1993 Farm Bureau award for the Farm Family of the Year.

Over the years, Dave Baker has made a remarkable contribution to Delaware's agricultural community through his work, leadership and thoughtful attention to detail. His commitment to Delaware's and our nation's farmlands, as well as his commitment to his family and community is unmistakable. Since moving to Middletown, DE in 1952, Dave Baker has remained close to his roots. Today, just outside of his hometown, Dave lives with his wife Barbara. Together, they have a son Erik and two grandchildren. There, Dave is the President of Baker Farms, a 3,000-acre grain farm. He also founded Delaware Egg Farm—now Puglisi Egg Farms Delaware—Delaware's largest egg producing operation.

In addition to his role of Vice-Chairman of the Delaware Nutrient Management Commission, Dave is Chairman of the Commission's Planning and Personnel subcommittees. Moreover, Dave's agricultural acumen and outstanding leadership in the field of agriculture has been recognized in Delaware and well beyond our borders. Most recently, he received the 2010 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture. During my term as Governor, Dave was the Chairman of the Nutrient Management Advisory Committee, the organization responsible for drafting Delaware's ground breaking nutrient management statute. He is also a past president of the Delaware Council of Farm Organizations. Nationally, he has served on the American Egg Board and the Poultry Advisory Committee for the Farm Bureau, and regionally, he is a past chair of the Egg Clearinghouse and the Northeast United Egg Producers.

Delaware is fortunate to have such an outstanding team led by Bill Vanderwende and Dave Baker to carry on a legacy of farming values that shape, honor and preserve our State's treasured agricultural heritage. Bill and Dave's leadership on the Nutrient Management Commission reaches those not just in our agricultural community, not just in our State, but the millions of Americans who are impacted by Delaware's decisions on nutrient management. The continued leadership of these two men will keep our farming industry prosperous, while protecting our natural resources for generations to come. It is with a genuine sense of honor and pride that I rise today to extend the heartfelt congratulations and thanks of our entire Congressional delegation to our friends and outstanding Delaware residents, Bill Vanderwende and Dave Baker.●

RECOGNIZING ORONO MIDDLE SCHOOL

● Ms. COLLINS. Mr. President, today, I commend Orono Middle School of Orono, ME, on being named a 2011 National Blue Ribbon School of Excellence. This prestigious recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

Created in 1982, the Blue Ribbon Schools award is considered the highest honor an American school can obtain. Schools singled out for this national recognition reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

This award recognizes that Orono Middle School students achieve at the highest level academically. Orono Middle School is a top-performing school

on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. The school also involves students in extracurricular activities, which helps forge a strong school community where students are connected and encouraged to pursue their interests.

I applaud not only the students but also the teachers, staff, administrators, and parents of Orono Middle School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I am pleased that the U.S. Department of Education has selected Orono Middle School for this well-deserved honor, and I congratulate the entire community for this outstanding achievement.●

RECOGNIZING COOL AS A MOOSE

● Ms. SNOWE. Mr. President, across the country the holiday shopping season is in full swing. For many, holiday shopping can be a stressful time, as picking out the ideal gift can often be overwhelming. Luckily, my home State of Maine has several small businesses which offer gift solutions in a fun and festive setting. Today I wish to commend and recognize one of these small businesses, Cool As A Moose, whose retail stores offer unique and creative gifts for the holiday season and throughout the year.

Cool As A Moose first opened its doors in 1986 in the coastal town of Bar Harbor. Whether a customer longs for a moose hat or an adorable stuffed animal lobster, this small business offers customers an array of clever products and creative apparel. The company, now owned by Maine resident Kip Stone, has expanded to include stores in Freeport, Portland, and most recently Brunswick. The retailer also has an online presence and two licensed locations in Halifax and Quebec City, Canada.

The establishment of a store and headquarters in Brunswick this past May was critical, as it brought jobs to an area of Maine that recently struggled after the closure of the Brunswick Naval Air Station. Kip's tireless search for an ideal location lasted 2 years, as he sought to find an environment that would allow him to open both a store and have space for his other company, Artforms, which supplies many of the designs for the retail store. Kip selected the Old Grand City restaurant and storefront for the flagship store. With this purchase and renovation, Kip furthered a critical mission by helping to revitalize the Brunswick downtown area.

As can be seen from this small company's expansion, since its founding, this store's friendly customer service and engaging atmosphere have led to tremendous success. Most recently, Cool As A Moose was honored as the 2011 Merchant of the Year by the Maine Merchants Association. This honor is richly deserved as this small business consistently strives to improve each community it serves through volunteering and supporting area non-profits.

Small businesses such as Cool As A Moose are the heart of the economy, and this holiday season I hope Americans will gather with me in supporting these retailers. In these tough economic times, this small firm's willingness to expand and continually strive to put local communities first is especially refreshing. I am proud to extend my congratulations to Kip Stone and everyone at Cool As A Moose for their tremendous efforts and offer my best wishes for continued success.●

TRIBUTE TO OFFICER JAMES BONNEAU

● Ms. STABENOW. Mr. President, on behalf of myself and Senator LEVIN, I wish to pay tribute to James ''Jim'' Bonneau, a member of the Jackson Police Department in Jackson, MI, who has been posthumously awarded the Congressional Badge of Bravery.

Officer Bonneau was born in Canton, MI to Marc and Amy Bonneau. Growing up he always wanted to help others and become a police officer. After graduating from Canton High in 2002, he earned a degree in criminal justice from Eastern Michigan University. In 2007, he followed his dream and joined the Jackson Police Department, which put him through Lansing Community College's Mid-Michigan Police Academy.

Bonneau excelled at the academy and graduated at the top of his class. He was well liked by the faculty and his fellow classmates. Even though he was with the department for two short years, his excellence on the job and connection with the community he served made a difference and touched many lives.

On March 9, 2010, Officer Bonneau and Blackman Township Public Safety Officer Darin McIntosh responded to a domestic disturbance call. The suspect fired multiple shots at both officers wounding Officer Bonneau in the chest and Officer McIntosh in the leg. Though mortally wounded, Officer Bonneau showed bravery and determination while he relayed critical information to central dispatch regarding the incident. His actions ensured that the responding officers knew what to expect upon entering the home. Tragically, he later died from his injuries.

Officer Bonneau's exceptional acts of bravery and presence of mind while in the line of duty earned him a well-deserved nomination and award of the State and Local Law Enforcement Congressional Badge of Bravery.

On behalf of the City of Jackson and the State of Michigan, we express our gratitude to Officer Bonneau and his family for his bravery and commitment to law enforcement. He made the ultimate sacrifice so that others may live in safety.●

MESSAGES FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

At 7:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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.

At 7:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1905. An act 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.

H.R. 2105. An act 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.

H.R. 3421. An act 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, 2011.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 1905. An act 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; to the Committee on Foreign Relations.

H.R. 2105. An act 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; to the Committee on Foreign Relations.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4291. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Utilization of Domestic Photovoltaic Devices'' ((RIN0750–AH43)(DFARS Case 2011–D046)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Armed Services.

EC–4292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4294. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938'' (RIN0694–AF44) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4295. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC–4296. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, (15) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–4297. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Secretarial Emergency Action'' (RIN0648–BB32) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4298. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program'' (RIN0648–AX47) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4299. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 15B'' (RIN0648–BB55) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4300. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 46'' (RIN0648–BB08) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4301. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas'' (RIN0648–BA90) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4302. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2012'' (RIN0648–BA76) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4303. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Export Administration Regulations: Facilitating Enhanced Public Understanding of the Provisions That Implement the Comprehensive U.S. Sanctions Against Syria Pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003'' (RIN0694–AF29) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4304. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping and Transportation; Technical, Organizational, and Conforming Amendments'' ((RIN1625–AB77)(Docket No. USCG–2011–0618)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4305. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''Five-Year Program Plan for Fiscal Years 2008 to 2012 for Electric Transmission and Distribution Programs''; to the Committee on Energy and Natural Resources.

EC–4306. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2008 and 2009''; to the Committee on Energy and Natural Resources.

EC–4307. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–4308. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's fiscal year 2011 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4309. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals''; to the Committee on

Homeland Security and Governmental Affairs.

EC–4310. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4311. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4312. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4313. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Chemical Mixtures Containing Listed Forms of Phosphorous and Change in Application Process'' (RIN1117–AA66) received in the Office of the President of the Senate on December 12, 2011; to the Committee on the Judiciary.

EC–4314. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization, and national staff and convention minutes for the year ending July 31, 2011; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

National Oceanic and Atmospheric Administration nominations beginning with Benjamin M. Lacour and ending with Brian D. Prestcott, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2011.

By Mrs. BOXER for the Committee on Environment and Public Works:

Rebecca R. Wodder, of Virginia, to be Assistant Secretary for Fish and Wildlife.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions:

*Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2016;

*Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016;

*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 2011;

*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2014;

*Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2013; and

*Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service.

Mr. HARKIN. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning with Jose G. Bal and ending with Kendra J. Vieira, which nominations were received by the Senate and appeared in the Congressional Record on November 8, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. INHOFE, Mr. COBURN, and Mr. ENZI):

S. 1988. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to consider private landownership and private use of land in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. KERRY, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. CRAPO, Mr. BROWN of Massachusetts, and Ms. COLLINS):

S. 1989. A bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 1991. A bill to establish the National Endowment for the Oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself, Mr. WYDEN, and Mrs. SHAHEEN):

S. 1992. A bill to provide flexibility of certain transit functions to local entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1993. A bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CARDIN, and Mr. LEAHY):

S. 1994. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. BLUMENTHAL):

S. 1995. A bill to enhance Food and Drug Administration oversight of medical device recalls, to provide for the conditional clearance of certain medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 431

At the request of Mr. PRYOR, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Delaware (Mr. COONS), the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. MANCHIN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Nebraska (Mr. NELSON) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 506

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 587

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 707

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1544

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1746

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1746, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1927

At the request of Mr. PAUL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1927, a bill to modify the criteria used by the Corps of Engineers to dredge small ports.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S. 1961

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. RES. 347

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 347, a resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment.

At the request of Mr. BROWN of Ohio, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 347, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise to introduce legislation that would guarantee the jobs of Transportation Service Officers, TSO, who are called to active military duty, putting them on the same playing field as every other civilian employee called up to serve their nation in the uniformed services in times of need.

I want to thank my cosponsors for their support of this measure, including my colleague from Connecticut, Senator RICHARD BLUMENTHAL, and the Ranking Member of the Homeland Security and Governmental Affairs Committee, Senator SUSAN COLLINS. Other cosponsors include Senators BURR, AKAKA, TESTER and LANDRIEU.

This is a very simple and straightforward bill that would close a loophole in the law that leaves Transportation Security Officers called to full time military service vulnerable to dismissal from their jobs upon return to civilian life.

The jobs of all other non-military public and private sector employees called up to active duty are protected under the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. USERRA entitles a reservist, a member of the National Guard, or a veteran who is called to duty to return to their civilian jobs once their service is complete. The service member must meet certain, basic requirements, such as providing advance notice to their employer of their impending service and missing no more than 5 years of work under any one employer due to their service.

According to the law itself, the purpose of USERRA is to ''encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service.''

The law also minimizes the disruption to those who are called up to service by providing for their prompt reemployment when they return to civilian life and protects them from discrimination based on their active duty in the uniformed services.

This is simple fairness to those with the courage, determination, and love of country to serve in the uniformed services beyond any required service or normal tour of duty, and certainly at an age older than most soldiers.

TSOs, however, are not statutorily protected against dismissal from their jobs upon return from military service. In the aftermath of 9/11, when Congress moved with lightening speed to strengthen the safety of air travel, we provided the Transportation Security Administration with the broad authority it would need to hire and deploy

tens of thousands of new workers in a matter of weeks. TSOs became a select category of federal employees who were considered vital to the national security, and because of the unusual circumstances and broad authority given to TSA, they were exempted from many labor laws.

The Aviation and Transportation Security Act, ATSA, passed in November 2001, gives the TSA Administrator authority over all terms and conditions of a TSO's employment. Specifically, Section 111(d) of ATSA states: ''notwithstanding any other provision of law, the Undersecretary for Transportation Security may employ, appoint, discipline, terminate, and fix terms and conditions of employment . . . as the Undersecretary determines to be necessary.''

The Transportation Security Administration employs 3,500 reservists and another 15,000 veterans. The agency frequently recruits veterans, reservists, and members of the National Guard and benefits from their employment. We should make it easier for TSA to attract the best and brightest to its ranks, by ensuring these men and women have the job protections they need and deserve.

TSA has said that it complies administratively and voluntarily with USERRA. But without the force of law, reservists and National Guard members cannot count on redress if they believe TSA has violated USERRA.

According to The Veterans of Foreign Wars, at least two TSOs so far have tried to appeal TSA actions based on perceived violations of USERRA. Both were thwarted in their efforts when the Office of Special Counsel and the Merit System Protection Board ruled that Section 111(d) of ATSA bars TSOs from USERRA coverage.

TSOs find themselves in a clearly unjust and inadvertent position. Therefore, the legislation my colleagues and I are introducing today would simply require TSA to comply with USERRA, providing TSOs the statutory protection of reemployment to which every other type of worker, in the private or public sectors, is eligible.

I ask my colleagues for their support to right this unintentional wrong.

Mr. President, I ask unanimous consent that the text of the bill be printed into the Record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1990

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

SECTION 1. APPLICABILITY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT TO THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note; Public Law 107–71) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding''; and

(2) by adding at the end the following:

''(2) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 270 days after the date of the enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1462. Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004.

SA 1463. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

TEXT OF AMENDMENTS

SA 1462. Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004; as follows:

On page 6, line 19, strike ''and'' and insert ''expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The''.

On page 10, line 9, strike ''continue to''.

SA 1463. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Annual report on hiring of National Security Education Program participants.
Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
Sec. 305. Preparation of nuclear proliferation assessment statements.
Sec. 306. Cost estimates.
Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 309. Enhanced procurement authority to manage supply chain risk.
Sec. 310. Burial allowance.
Sec. 311. Modification of certain reporting requirements.
Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.
Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.
Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.
Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.
Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 411. Acceptance of gifts.
Sec. 412. Foreign language proficiency requirements for Central Intelligence Agency officers.
Sec. 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency.
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Subtitle C—National Security Agency

Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.
Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.
Sec. 434. Report on training standards of defense intelligence workforce.

TITLE V—OTHER MATTERS

Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
Sec. 502. Sense of Congress regarding integration of fusion centers.
Sec. 503. Strategy to counter improvised explosive devices.
Sec. 504. Sense of Congress regarding the priority of railway transportation security.
Sec. 505. Technical amendments to the National Security Act of 1947.
Sec. 506. Technical amendments to title 18, United States Code.
Sec. 507. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2012, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1892 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

(c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE CLASSIFIED ANNEX.—In addition to any other purpose authorized by law, the Director of the Federal Bureau of Investigation may expend funds authorized in this Act as specified in the Federal Bureau of Investigation Policy Implementation section of the classified annex accompanying this Act.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2012 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

(1) in a student program, trainee program, or similar program;

(2) in a reserve corps or as a reemployed annuitant; or

(3) in details, joint duty, or long-term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012 the sum of $576,393,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2013.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 777 full-time or full-time equivalent personnel as of September 30, 2012. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2012 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2013.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2012, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY EDUCATION PROGRAM PARTICIPANTS.

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

''(A) convert competitive service positions, and the incumbents of such positions, within

an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

''(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

''(3) In this subsection, the term 'covered department' means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.''.

SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

''(w) NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.''.

SEC. 306. COST ESTIMATES.

(a) IN GENERAL.—Section 506A of the National Security Act of 1947 (50 U.S.C. 415a–1) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following new subparagraph:

''(B) For major system acquisitions requiring a service or capability from another acquisition or program to deliver the end-to-end functionality for the intelligence community end users, independent cost estimates shall include, to the maximum extent practicable, all estimated costs across all pertinent elements of the intelligence community. For collection programs, such cost estimates shall include the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program. If such costs for processing, exploitation, dissemination, and storage are scheduled to be executed in other elements of the intelligence community, the independent cost estimate shall identify and annotate such costs for such other elements accordingly.''; and

(2) in subsection (e)(2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) in subparagraph (A), as so designated, by striking ''associated with the acquisition of a major system,'' and inserting ''associated with the development, acquisition, procurement, operation, and sustainment of a major system across its proposed life cycle,''; and

(C) by adding at the end the following:

''(B) In accordance with subsection (a)(2)(B), each independent cost estimate shall include all costs required across elements of the intelligence community to develop, acquire, procure, operate, and sustain the system to provide the end-to-end intelligence functionality of the system, including—

''(i) for collection programs, the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program; and

''(ii) costs for processing, exploitation, dissemination, and storage scheduled to be executed in other elements of the intelligence community.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506H the following new section:

''SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

''SEC. 506I. (a) IN GENERAL.—The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

''(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

''(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

''(b) UPDATES.—Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.''.

(2) INITIAL UPDATE.—The initial update required by section 506I(b) of such Act, as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 10 U.S.C. 801 note).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506H the following new item:

''Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.''.

SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REQUIREMENT FOR NOTIFICATION.—The President shall submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other foreign country or to a freely associated State the following information:

(1) The name of the individual to be transferred or released.

(2) The country or the freely associated State to which such individual is to be transferred or released.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(4) The agencies or departments of the United States responsible for ensuring that the agreement described in paragraph (3) is carried out.

(b) DEFINITION.—In this section, the term ''freely associated States'' means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this section shall be construed to supersede or otherwise affect the following provisions of law:

(1) Section 1028 of the National Defense Authorization Act for Fiscal Year 2012.

(2) Section 8120 of the Department of Defense Appropriations Act, 2012.

SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means any element of the intelligence community other than an element within the Department of Defense.

(2) COVERED ITEM OF SUPPLY.—The term ''covered item of supply'' means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) COVERED PROCUREMENT.—The term ''covered procurement'' means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) COVERED PROCUREMENT ACTION.—The term ''covered procurement action'' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in

accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) COVERED SYSTEM.—The term ''covered system'' means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) SUPPLY CHAIN RISK.—The term ''supply chain risk'' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) AUTHORITY.—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) SAVINGS.—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

(g) SUNSET.—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

SEC. 310. BURIAL ALLOWANCE.

(a) AUTHORIZATION TO PROVIDE.—

(1) IN GENERAL.—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

(2) DESCRIPTION.—A decedent described in this paragraph is an individual—

(A) who served as a civilian officer or employee of such an agency or department;

(B) who died as a result of an injury incurred during such service; and

(C) whose death—

(i) resulted from hostile or terrorist activities; or

(ii) occurred in connection with an intelligence activity having a substantial element of risk.

(b) USE OF BURIAL ALLOWANCE.—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

(c) AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.—A burial allowance paid under subsection (a) shall be—

(1) in an amount not greater than—

(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

(B) the actual costs of transportation referred to in subsection (b); and

(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.

SEC. 311. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 1041(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 403–1b(b)) is amended by striking paragraphs (3) and (4).

(b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 904(d)(1) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is amended by striking ''on an annual basis''.

(c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking ''reports referred to in subsections (a) and (b)'' and inserting ''report referred to in subsection (a)''.

(d) REPORT ON TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.—Paragraph (3)(D) of section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)), as amended by section 306 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2661), is amended by striking ''The'' and inserting ''For each of the fiscal years 2010, 2011, and 2012, the''.

SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANALYSIS CONDUCTED BY THE INTELLIGENCE COMMUNITY.

(a) REVIEW.—The Director of National Intelligence shall direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the intelligence community during the 12 month period beginning on the date of the enactment of this Act.

(b) RECOMMENDATIONS.—Not later than 15 months after the date of the enactment of this Act, the Director of the National Intelligence shall submit to the congressional intelligence committees—

(1) a report on the results of the review conducted under subsection (a); and

(2) any actions taken by the Director to implement the recommendations, if any, of the Director's Senior Advisory Group based on such results.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

(a) CONSULTATION.—The Director of National Intelligence shall consult with the heads of the Federal land management agencies on the appropriate actions the intelligence community can take to assist such agencies in responding to the threat from covered entities that are currently or have previously used public lands in the United States to further the operations of such entities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the consultation under subsection (a). Such report shall include—

(1) an assessment of the intelligence community collection efforts dedicated to covered entities, including any collection gaps or inefficiencies; and

(2) an assessment of the ability of the intelligence community to assist Federal land management agencies in identifying and protecting public lands from illegal drug grows and other activities and threats of covered entities, including through the sharing of intelligence information.

(c) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means an international drug trafficking organization or other actor involved in drug trafficking generally.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' includes—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; and

(E) the Bureau of Reclamation of the Department of the Interior.

(3) PUBLIC LANDS.—The term ''public lands'' means land under the management of a Federal land management agency.

SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORTING REQUIREMENTS TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

For each of the fiscal years 2010, 2011, and 2012, the requirements of section 3515 of title 31, United States Code, to submit an audited financial statement shall not apply to the Office of the Director of National Intelligence if the Director of National Intelligence determines and notifies Congress that audited financial statements for such years for such Office cannot be produced on a cost-effective basis.

SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h) is amended by adding at the end the following new subsection:

''(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.''.

SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMATION OFFICER IN THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Chief Information Officer, Small Business Administration the following new item:

''Chief Information Officer of the Intelligence Community.''.

SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

''(1) in the matter preceding subparagraph (A), by substituting 'an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),' for 'such Executive agency'; and

''(2) in subparagraph (A), by substituting 'the intelligence community' for 'such agency'.''.

Subtitle B—Central Intelligence Agency

SEC. 411. ACCEPTANCE OF GIFTS.

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403l(a)) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by striking the second and third sentences and inserting the following:

''(2) Any gift accepted under this section (and any income produced by any such gift)—

''(A) may be used only for—''

''(i) artistic display;

''(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

''(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

''(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

''(3) An individual described in this paragraph is an individual who—

''(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

''(i) resulted from hostile or terrorist activities;

''(ii) occurred in connection with an intelligence activity having a significant element of risk; or

''(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

''(B) is a family member of such an employee or former employee; or

''(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

''(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

''(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).''; and

(2) by adding at the end the following new subsection:

''(f) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

''(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

''(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.''.

SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY OFFICERS.

(a) IN GENERAL.—Section 104A(g) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ''in the Directorate of Intelligence career service or the National Clandestine Service career service'' after ''an individual'';

(ii) by inserting ''or promoted'' after ''appointed''; and

(iii) by striking ''individual—'' and inserting ''individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.'';

(B) by striking subparagraphs (A) and (B); and

(2) in paragraph (2), by striking ''position or category of positions'' both places that term appears and inserting ''position, category of positions, or occupation''.

(b) EFFECTIVE DATE.—Section 611(b) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 50 U.S.C. 403–4a note) is amended—

(1) by inserting ''or promotions'' after ''appointments''; and

(2) by striking ''that is one year after the date''.

(c) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence—

(A) by striking ''positions'' and inserting ''individual waivers''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service''; and

(2) in the second sentence, by striking ''position or category of positions'' and inserting ''position, category of positions, or occupation''.

(d) REPORT ON TRANSFERS.—Not later than 45 days after the date of the enactment of this Act, and on an annual basis for each of the following 3 years, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the number of Senior Intelligence Service employees of the Agency who—

(1) were transferred during the reporting period to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine Service career service; and

(2) did not meet the foreign language requirements specified in section 104A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)(1)) at the time of such transfer.

SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new subsection:

''(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency's publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.''.

SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION.

(a) FINDINGS.—Congress finds the following:

(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks

against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ''the central front in our enduring struggle against terrorism and extremism''.

(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ''Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.''.

(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

(11) President Obama said, ''For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community's capabilities and teamwork;

(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).

SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF THE INSPECTOR GENERAL.

(a) STUDY.—The Inspector General of the Office of Personnel Management, in consultation with the Inspector General of the Central Intelligence Agency, shall carry out a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the Central Intelligence Agency. Such study shall include—

(1) identification of any barriers or disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the Central Intelligence Agency; and

(2) a comparison of the personnel authorities of the Inspector General of the Central Intelligence Agency with personnel authorities of Inspectors General of other agencies and departments of the United States, including a comparison of the benefits available to experienced investigators within the Office of the Inspector General of the Central Intelligence Agency with similar benefits available within the offices of Inspectors General of such other agencies or departments.

(b) RECOMMENDATIONS.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Office of Personnel Management shall submit to the congressional intelligence committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(1) a report on the results of the study conducted under subsection (a); and

(2) any recommendations for legislative action based on such results.

(c) FUNDING.—Of the funds authorized to be appropriated by this Act, the Director of National Intelligence shall transfer to the Inspector General of the Office of Personnel Management such sums as may be necessary to carry out this section.

Subtitle C—National Security Agency

SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECURITY AGENCY SECURITY PERSONNEL.

(a) AUTHORITY TO TRANSPORT APPREHENDED PERSONS.—Paragraph (5) of section 11(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

''(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).''.

(b) CONFORMING AMENDMENT RELATING TO TORT LIABILITY.—Paragraph (1) of section 11(d) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) transport an individual pursuant to subsection (a)(2).''.

Subtitle D—Other Elements

SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AS ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(K) of the National Security Act of 1947 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

''(K) The Office of Intelligence and Analysis of the Department of Homeland Security.''.

SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPATION IN THE DEPARTMENT OF JUSTICE LEAVE BANK.

Subsection (b) of section 6372 of title 5, United States Code, is amended to read as follows:

''(b)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

''(2) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation may authorize an individual employed by the Bureau to participate in a leave bank program administered by the Department of Justice under this subchapter if in the Director's judgment such participation will not adversely affect the protection of intelligence sources and methods.''.

SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

''§ 429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority

''(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of Defense may transfer appropriations of the Department of Defense which are available for the activities of Defense intelligence elements to an account or accounts established for receipt of such transfers. Each such account may also receive transfers from the Director of National Intelligence if made pursuant to Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), and transfers and reimbursements arising from transactions, as authorized by law, between a Defense intelligence element and another entity. Appropriation balances in each such account may be transferred back to the account or accounts from which such appropriations originated as appropriation refunds.

''(b) RECORDATION OF TRANSFERS.—Transfers made pursuant to subsection (a) shall be recorded as expenditure transfers.

''(c) AVAILABILITY OF FUNDS.—Funds transferred pursuant to subsection (a) shall remain available for the same time period and for the same purpose as the appropriation from which transferred, and shall remain subject to the same limitations provided in the act making the appropriation.

''(d) OBLIGATION AND EXPENDITURE OF FUNDS.—Unless otherwise specifically authorized by law, funds transferred pursuant to subsection (a) shall only be obligated and expended in accordance with chapter 15 of title 31 and all other applicable provisions of law.

''(e) DEFENSE INTELLIGENCE ELEMENT DEFINED.—In this section, the term 'Defense intelligence element' means any of the Department of Defense agencies, offices, and elements included within the definition of 'intelligence community' under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

''429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority.''.

SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE INTELLIGENCE WORKFORCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committee on Armed Services of the Senate a report on the training standards of the defense intelligence workforce. Such report shall include—

(1) a description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and

(2) an assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.

(b) DEFINITIONS.—In this section:

(1) DEFENSE INTELLIGENCE COMPONENTS.—The term ''defense intelligence components'' means—

(A) the National Security Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office;

(E) the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps; and

(F) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(2) DEFENSE INTELLIGENCE WORKFORCE.—The term ''defense intelligence workforce'' means the personnel of the defense intelligence components.

TITLE V—OTHER MATTERS

SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE OF UNMANNED AERIAL VEHICLES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with the Director of National Intelligence, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) STRATEGY.—

(1) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

(2) CONTENTS.—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) REPORT AND IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(6) (50 U.S.C. 401a(6)), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(2) in section 506(b) (50 U.S.C. 415a(b)), by striking ''Director of Central Intelligence.'' and inserting ''Director of National Intelligence.''; and

(3) in section 506A(c)(2)(C) (50 U.S.C. 415a–1(c)(2)(C), by striking ''National Foreign Intelligence Program'' both places that term appears and inserting ''National Intelligence Program''.

SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 351(a) of title 18, United States Code, is amended—

(1) by inserting ''the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence,'' after ''in such department,''; and

(2) by striking ''Central Intelligence,'' and inserting ''the Central Intelligence Agency,''.

SEC. 507. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 14, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 14, 2011, at 9:45 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Alternative Energy Tax Incentives: The Effect of Short-Term Extensions on Alternative Technology Investment, Domestic Manufacturing, and Jobs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., to hold a European Affairs subcommittee hearing entitled, ''The State of Human Rights and the Rule of Law in Russia: U.S. Policy Options.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on December 14, 2011, at 9:30 a.m., to conduct a hearing entitled ''Examining Investor Risks in Capital Raising.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BARRASSO. Mr. President, I ask unanimous consent that Clay Robbins, who is an intern serving in the office of Senator MERKLEY, the Presiding Officer, have the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent that my legislative fellows, Erin Boyd and Sharon Hessney, be given the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 380, 411, 458, and 459; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Barry L. Bruner
Rear Adm. (lh) Jerry K. Burroughs
Rear Adm. (lh) James D. Cloyd
Rear Adm. (lh) Michael T. Franken
Rear Adm. (lh) Bradley R. Gehrke
Rear Adm. (lh) Robert P. Girrier
Rear Adm. (lh) Paul A. Grosklags
Rear Adm. (lh) Sinclair M. Harris
Rear Adm. (lh) Margaret D. Klein
Rear Adm. (lh) Richard B. Landolt
Rear Adm. (lh) Brian L. Losey
Rear Adm. (lh) William F. Moran
Rear Adm. (lh) Troy M. Shoemaker
Rear Adm. (lh) Dixon R. Smith
Rear Adm. (lh) Robert L. Thomas, Jr.

IN THE COAST GUARD

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

RDML David R. Callahan

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Kurt B. Hinrichs

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Captain Mark E. Butt
Captain Linda L. Fagan
Captain Thomas W. Jones
Captain Steven D. Poulin
Captain James E. Rendon
Captain Joseph A. Servidio

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—CALENDAR NO. 337

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow morning, Thursday, December 15, the Senate proceed to executive session to consider Calendar No. 337; that there be 30 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate resume legislative session, and at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate return to executive session, resume consideration of the nomination, and there be an additional 2 minutes for debate, equally divided in the usual form prior to a vote on Calendar No. 337; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As the Chair knows, Calendar No. 337 is Morgan Christen of Alaska.

REAUTHORIZING THE BELARUS DEMOCRACY ACT OF 2004

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 515 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1462

Mr. REID. Mr. President, I ask unanimous consent that the Kerry amendment No. 1462 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1462) was agreed to, as follows:

On page 6, line 19, strike ''and'' and insert ''expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The''.

On page 10, line 9, strike ''continue to''.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 515), as amended, was passed, as follows:

H.R. 515

Resolved, That the bill from the House of Representatives (H.R. 515) entitled ''An Act to reauthorize the Belarus Democracy Act of 2004.'', do pass with the following amendments:

[1]On page 6, line 19, strike ''and'' and insert ''*expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The*''.

[2]On page 10, line 9, strike ''continue to''.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 161.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise today in support of the Senate's passage of the Intelligence Authorization Act of Fiscal Year 2012. I understand that the House of Representatives intends to consider this legislation on the suspension calendar later this week, so it should be enacted prior to the end of this session.

This will be the third time in less than 15 months that the Congress will enact an intelligence authorization bill—including bills for fiscal years 2010, 2011, and 2012—after a 6 year hiatus in passing such legislation. What this means is that Congress, through the Senate and House Intelligence Committees, is restoring oversight over the intelligence community and fulfilling our responsibility to thoroughly examine intelligence policies and budgets.

Unlike the last two authorization bills, this bill was completed contemporaneously with, instead of after, the appropriations process that funds intelligence efforts. The classified annex to this legislation authorizes appropriations for intelligence activities and has helped guide the work of the appropriations committees as they considered intelligence spending. The days when the intelligence community can bypass the intelligence committees and deal solely with the appropriations committees are over.

Since receiving the President's budget request for the intelligence community in February, the Intelligence Committee has recognized that the massive increase in intelligence spending over the past decade has come to an end. Our original bill, reported to the Senate in August of this year, reduced intelligence spending below the President's request. Since then, we have worked closely with the House Intelligence Committee, the Senate Appropriations Committee, and the executive branch to reflect the spending reductions set in the Budget Control Act of 2011. The legislation we are approving today keeps funding for intelligence essentially flat from fiscal year 2011, representing the a meaningful reduction from the President's request.

As we look to 2013, many more difficult decisions will need to be made to make further reductions to intelligence spending. It is my belief that real reductions in intelligence spending can be accomplished without sacrificing capability, but this will require a rigorous review and the executive branch being more forthcoming than it has been to date about where it believes cuts are possible.

Of course, the bill also provides significant legislative provisions to give the intelligence community the authorities and flexibilities it needs to continue protecting our national security and providing policymakers the information they need to make foreign policy and security decisions; and other provisions for the effective and appropriate functioning of our intelligence apparatus.

I note that passage of the last intelligence authorization bill occurred shortly after the strike leading to the death of Usama bin Laden in Abbottabad, Pakistan. Since then, the intelligence community has had continued success in tracking and removing terrorist threats to the United States. Senior leaders and commanders of al-Qaida, including all of its affiliate groups as well as militant organizations involved in the Afghan war, have been removed from the fight, and terrorist plots and plotting have been disrupted. Among them, a plot to kill the Saudi Ambassador to the United States was thwarted due to the skillful and cooperative efforts of the FBI, DEA, CIA, and others.

Intelligence has factored into significant policy decisions and U.S. actions, including with respect to interdicting the proliferation of weapons, setting economic sanctions, protecting ISAF forces in Afghanistan, blocking cyber attacks against our government and certain critical infrastructure companies, and contributing to the NATO effort in Libya.

It is my hope that the provisions in this bill will continue to aid the intelligence community as it conducts its missions; ensure better stewardship of taxpayer dollars; and support its thousands of civilians and military employees.

Among other things, this bill includes: A section that provides for burial allowances for intelligence employees killed in the line of duty, similar to those for members of the U.S. military; New procurement authorities that enable intelligence agencies to protect against supply chain risk to information technologies; a measure authorizing new accounts at the Department of Treasury that will enable defense intelligence agencies to become financially auditable; Provisions that strengthen congressional oversight of the transfer of detainees from Guantanamo Bay; a section that will improve the accuracy of intelligence community cost estimates; and Provisions that provide the Director of National Intelligence with needed personnel management authorities.

As I noted, the bill contains a 275-page classified schedule and annex that authorizes intelligence funding and implements the committee's oversight findings over the past year. That annex is available to all Senators in the intelligence committee's offices.

Mr. President, let me note my sincere appreciation for the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, throughout the legislative process. He and his staff—in particular Martha Scott Poindexter and Jacqueline Russell—have continued the bipartisan approach that the committee followed in the last Congress, and we have together agreed to every provision in the bill.

As can be imagined, it has taken enormous effort to produce a third bill in such a short time frame. I sincerely thank the efforts of the staff to review the President's requested funding levels and legislative provisions, to draft legislation, and to negotiate a final product. In particular, I thank Lorenzo Goco, the Deputy Staff Director who has overseen the legislative efforts, Michael Davidson, the general counsel of the Senate Intelligence Committee until this past Labor Day, and Christine Healey, who has carried the load of the legislative work throughout and who replaced Mr. Davidson as general counsel. I also extend my appreciation for the work of Eric Losick and Mike Buchwald, majority counsel on the Committee, and Jack Livingston and Kathleen Rice, the minority counsel.

Similarly, the Committee's budget staff has worked diligently and expertly in their preparation of the classified annex to this bill and in working with intelligence agencies to understand and guide their efforts. I thank the committee's budget director, Peggy Evans, and the budget staff through this period: Hayden Milberg, Randy Bookout, Andrew Kerr, John Dickas, Paul Matulic, Matt Pollard, Amy Hopkins, Jamal Ware, Iram Ali, Jeffrey Howard, Andy Grotto, Jim Smythers, Brian Miller, Eric Chapman, John Maguire, Tyler Stephens, Evan Gottesman, Brian Walsh, Ryan Tully, and Christian Cook.

I also appreciate the work and relationship with Chairman ROGERS and Ranking Member RUPPERSBERGER of the House Permanent Select Committee on Intelligence. The version of the legislation approved today builds on the House legislation, and our two committees have consulted closely throughout this process. We held a joint open hearing on the tenth anniversary of the September 11, 2011, attacks and I look forward to continuing to work together next year to enact the fiscal year 2013 intelligence authorization bill.

Let me also note my appreciation for two other Senate committees. The Senate Appropriations Subcommittee on Defense has closely followed our authorizations as it drafted its appropriations bill. This underscores the work done in our bill, and limits to a minimum the cases where the authorization and appropriations levels do not match.

We have also worked over the past week with the Senate Armed Services Committee to include language in the classified annex to this bill concerning the Military Intelligence Program and a military construction program authorized for the National Security

Agency. The Armed Services Committee and the Intelligence Committee both exercise jurisdiction over military construction projects with intelligence funding; in this instance, the two committees have both included authorizations for the High Performance Computing Center II, and have jointly agreed to the language included in this annex.

Finally, Mr. President, I note that while there is no committee report or conference report associated with the text that we are approving today, the Intelligence Committee issued a report to accompany the bill it reported to the Senate in August. As the legislation has changed since House passage of its authorization bill and consideration today of this amendment, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the legislation so as to provide for the legislative history needed to explain the authors' intent and better clarify the effects of the provisions included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

For purposes of the legislative history of the Intelligence Authorization Act for Fiscal Year 2012, the Managers Amendment we will pass today is an amendment in the nature of a substitute to H.R. 1892. In large measure, the legislative text of H.R. 1892 and this Managers Amendment follows the legislative text of S. 1458, reported from the Select Committee on Intelligence on August 1, 2011, Report No. 112–43. The Managers Amendment also includes a classified Schedule of Authorizations and annex; this is a modified version of the classified Schedule and annex that were passed by the House of Representatives. They have been made available to the Executive Branch and appropriate congressional committees. The report language in the annex should be understood to represent congressional intent where reference is made to the Committee.

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2012.

Section 102. Classified Schedule of Authorizations

Section 102(a) provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels for Fiscal Year 2012 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. Section 102(b) provides that the President shall not publicly disclose the classified Schedule except as provided in Section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the extent necessary to implement the budget; or as otherwise required by law. Section 102(c) authorizes the Director of the Federal Bureau of Investigation (FBI) to expend funds authorized in the Act for a purpose further described in the classified annex.

Section 103. Personnel Ceiling Adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community. Section 103(a) provides that the DNI may authorize employment of civilian personnel (expressed as full-time equivalent positions) in Fiscal Year 2012 in excess of the number of authorized full-time equivalent positions by an amount not exceeding 3 percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 103(b) provides additional flexibility when the heads of Intelligence Community elements determine that work currently performed by contract personnel should be performed by government employees. It does so by authorizing the DNI to authorize employment of additional full-time equivalent personnel in a number equal to the number of full-time equivalent contract personnel currently performing that work. Under this section, any exercise of this authority should be implemented in accordance with a plan that includes adequate support for personnel. It is intended that the exercise of this authority should result in an actual reduction of the number of contract personnel and not a shift of resources to hire other contract personnel.

The DNI must report the decision to allow an Intelligence Community element to exceed the personnel ceiling or to convert contract personnel under Section 103(a) and (b) in advance to the congressional intelligence committees.

During consideration of the Fiscal Year 2008 request, the congressional intelligence committees learned that practices within different elements of the Intelligence Community on the counting of personnel with respect to legislatively-fixed ceilings were inconsistent, and included not counting certain personnel at all against personnel ceilings. The committees requested that the Intelligence Community Chief Human Capital Officer ensure that by the beginning of Fiscal Year 2010 there would be a uniform and accurate method of counting all Intelligence Community employees under a system of personnel levels expressed as full-time equivalents. The committees also expressed their view that the DNI express the personnel levels for civilian employees of the Intelligence Community as full-time equivalent positions in the congressional budget justifications for Fiscal Year 2010. The DNI has done so. In addition, the DNI has issued a policy to ensure a uniform method for counting Intelligence Community employees. Subsection (c) confirms in statute the obligation of the DNI to establish these guidelines.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized full-time equivalent personnel levels for the elements within the ICMA for Fiscal Year 2012.

Subsection (a) authorizes appropriations of $576,393,000 for Fiscal Year 2012 for the activities of the ICMA. Subsection (b) authorizes 777 full-time or full-time equivalent personnel for elements within the ICMA for Fiscal Year 2012 and provides that such personnel may be permanent employees of the Office of the Director of National Intelligence (ODNI) or detailed from other elements of the United States Government.

Subsection (c) authorizes additional appropriations and full-time equivalent personnel for the classified Community Management Account as specified in the classified Schedule of Authorizations and permits the funding for advanced research and development to remain available through September 30, 2013.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2012 for the Central Intelligence Agency (CIA) Retirement and Disability Fund. For Fiscal Year 2011, Congress authorized $292,000,000. While that level was consistent with prior authorizations, it did not fully fund, as prior authorizations had not fully funded, the obligations of the Fund. The Fiscal Year 2012 increase is based on the Administration's determination, which the congressional intelligence committees support, that the obligations of this retirement and disability system should be fully funded.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302. Restriction on conduct of intelligence activities

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303. Annual report on hiring of National Security Education Program participants

Section 303 requires a report not later than 90 days after the end of the fiscal years 2012, 2013, and 2014, by the head of each element of the Intelligence Community on the number of personnel hired by such element during such fiscal year who were at any time recipients of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 USC 1901 et seq.). The report may be in classified form.

Section 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community

Section 304 adds a subsection to Section 102A of the National Security Act of 1947 to promote the ability to manage all the elements of the Intelligence Community as a single cohesive community. The new Subsection 102A(v) enables the DNI, with the concurrence of the head of the covered department concerned and in coordination with the Director of the Office of Personnel Management (OPM), to convert competitive service positions within an Intelligence Community element of the covered department to excepted positions and to establish new positions in the excepted service within an Intelligence Community element of a covered department. Under Section 304, an incumbent occupying a position on the date of enactment selected to be converted to the excepted service shall have the right to refuse the conversion. Once such individual no longer occupies the position, the position may be converted.

Because of their unique intelligence, investigative and national security missions, most Intelligence Community elements are in the excepted civil service. However, civilian employees in several smaller Intelligence Community elements are still covered under competitive service rules. The ability to convert those positions to the excepted service

will enable the Intelligence Community to maintain a system throughout the Intelligence Community that is responsive to the needs of the Intelligence Community both for secrecy and the ability to quickly respond to personnel requirements. The DNI has requested a similar authority in the past. Under Section 304, the covered departments are the Department of Energy, the Department of Homeland Security, the Department of State, and the Department of the Treasury.

Although new positions in the excepted service may be created within an element of the Intelligence Community within the covered departments under this authority, the personnel ceilings referred to in Section 102(a) still apply to the number of personnel in an element. It is not intended for this conversion authority to be used to increase the number of full-time equivalent personnel in an intelligence element above the applicable personnel ceilings.

Section 305. Preparation of nuclear proliferation assessment statements

As set forth in the Atomic Energy Act, the United States may enter into a Civilian Nuclear Agreement (or ''123 Agreement'') with another nation or multinational organization. After negotiating the terms of the 123 Agreement, the Administration submits the terms to Congress for review along with a Nuclear Proliferation Assessment Statement (NPAS). Under current law, the NPAS is drafted by the State Department, in consultation with the Director of Central Intelligence; the Act has not been amended to reflect the establishment of the Director of National Intelligence. In multiple reports, the Government Accountability Office has identified various problems with this process, including insufficient time for consultation with the Intelligence Community, a lack of adequate formal interagency guidance for NPAS development, and ambiguity as to whether Intelligence Community comments were fully incorporated into the final NPAS. Section 305 is a modification of Section 305 of S. 1458 as reported from the Senate Intelligence Committee and is intended to clarify the role of the DNI and the Intelligence Community in the NPAS process.

Section 305 amends the National Security Act of 1947 to require the DNI, in consultation with the heads of the appropriate elements of the Intelligence Community and the Secretary of State, to provide an addendum to each NPAS accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters. The DNI is to provide the addendum to the President, the congressional intelligence committees and the congressional foreign relations committees.

Section 306. Cost estimates

Section 306 amends Section 506A of the National Security Act of 1947 to require that independent cost estimates include all costs associated with a major system acquisition even when a service or capability to deliver end-to-end functionality will be provided by another Intelligence Community agency or element. This additional requirement in the preparation of the independent cost estimate will assist Congress and the Executive Branch in evaluating the full cost of an acquisition, including the costs to process, exploit, disseminate, and store the information such major systems collect. The amendments made by Section 306 become effective 180 days after enactment.

Section 307. Updates of intelligence relating to terrorism recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba

Section 307 provides for a regular unclassified summary of intelligence relating to recidivism of detainees formerly held at Guantanamo Bay to be made public by the DNI. Section 334 of the Intelligence Authorization Act for Fiscal Year 2010, Public Law 111–259, required the DNI, along with the Director of the CIA and the Director of the Defense Intelligence Agency, to make publicly available, on a one-time basis, an unclassified summary that includes the intelligence relating to former Guantanamo detainees. Under Section 319 of the Supplemental Appropriations Act of 2009, Public Law 111–32, the President is required to submit classified quarterly reports to Congress that include classified information about detainees' recidivist activities.

Section 307 amends the National Security Act of 1947 to require the semiannual updating of the Section 334 report, which is to include an unclassified summary of intelligence relating to recidivism of detainees currently or formerly held at Guantanamo Bay and an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations. The initial update shall be made publicly available not later than 10 days after the date that the first report following enactment is submitted to members and committees pursuant to Section 319 of the Supplemental Appropriations Act, 2009. The summary will be prepared by the DNI, in consultation with the Director of the CIA and the Director of the Defense Intelligence Agency, and will include the number of confirmed or suspected recidivists.

Section 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba

Section 308 requires the President to submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, the following information: (1) the name of the individual to be transferred or released; (2) the country or freely associated state to which the individual is to be transferred; (3) the terms of any agreement with the country or state for the acceptance of such individual, including the amount of any financial assistance related to such agreement; and (4) the agencies or departments of the United States responsible for ensuring the agreement is carried out.

Section 308 is a modification of Section 306 of S. 1458, which amended similar notification requirements found in Public Law 111–83, 123 Stat. 2178, and Public Law 111–88, 123 Stat. 2963. Section 308 requires the notification be at least 30 days, rather than 15 days, prior to transfer and requires information be provided concerning what agencies or departments of the United States, if any, are responsible for ensuring any agreement with the receiving country or state is carried out. Nothing in this section is to be construed to supersede or otherwise affect Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 or Section 8120 of the Department of Defense Appropriations Act, 2012.

Section 309. Enhanced procurement authority to manage supply chain risk

Section 309 authorizes the heads of those elements of the Intelligence Community outside the Department of Defense to take certain procurement actions under certain circumstances to reduce the risk that an adversary may sabotage, maliciously introduce unwanted functions, or otherwise subvert information systems so as to surveil, deny, disrupt or otherwise degrade them. Section 309 is based on Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

Section 309(a) defines the following terms: covered agency, covered item of supply, covered procurement, covered procurement action, covered system, and supply chain risk. The definitions of these terms are modifications of the definitions of these terms as found in Section 309 of S. 1458, to include specific references to appropriate provisions of existing law.

Under subsection (b), the head of a covered agency, in consultation with the DNI, is authorized to carry out a covered procurement action and limit the disclosure of information concerning the basis for such action. Covered procurement actions are subject to the conditions in subsection (c), including appropriate consultation with procurement officials within the covered agency and a determination made in writing that the use of the authority is necessary to protect national security. In addition, there must be a determination that less intrusive measures are not reasonably available. Where the head of the covered agency plans to limit disclosure of information relating to the basis for carrying out a covered procurement action, the risk to national security due to disclosing such information must outweigh the risk of not disclosing such information.

The head of the covered agency must give notice to the congressional intelligence committees of a determination to exercise this authority. Subsection (d) limits delegation of the authority to take a covered procurement action to no lower than the level of the service acquisition executive for the agency concerned. Subsection (e) provides that the authority under the section is in addition to any other authority under any other provision of law. The authority provided in Section 309 is not intended to alter or effect the exercise of any other provision of law, including other procurement authorities available to an intelligence agency head to protect the national security.

The requirements of Section 309 take effect 180 days after enactment and expire on the date that Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 expires, which will occur in January 2014.

Section 310. Burial allowances

Section 310 authorizes the head of a department or agency that contains an element of the Intelligence Community to pay a burial allowance to the estate of a civilian officer or employee of such department or agency who dies as the result of hostile or terrorist activities or intelligence activities having a substantial element of risk. The burial allowance is to reimburse the estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation. The amount of the burial allowance is not to be greater than the maximum reimbursable amount available to the uniformed services under Department of Defense Instruction 1344.08 or its successor, now set at $8,800, plus actual transportation costs, and is in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions of the classified annex accompanying this Act.

In addition, Section 310 requires the Director of the OPM, in consultation with the DNI and the Secretaries of Labor and Defense, to submit a report to Congress no later than 180 days after enactment on the feasibility of implementing legislation to provide for burial allowances at a level that adequately addresses the cost of burial expenses and provides for equitable treatment when any officer or employee of the federal government dies as the result of an injury sustained in the performance of official duties.

Section 311. Modification of certain reporting requirements

The Congress frequently requests information from the Intelligence Community in the

form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, however, can place a significant burden on the resources of the Intelligence Community. The congressional intelligence committees are therefore reconsidering these reporting requirements on a periodic basis to ensure that the reports that have been requested are the best mechanism for the Congress to receive the information it seeks. In some cases, annual reports can be replaced with briefings or notifications that provide the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, the congressional intelligence committees examined a set of recurring reporting requirements nominated by the Intelligence Community. Because the majority of recurring reports provide critical information relevant to challenges facing the Intelligence Community today, Section 311 eliminates or modifies only four statutory reporting requirements, all from past intelligence authorization acts or the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 312. Review of strategic and competitive analysis conducted by the intelligence community

Section 312 requires the DNI to direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the Intelligence Community during the 12 month period following enactment. Within 15 months of enactment, the Director shall submit to the congressional intelligence committees a report on the results of the review and any actions taken by the Director to implement the recommendations, if any, of the Senior Advisory Group based on such results.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Section 401. Intelligence community assistance to counter drug trafficking organizations using public lands

Section 401 requires the DNI to consult with the heads of the federal land management agencies on the appropriate actions the Intelligence Community can take to assist such agencies in responding to the threat from international drug trafficking organizations or other drug traffickers that are currently or have previously used public lands in the United States to further their operations. The DNI is to submit a report to the congressional intelligence and judiciary committees within 180 days of enactment on the results of this consultation.

Section 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence

Section 402 provides a limited grace period for the ODNI in meeting the requirements of 31 USC 3515 until Fiscal Year 2013. The DNI, in requesting this legislative provision, stated that the grace period will allow time for the implementation of system improvements as well as process changes in the financial management system currently supporting the ODNI. Together these efforts are intended to yield financial statements that meet the prescribed legal and audit standards.

Although the ODNI, under 31 USC 3515, is required to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year by March 1st, Section 369 of the Intelligence Authorization Act for Fiscal Year 2010, enacted on October 7, 2010, directs the DNI ''to develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.'' Section 402 will align the statutory requirement for auditability with the plan for achieving auditability set forth in the Fiscal Year 2010 Act.

Section 403. Public availability of information regarding the Inspector General of the Intelligence Community

Section 403 requires the DNI to establish and maintain on the publicly accessible ODNI website information relating to the Inspector General for the Intelligence Community including methods to contact the Inspector General. Section 403 is based on a similar requirement in Section 8L of the Inspector General Act, as added by the Inspector General Reform Act of 2008, 5 USC App., and is similar to Section 413, applicable to the CIA Inspector General. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 403 does not require that Inspector General reports and audits be posted on the publicly accessible website.

Section 404. Clarification of Status of Chief Information Officer in the Executive Schedule

Section 404 amends 5 USC 5315 to establish the salary level of the Chief Information Officer of the Intelligence Community at Level IV of the Executive Schedule, the level of other chief information officers in the federal government with comparable duties and responsibilities. The Chief Information Officer of the Intelligence Community is a position established in Section 103G of the National Security Act, added by Section 303 of Public Law 108–487, the Intelligence Authorization Act for Fiscal Year 2005, and amended by Section 404 of Public Law 111–259, the Intelligence Authorization Act for Fiscal Year 2010.

Section 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence

Section 405 permits the President to make temporary appointments to fill vacancies in offices within the ODNI that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with an individual who serves in another element of the Intelligence Community. A similar provision was requested by the DNI.

The Vacancies Act (5 USC 3345(a)(1)) provides that upon a vacancy in a Senate-confirmed position (1) the first assistant of the office may begin serving as the acting officer immediately and automatically upon the occurrence of the vacancy; (2) another officer who has already received Senate confirmation may be directed by the President to serve as the acting officer; and (3) certain other senior agency officials may be designated by the President to serve in an acting capacity. Given the relatively small size of the ODNI, the fact that a significant number of the personnel within the ODNI are on detail to the office from other elements of the Intelligence Community, and the fact that positions in the ODNI to which the Vacancy Act applies serve the entire Intelligence Community (such as the Director of the National Counterterrorism Center or the Inspector General for the Intelligence Community), an individual employed within the Intelligence Community but outside the ODNI may be best suited to fill a key leadership position temporarily.

Section 405 addresses this issue by expanding the President's choice for appointment under the third category of the Vacancies Act to include senior officials from any element of the Intelligence Community. Nothing in Section 401 modifies or precludes the utilization of sections 3345(a)(1) or (2) of title 5 to fill vacancies.

Subtitle B—Central Intelligence Agency

Section 411. Acceptance of gifts

Section 411 is a provision that arose out of the CIA's review of benefits available to the survivors of CIA employees killed in the line of duty following the December 2009 attack at Khowst, Afghanistan. The CIA concluded that the Director of the CIA did not have the authority under Section 12 of the CIA Act to accept and use gifts for purposes related to the welfare, education and recreation of those survivors. Under current law, the Director of the CIA may ''accept, hold, administer, and use gifts of money, securities and other property whenever the Director determines it would be in the interest of the United States . . . for purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes. . . .''

Section 411 amends Section 12 of the CIA Act to authorize the Director (or the Director's designee) both to accept gifts and to use them for the welfare of employees injured in the line of duty without legal concern whether those actions are for the general welfare of the CIA employee population as a whole. It also provides that gifts may be used for the assistance of the family of CIA officers who were injured or who died from hostile or terrorist activities or in connection with other intelligence activities having a substantial element of risk. Gifts for injured employees and their families or survivors are to be accepted by the CIA on behalf of the CIA employees concerned, and not directly by such employees or their family members. The Director is authorized to assign the gifts accepted under the new authority provided by this section to the CIA officers and their surviving family members.

Section 411 provides that any exercise of authority under Section 12, including the acceptance of gifts to provide for the general welfare, education, or recreation of the CIA employee population as a whole, shall be made according to regulations developed by the Director of the CIA in consultation with the Director of the Office of Government Ethics, consistent with all relevant ethical constraints and principles.

Section 412. Foreign language proficiency requirements for Central Intelligence Agency officers

Section 412 makes amendments in Section 104A(g) of the National Security Act of 1947 which imposes foreign language requirements on certain personnel within the CIA. Section 412 is intended to tie the need for foreign language skills to officers in occupations where foreign language ability is most important, rather than to specific positions, within the Directorate of Intelligence career service or the National Clandestine Service career service. It is intended to eliminate the need for the Director of the CIA to approve waivers for the promotion, appointment, or transfer of personnel such as attorneys or human resources officers for whom the requirement is not intended to apply. Section 412 sets the language proficiency at the objective level of level 3 on the Interagency Language Roundtable Language

Skills Level or a commensurate proficiency level.

Section 412 requires the Director of the CIA to provide a report within 45 days of enactment, and three subsequent annual reports, to the congressional intelligence committees on the number of personnel transferred to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine career service who did not meet the foreign language requirements of Section 104A(g). Section 412 also makes technical corrections to delete outdated references to the Directorate of Operations.

Section 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency

Section 413 requires the Director of the CIA to establish and maintain on the publicly accessible CIA website information relating to the CIA Inspector General including methods to contact the Inspector General. Section 413 is based on a similar requirement in the Inspector General Reform Act, 5 USC App. 8L, and is similar to Section 403. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 413 does not require that Inspector General reports and audits be posted on the publicly accessible website. Section 413 is based upon a request of the CIA Inspector General.

Section 414. Creating an official record of the Osama bin Laden operation

Section 414 makes findings concerning the raid of May 1, 2011, that killed terrorist leader Osama bin Laden in his compound in Abbottabad, Pakistan. Section 414 includes a statement of the sense of Congress that the events that transpired before, during, and as a result of the raid be memorialized to allow the United States to have an accurate account of these events in the future. Section 414 requires the Director of the CIA to provide to the congressional intelligence committees the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid not later than 90 days after its completion and to preserve any records, including intelligence information and assessments, used to generate this report.

Section 415. Recruitment of personnel in the Office of the Inspector General

Section 415 requires the Inspector General of the OPM, in consultation with the Inspector General of the CIA, to conduct a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the CIA. The study shall include identification of any barriers and disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the CIA. The study shall compare the personnel authorities of the CIA Inspector General with the personnel authorities of other federal Inspectors General, including a comparison of the benefits available to experienced investigators within the offices of other federal Inspectors General with those available to investigators within the Office of the CIA Inspector General. The OPM Inspector General is to submit the report to the congressional intelligence and homeland security committees not later than 120 days after enactment.

Subtitle C—National Security Agency

Section 421. Additional authorities for National Security Agency security personnel

Section 421 amends Section 11 of the National Security Agency Act of 1959 to authorize NSA security personnel to transport apprehended individuals from NSA premises to the custody of law enforcement officials. Under current law, when NSA security personnel apprehend an individual, they must wait with the individual until local law enforcement personnel arrive to complete the transfer of custody. This can require NSA personnel to wait, frequently for hours, often with the apprehended individual in a security vehicle, for the transfer to local law enforcement. According to the DNI, from 2004 to 2009, on 448 occasions, the apprehension of an individual engaged NSA personnel and transportation resources for over 2 hours.

Section 421 provides a limited expansion of authority for NSA security personnel to transport apprehended individuals to the custody of local law enforcement within 30 miles of NSA premises. This authority is to be used sparingly by NSA security personnel under a well-established regime of administrative controls and management oversight, and only with prior consent from the accepting jurisdiction.

Subtitle D—Other Elements

Section 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as an element of the intelligence community

Section 431 amends Section 3(4)(K) of the National Security Act of 1947 in order to include the Office of Intelligence and Analysis of the Department of Homeland Security within the term ''intelligence community'' for purposes of the Act. This provides for a more specific reference to the Office of Intelligence and Analysis, in addition to the intelligence element of the Coast Guard, that is part of the Intelligence Community, in the same manner as Congress has done in Section 3(4)(I) and (J) for the State and Treasury Department elements of the Intelligence Community.

Section 432. Federal Bureau of Investigation participation in the Department of Justice leave bank

Section 432 provides for participation of employees of the FBI in the Department of Justice's Voluntary Leave Bank Program. The Voluntary Leave Bank Program allows federal employees to donate to and to receive donations from a leave ''bank'' to cover absences necessitated by extraordinary medical conditions. Current law does not allow participation by FBI employees in the Department's program, although the FBI is part of the Department. While 5 USC 6372(c) would allow FBI to establish its own voluntary leave bank program, the Director of the FBI has determined that it would be more cost effective and efficient to allow FBI employees to participate in the larger Department of Justice program and has requested a legislative provision to accomplish this objective for the overall benefit of the Bureau and its personnel.

Under Section 432, the Director is to consider the protection of sources and methods in allowing for participation in the leave bank program. In providing for leave bank opportunities to cover absences necessitated by extraordinary medical conditions, it is intended that the Director consider any impact on operations of the Bureau when making a decision on whether to allow FBI employees to take part in the program.

Section 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense

Section 433 authorizes the Secretary of Defense to transfer defense appropriations available for the activities of the defense intelligence elements into an account or accounts established for receipt of such funds. These accounts may receive transfers and reimbursement from transactions, authorized by law, between the defense intelligence elements and other entities, and the DNI may also transfer funds into these accounts. Appropriations transferred pursuant to this section shall remain available for the same time period, and for the same purposes, as the appropriations from which funds were transferred. This section is intended to ensure improved auditing of defense intelligence appropriations.

Section 434. Report on training standards of defense intelligence workforce

Section 434 requires not later than 180 days after enactment the DNI and the Under Secretary of Defense for Intelligence to submit to the congressional intelligence and armed services committees a report on the training standards of the defense intelligence workforce. The report is to include a description of existing training, education, and professional development standards applied to the personnel of defense intelligence components, and an assessment of the ability to implement a certification program based on achievement of required training, education, and professional development standards.

TITLE V—OTHER MATTERS

Section 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico

Section 501 requires the Secretary of Homeland Security not later than 90 days after enactment to submit to the congressional intelligence and homeland security committees a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

Section 502. Sense of Congress regarding integration of fusion centers

Section 502 states that it is the sense of Congress that the Secretary of Homeland Security, in consultation with the DNI, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

Section 503. Strategy to counter improvised explosive devices

Section 503 requires the DNI and the Secretary of Defense to establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices. Not later than 120 days after enactment, the DNI and the Secretary of Defense are to submit a report containing the strategy to the congressional intelligence and armed services committees and implement such strategy.

Section 504. Sense of Congress regarding the priority of railway transportation security

Section 504 states that it is the sense of Congress that railway transportation security, including subway transit security, should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis of the Department of Homeland Security and included in threat assessment budgets of the Intelligence Community.

Section 505. Technical amendments to the National Security Act of 1947

Section 505 updates certain references in sections 3(6), 506(b) and 506A of the National Security Act of 1947 from the ''Director of Central Intelligence'' and the ''National Foreign Intelligence Program'' to the ''Director

of National Intelligence'' and the ''National Intelligence Program.''

Section 506. Technical amendments to Title 18, United States Code

Section 506 updates references in 18 USC 351(a) to the Director and Deputy Director of Central Intelligence and provides that the amended section includes the DNI, the Principal Deputy DNI, and the Director and Deputy Director of the CIA among officials covered by the provision.

Section 507. Budgetary effects

Section 507 states that the budget effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to join Chairman FEINSTEIN in thanking my colleagues for their support of the fiscal year 2012 Intelligence Authorization Act. Over the past several months, the committee has worked hard to resolve the final details of the bill and concerns raised by other committees and individual Members. The end result of this effort is a solid bill that ensures vigorous congressional oversight and provides needed authorities to the intelligence community.

Of course, the vast majority of what the committee authorized is classified, so I cannot discuss specifics. I can say that the classified annex is designed to improve the operations of the intelligence community—from counterterrorism and counterproliferation to the wars in Afghanistan and Iraq and everything in between.

This bill also implements fiscal discipline. Difficult economic times demand austerity, but cuts in this bill are specific and targeted to eliminate waste while preserving the critical work the intelligence community does to protect our country.

In the unclassified area—and one of great importance to me—we reached an agreeable compromise with the Administration that gives the committee the information we need about the transfer of Guantanamo Bay detainees. As the recidivism rate among former detainees rises over 27 percent, it is critical that the committee have full insight into the transfer and resettlement process. The vast majority of detainees are free when they are transferred, and this committee needs to know whether the countries charged with monitoring them are capable and willing to do so. Several provisions in this bill will help the committee do that.

The bill also addresses concerns from other committees with national security interests and from the House. As we go forward, I hope the committees of the Senate will do a better job of making sure that committees with oversight of national security issues get the information they need, without automatic objections based on perceived jurisdictional lines. Too often, the intelligence committee includes other committees on receipt of reports or other products, but does not get the same treatment in return. That's just not good for oversight or for fulfilling our responsibility to the American people.

I am also pleased that we were able to reach reasonable solutions for authorities requested by the intelligence community. The bill allows for the reimbursement of burial expenses for certain government employees who are killed as the result of hostile or terrorist activities or die in connection with a risky intelligence activity. In these difficult financial times, we worked hard to make sure that the provision is in line with benefits for the families of fallen soldiers and with the funeral costs generally paid by ordinary Americans. We also ensured that individuals in the same agency, like the FBI, are entitled to receive the same reimbursement. The bill also refines the administration of the CIA's foreign language proficiency requirements and allows for more flexible personnel management by the Director of National Intelligence.

I thank Chairman FEINSTEIN for her hard work and leadership in getting this bill through the Senate. I also thank the committee staff for once again showing their dedication and commitment to protecting the national security of this country.

Mr. REID. Mr. President, I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be agreed to; the motions to reconsider be laid upon the table, with no further intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1463) was agreed to.

The amendment is printed in today's RECORD under ''Text of Amendments.''

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 1892), as amended, was read the third time and passed.

APPOINTMENT

THE PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110–315, the appointment of the following to be a member of the National Advisory Committee on Institutional Quality and Integrity: Ms. Jill Derby of Nevada, vice Daniel Klaich of Nevada.

ORDERS FOR THURSDAY, DECEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 15, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 3630

Mr. REID. Mr. President, I understand that H.R. 3630 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

Mr. REID. I now object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

PROGRAM

Mr. REID. Mr. President, we expect to consider the DOD authorization conference report tomorrow. We also expect to consider the House Republican payroll tax cut bill or some version thereof.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:10 p.m., adjourned until Thursday, December 15, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 2011:

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) BARRY L. BRUNER
REAR ADM. (LH) JERRY K. BURROUGHS
REAR ADM. (LH) JAMES D. CLOYD
REAR ADM. (LH) MICHAEL T. FRANKEN
REAR ADM. (LH) BRADLEY R. GEHRKE
REAR ADM. (LH) ROBERT P. GIRRIER
REAR ADM. (LH) PAUL A. GROSKLAGS
REAR ADM. (LH) SINCLAIR M. HARRIS
REAR ADM. (LH) MARGARET D. KLEIN
REAR ADM. (LH) RICHARD B. LANDOLT

REAR ADM. (LH) BRIAN L. LOSEY
REAR ADM. (LH) WILLIAM F. MORAN
REAR ADM. (LH) TROY M. SHOEMAKER
REAR ADM. (LH) DIXON R. SMITH
REAR ADM. (LH) ROBERT L. THOMAS, JR.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RDML DAVID R. CALLAHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KURT B. HINRICHS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C, SECTION 271:

To be rear admiral (lower half)

CAPTAIN MARK E. BUTT
CAPTAIN LINDA L. FAGAN
CAPTAIN THOMAS W. JONES
CAPTAIN STEVEN D. POULIN
CAPTAIN JAMES E. RENDON
CAPTAIN JOSEPH A. SERVIDIO

EXTENSIONS OF REMARKS

IN MEMORY OF JAMES ''JIM'' CRAIG

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to the memory of James R. ''Jim'' Craig, who passed away on December 9, 2011. Jim will long be remembered in the community of Pendleton, Indiana as an American hero and a civic leader.

Jim was born on May 30, 1923, in Noblesville to Sydney and Kathryn Craig. Since 1934, Jim called Pendleton home. After graduating from Westtown Pennsylvania Friends School in 1941, Jim went on to study at Purdue University.

During his time at Purdue, he learned of the attack on Pearl Harbor. Like many young men, Jim wanted to serve and defend his country. After enlisting in the United States Marine Corps, Jim received his commission as a Second Lieutenant. He was placed in command of the 1st Platoon, 24th Marines and saw action at Iwo Jima. Jim's platoon suffered many casualties in the battle and that had a lasting effect on him, as described in the book, The Last Lieutenant, written by his nephew Dr. John C. Shively.

Jim married his beloved Patricia Lee Carroll on October 21, 1944. In 1947, he graduated from Purdue University and went on to own Pendleton Lumber Company until 1960. He was employed at Pendleton Savings and Loan until 1978 and then worked as a real estate broker until 2000.

Jim was a member of the First United Methodist Church in Pendleton, and was very active in many civic groups and activities including the Boy Scouts of America, the Pendleton Junior Baseball League, the Madison County Community Foundation, and the South Madison Community Foundation. Jim took part in the 1964 School Reorganization, was a Salvation Army life-member, served on the Kettle Drive, the Pendleton Lions Club, and volunteered at St. John's Hospital. Jim founded the Pendleton Swim Club and was a U.S. Swimming official. Jim also was a Pendleton Chamber of Commerce member and served on the Pendleton Planning Commission.

I had the privilege of getting to know Jim as part of my duties representing the Sixth Congressional District. Jim was a fixture at town hall meetings and I will fondly remember his participation in those events.

Jim was also blessed with a wonderful, loving family. He is survived by his wife, Patricia of 67 years and their six children. Jim was blessed with sixteen grandchildren and eight great-grandchildren. Through them, I am confident Jim's legacy will live on thanks to the lessons he instilled in those around him.

Mr. Speaker, the Bible tells us, ''The Lord is close to the brokenhearted,'' and that is my prayer for the family of Jim Craig. Let us all keep Jim and his family in our thoughts and prayers as we mark the passing of this American hero.

COMMENDING REP. NOBLE ELLINGTON UPON THE OCCASION OF HIS RETIREMENT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to commend Rep. Noble Ellington, who has devoted over two decades to serving the citizens of Louisiana. His unwavering dedication and staunch support of those living in the Bayou State are deserving of our gratitude and appreciation.

Noble has served in the Louisiana Legislature since 1988, where I had my first opportunity to work alongside this devoted public servant as we both represented the people of Jackson Parish. Not only did I have the privilege of calling him a colleague for many years following, but it was there that I first had the honor of knowing him as a friend. Looking back on those years, Noble's upbeat spirit and his ability to be kind to everyone is what I remember most.

A man of many talents, Noble's career includes successful business endeavors in addition to his public service. For 40 years, he has been the owner of Noble Ellington Cotton Company, Inc., and is the director of Franklin State Bank and Franklin Cotton Warehouse.

A true product of Northeast Louisiana, Noble was raised on a farm in Richland Parish and received his education from Mangham High School and Louisiana Tech University in Ruston, La. He has made his home in Winnsboro with his wife, Brenda Armstrong, and is the proud parent of four children and five grandchildren.

He is a driving force in Louisiana for his committed leadership on various business, civic and governmental boards and committees. He currently serves as the National Chairman of the American Legislative Exchange Council resulting in positive, nationwide attention for our state.

Through his numerous accomplishments, Noble has earned the respect and regard of those with whom he has served and the gratitude of the people he has diligently represented.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to Rep. Noble Ellington upon his retirement and wishing him future success in all his efforts.

PROMOTING GLOBAL INTERNET FREEDOM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. SMITH of New Jersey. Mr. Speaker, last week I held a hearing on global online freedom.

About 2 billion people in the world regularly communicate or get information on the Internet. Well over half a billion people do so in repressive countries. As Internet use has become a vital and even the standard means to disseminate beliefs, ideas and opinions, so we see a growing number of countries that censor or conduct surveillance on the Internet, in conflict with internationally recognized human rights laws and standards.

In 2006, I held the first major hearing on Internet freedom, in this very room, in response to Yahoo!'s turning over the personally identifying information of its e-mail account holder, Shi Tao, to the Chinese Government—who tracked him down and sentenced him to 10 years for sending abroad e-mails that revealed the details of Chinese government press controls. At that hearing Yahoo!, Google, Microsoft, and Cisco testified as to what we might ruefully call their ''worst practices'' of cooperation with the Internet police of totalitarian governments like China's. That same week I introduced the first Global Online Freedom Act, as a means to help Internet users in repressive states. In 2008 the Global Online Freedom Act was passed by three House committees.

In the last half dozen years the Internet, in many countries, has been transformed from a freedom plaza to big brother's best friend. The technologies to track, monitor, block, filter, trace, remove, attack, hack, and remotely take over Internet activity, content and users has exploded. Many of these technologies are made in the U.S.A. Many of them have important and legitimate law-enforcement applications. But, sadly, many of them are also being exported, every day, to some of the most unsavory governments in the world—whose use of them is far from legitimate. Every day we learn about more activists being arrested through the use of newly-developed technologies—much of it American technology—in China, Belarus, Egypt, Syria and many other countries around the world. The stakes are life and death for online democracy activists, and they deserve our support and protection.

For example, Belarus is blocking social networking sites like Twitter and Facebook and aggressively shutting down opposition Internet sites. Kazakhstan, which already blocks a number of popular blogs and media sites, is also in the process of creating a ''national Internet,'' where all domestic domain names will have to operate on physical servers within its borders. Syria is using sophisticated tools to limit the ability of the opposition to organize and to track down peaceful protestors. China

has created the Great Firewall and wants to create its own sanitized version of the Internet that will essentially isolate China from much of what is happening in the rest of the world. And, when protests break out, it simply shuts down the Internet, as it did in Tibet and Xinjiang in recent years.

In Vietnam, Facebook has been blocked for two years and under a new executive decree, a number of bloggers and journalists who write for independent online publications have been arrested. Egypt continues to detain blogger Alaa Abdel Fattah for his online criticisms of the Egyptian army. And today, we just learned that in addition to the already extensive online censorship in Iran, the U.S. ''virtual embassy'' in Iran has been blocked after only one day of operation.

Last week, I introduced a bill that responds to the growing use of the Internet as a tool of repression, and to changes in the technologies of repression. The new Global Online Freedom Act of 2011 (GOFA), H.R. 3605, fundamentally updates legislation that I first introduced in 2006 (and which in 2008 advanced through three House committees).

The new GOFA requires the State Department to beef up its reporting on Internet freedom in the annual Country Report on Human Rights Practices, and to identify by name Internet-restricting countries. This country designation will be useful not only in a diplomatic context in helping to advance Internet freedom through naming and shaming countries, but will also provide U.S. technology companies with the information they need in deciding how to engage in repressive foreign countries.

Second, the bill requires Internet companies listed on U.S. stock exchanges to disclose to the Securities and Exchange Commission how they conduct their human rights due diligence, including with regard to the collection and sharing of personally identifiable information with repressive countries, and the steps they take to notify users when they remove content or block access to content. This provision of the bill will help democratic activists and human rights defenders hold Internet companies accountable by creating a new transparency standard for Internet companies. This provision will also require foreign Internet service companies that are listed here in the U.S. to report this information as well—this will include such big-name Chinese companies such as Baidu, Sohu and Sina.

Finally, in response to many reports that we've all seen in the papers recently of U.S. technology being used to track down or conduct surveillance of activists through the Internet or mobile devices, this bill will prohibit the export of hardware or software that can be used for potentially illicit activities such as surveillance, tracking and blocking to the governments of Internet-restricting countries. Current export control laws do not take into account the human rights impact of these exports and therefore do not create any incentive for U.S. companies to evaluate their role in assisting repressive regimes. This section will not only help stop the sale of these items to repressive governments, but will create an important foreign policy stance for the United States that will help ensure that dissidents abroad know we are on their side, and that U.S. businesses are not profiting from this repression.

This export control law is long overdue, and thoroughly consistent with the approach Congress has taken, for example, in restricting exports of certain crime control equipment to China. It makes no sense for us to allow U.S. companies to sell technologies of repression to dictators, and then turn around and have to spend millions of dollars to develop and deploy circumvention tools and other technologies to help protect dissidents from the very technologies that U.S. companies exported to their persecutors.

Today's hearing is an important moment to take stock of where we are and how we can move forward to promote and defend Internet freedom around the world. What we do here in the United States is critically important to achieving our goals. We must send a strong message to companies that they have a unique role to play in preserving online freedom; and send an even stronger message to repressive governments that the Internet must not become a tool of repression.

HONORING MS. HORTENSE BRICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Ms. Hortense Brice, a dedicated teacher from my hometown of Chicago, Illinois. We can all agree, Mr. Speaker, that one of the greatest services a citizen can offer our nation is dedicating their lives to teaching the next generation. Passing wisdom, knowledge, and inspiration is the greatest gift in one of the most honorable professions.

It is in that tradition, Mr. Speaker, that Hortense Brice has dedicated her life for the last forty one years. A life dedicated not only to the education of others but to her personal education as well. She worked hard not only for her Bachelor of Science Degree from Illinois State University but also for her Master's Degree in Curriculum and Instruction from the University of Illinois at Chicago. After her Master's degree she trained for 36 hours in Science Education at the Illinois Institute of Technology.

For most people, graduating from college marks the end of their academic careers and the beginning of their financial ones. For Hortense however this was not the case. Her drive for knowledge pushed her to enroll in further workshops, conferences, and graduate-level courses in a number of scientific fields and at many respected institutions of higher learning. She did this not just for a love of learning but also, so that when teaching her pupils, she would be able to pass on an expertise and deep seated knowledge that they would not be subject to otherwise. This is exactly what she did when she created the first biotechnology curriculum in the Chicago Public School system.

To teach is to lead. Hortense Brice has embodied, and still embodies, such a principle. She created the first Biotechnology Center of Excellence at Lindblom Math and Science Academy, supporting professional development for Chicago Public School teachers. The belief that it is just as important to teach the next generation of teachers as it is the next generation of pupils was at the foundation of Hortense's work. She arranged for high school teachers from the Chicago Public Schools to enroll in a 2-year biotechnology training course at the University of Illinois, and secured a grant from the National Science Association that helped provide further training for more high school educators.

While doing all of this Hortense Brice still taught elements of biotechnology at Whitney M. Young Magnet High School, and the first full-year biotechnology course at Lindblom Math and Science Academy in Chicago, Illinois. She taught by example and her hard work ethic inside and outside the classroom served as an inspiration to pupils and colleagues alike.

With her experience and education she had a unique insight into what the education curriculum lacked and what it needed. For example, in 2006 after noticing a gap in the curriculum she worked with the After School Matters program to develop a successful pharmaceutical drug curriculum for high schools pupils.

Even with her retirement in June 2009 Hortense still continues to attend science training programs, including a five-day biotechnology immersion program held by the Biotechnology institute at the BIO International Convention. Though her teaching career is over her pursuit of knowledge will never be. It is this love of knowledge that has made her such an inspirational teacher and educational advocate. It is why she was recognized as an outstanding educator, researcher and trainer for the next generation of young scientists by the iBio Institute, who gave her the Knowledge Builder Award for grades 6–12. It is the very same reason why I am speaking about her today.

Mr. Speaker, I strongly believe that to be ignorant is to be left in the darkness, the only thing that can conquer such darkness is the light of education. Hortense Brice embodies such a light.

It is for that reason that I rise today to recognize Hortense Brice for her dedication to the teaching of advanced science in high school students in the Chicago Public Schools and to congratulate her on her retirement.

RECOGNITION OF GREGORY C. BRADY UPON HIS RETIREMENT FROM THE DEPARTMENT OF JUSTICE

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. FORTENBERRY. Mr. Speaker, today I would like to honor and pay tribute to Gregory C. Brady, a fellow Nebraskan and the Principal Deputy General Counsel for the Office of Justice Programs, in the U.S. Department of Justice, who is retiring after forty-six years of remarkable public service in the interests of justice. His tireless dedication to the multi-faceted work of the Department, reflected in his many career accomplishments, have earned him great respect and recognition in the Office of Justice Programs and its component agencies, and throughout the Department and among his fellow attorneys at bar. I want to take a moment to memorialize his extraordinary and inspiring accomplishments.

Greg Brady was born and reared in Nebraska, graduating from the University of Nebraska in 1962, with a Bachelor of Arts degree, and in 1965, with a Juris Doctorate.

Thereafter, Mr. Brady served a three-year tour of duty in the Judge Advocate General Corps of the U.S. Navy (from which, after prosecuting and defending scores of cases, he was honorably discharged with the rank of Lieutenant). Mr. Brady began his service with the Department of Justice in December 1968, as an Assistant United States Attorney in the District of Columbia, and has been continuously serving the Department of Justice, and the public, faithfully and in an exemplary manner ever since.

In the United States Attorney's Office, he demonstrated his flexibility of mind and zealous devotion to duty in countless criminal (misdemeanors, felonies, grand juries, etc.) and civil cases that he litigated, at the trial and appellate levels, many of which cases involved groundbreaking questions of law. Mitchell v. Laird, for example, 488 F.2d 611 (D.C. Cir. 1973), was brought unsuccessfully by thirteen members of the U.S. House of Representatives to enjoin the involvement of U.S. military personnel in the Vietnam conflict, and involved complex Constitutional questions of standing, executive prerogative, and justiciability. United States v. Crowder, 543 F.2d 312 (D.C. Cir. 1976)—which Mr. Brady's arguments (opposed by those of Mr. Robert Bennett) initially won at the District Court, then lost before a Circuit Court panel, and then won in an en banc proceeding of the Circuit Court—was the first case in the country to approve use of a search warrant to require a suspect to submit to surgery so the police could obtain a bullet as evidence of his criminal activity. (The case against Crowder (a two-time murderer) for the murder of a prominent Washington dentist was considered weak, because the only evidence known to the police that could link him firmly to the earlier crime were the bullets lodged in his arm and leg, from his murder-victim's gun. It was Mr. Brady's idea to try to obtain a search warrant for the bullets; he also thought of the stratagem of deputizing the (anxious) physicians from Georgetown University Hospital as U.S. Marshals for purposes of the surgery. Judge McGowan's concurrence (as does Judge Leventhal's dissent) goes out of its way to praise Mr. Brady's prosecution for the procedural orderliness and fair play it consistently demonstrated in the case. The case was featured in a Time magazine article.) This kind of legal creativity and strict adherence to the rule of law remains typical of Mr. Brady, nearly thirty of whose cases are officially reported in the published court records.

Having attained the rank of Deputy Chief of the Appellate Division at the United States Attorney's Office here in the City, Mr. Brady began his career with the Justice Department's Law Enforcement Assistance Administration (the predecessor agency to the Office of Justice Programs) in February 1974, formally in the Office of the General Counsel, but actually detailed to assist in the creation and development of grant and support programs to assist States in improving the management of prosecution offices, combating career criminals, and reducing white-collar crime. His prosecutorial experience in the Navy and the United States Attorney's Office made him invaluable to the program, which, itself, is at the heart of the core mission of the Office of Justice Programs. In 1980 (at his request), Mr. Brady returned to the direct practice of law, in the agency's Office of the General Counsel, dispensing advice and rendering opinions on countless matters relating to every conceivable area of administrative law.

In 1984, on account of his vast practical and administrative experience, he was asked to found, and become the first Director of, a new Office of Justice Programs component, which eventually was to become the Office for Victims of Crime—a signal initiative of President Reagan's administration. And he did found that office, on firm and sound lines, co-authoring what eventually was enacted as the Victim Compensation and Assistance Act of 1984 (Pub. L. 98–473), which clearly sets forth the purposes and organic principles of the office—purposes and principles that remain in place today. His mission at that office accomplished, some three years later, the leadership of the Office of Justice Programs acquiesced in Mr. Brady's request to return to its Office of the General Counsel, where he has served ever since.

He has been the principal ethics officer at the Office of Justice Programs since 1988 (in which capacity he has provided excellent guidance, training, and advice to the General Counsel, Presidential appointees, and career employees, alike), and in 1996 became the Deputy General Counsel, after having served for years as Associate General Counsel; he became Principal Deputy General Counsel in 2001.

For the last twenty-four years, Mr. Brady has applied a firm sense of purpose and integrity to instructing numberless Department employees in how to negotiate the minefields of ethical situations associated with administration of a multi-billion-dollar-a-year grant-making operation. At a time when the corporate world has endured significant ethical and moral lapses, Mr. Brady's personal efforts consistently have guided officials of the Department with a minimum of public conflict or scandal, and with the result that there is a clear public perception—necessary to the success of any government program—of even-handedness in the administration of the Office of Justice Programs' criminal-justice grant programs.

Mr. Brady's love of the law and its practitioners in the legal profession manifested itself in his generous devotion of time and attention to mentoring law students and newly-minted attorneys during the critical development stages of their careers. As Deputy General Counsel over the past twenty years, he has guided (even shepherded) them, with his approachable, kindly, and affable manner. His deep understanding and wide experience in the law made him an inspiring and effective teacher. Mr. Brady genuinely delighted in seeing the progress and development of attorneys, and their embrace of the highest standards of the legal profession; and the number and variety of law firms and government agencies that have been affected by individuals originally trained by him is impressive. (These include an Assistant Attorney General, as well as the Executive Director of a Government Corporation and a past Presidential appointee responsible for juvenile-justice issues.) In the Office of the General Counsel, he has demonstrated outstanding legal research, presentation, and advocacy skills, and has been a true role model for all of the attorneys, greatly assisting in their professional development.

And "role model" is, in fact, the apt term: for Mr. Brady is no one-dimensional work-is-my-life attorney. Despite his aggressive work schedule, he has lived his vocation as a family man (he is the father of three adored daughters and grandfather to two no-less-adored granddaughters) to the full, and his community has known that he can be depended upon to volunteer his time for others. To give but one example: For over twenty years, he has been a night-time volunteer (i.e., after putting in a full-day's work) at a crisis/suicide hotline in Prince William County, Virginia. In 2001, he was named their "Exceptional Volunteer of the Year." His tireless volunteer work in his community and parish have earned him numerous Attorney-General commendations over the years.

It is no small thing to stress that Mr. Brady has performed all of these tasks with unfailing courtesy, professionalism, and kindness (to say nothing of his ever-present humor and sharp wit). The long and short of it is that Mr. Brady simply is someone who, quietly and unassumingly, has kept the Department of Justice (and especially the Office of Justice Programs) running. Although his career in the Department hardly has been typical (at least in that it does not mostly involve litigation), Mr. Brady epitomizes the ideal of a Department of Justice attorney. For this reason, he has received both the Attorney General's Mary C. Lawton Lifetime Service Award (one of the Department's very highest awards), as well as the Office of Justice Programs' Assistant Attorney General's Lifetime Achievement Award. And for his years of dedicated public service, he received a personal commendation from President George W. Bush.

Gregory C. Brady has dedicated his professional life to public service, and his many accomplishments during the forty-six years of that professional life are a credit to him, to his family, to his home State of Nebraska, to the Department of Justice, and to his local community of which he is such an active, generous, and vibrant member.

TO CELEBRATE THE LIFE OF SIMONE "SAM" SAVIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to celebrate the life of Simone "Sam" Savia, who passed away peacefully on December 9, 2011, surrounded by his beloved family, after seven decades of service to his local volunteer fire department.

Sam, a lifelong resident of Vienna, Virginia, was born in the mid 1920's. He grew up a few steps away from the original fire station in Vienna where he and his brothers were frequent visitors. In 1941, Sam, then 15, joined the Vienna Volunteer Fire Department (VVFD), which had lowered the age requirement to address a manpower shortage created when most of the town's young men had been called to serve in WWII.

When Sam joined the VVFD, the town bore little resemblance to the bustling commercial and residential area it is today. There were no fire hydrants, as the town did not yet have water or sewer service, and the department's pumper truck would pull water from ponds, streams or one of the town's three cisterns. Sam recalled during an interview earlier this

year with the Fairfax Times that there was no county fire training academy in those days so he and his fellow volunteers learned the ''hard way'' by trial and error on the job.

Sam selflessly served on the Vienna Volunteer Fire Department for 70 years. He held numerous leadership positions including Assistant Secretary, Treasurer, Secretary, Vice President, multiple terms as President, and multiple terms as a member of the Board of Directors. Responding to innumerable emergency calls over many decades, it is impossible to calculate the number of lives and properties he helped save. As a life member of the VVFD, Sam continued to actively perform various administrative jobs in the department after he retired from operational duty.

Sam also contributed greatly to other community causes. In the early years of the station, the VVFD sponsored the Old Dominion Baseball League and Sam was instrumental in the construction of Waters Field. After the VVFD stopped sponsoring baseball, the Vienna Host Lions Club in 1954 called on Sam to organize little league baseball in the town. Sam set up the program, coached teams, and helped construct the necessary fields. The Jessup-Savia Field at Nottoway honors Sam in recognition to his tremendous contributions to little league and youth in Vienna.

Sam also served as president of the Vienna Lions Club and on the Vienna Centennial Coordinating Committee. In recognition of his years of service to the community, Sam was named the 2006 Citizen of the Year by the Vienna-Tysons Regional Chamber of Commerce.

On July 25, 2011, the Vienna Volunteer Fire Department hosted a ceremony honoring Sam for his seven decades of service to the Department. During this ceremony, July 25, 2011 was proclaimed Sam Savia Day by the Town of Vienna in recognition of his contributions to the community, and the Commonwealth of Virginia followed suit by approving House Joint Resolution 5170 commending Sam for his service. The department also renamed its apparatus building the Sam Savia Apparatus Facility so future generations of firefighters and citizens in Vienna will remember this man who dedicated his life to public safety, his family, and his community.

Mr. Speaker, I ask that my colleagues join me to celebrate the life and deeds of Sam Savia, and to express our deepest condolences to his wife Gertrude, their children, and their entire family.

FARM DUST REGULATION PREVENTION ACT OF 2011

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes:

Ms. McCOLLUM. Mr. Chair, I rise to strongly oppose H.R. 1633, the Farm Dust Regulation Prevention Act. Regrettably, the House Republican majority is choosing to waste precious floor time debating this political statement instead of allowing a vote on President Obama's American Jobs Act.

Contrary to the claims of my Republican colleagues, H.R. 1633 has nothing to do with job creation or economic growth. This legislation addresses a nonexistent issue since the Environmental Protection Agency (EPA) stated repeatedly it has no intention of regulating ''farm dust.''

However, it cannot be said that H.R. 1633 would have no effect. This legislation creates new loopholes that allow open-pit mines, gravel mines, smelters and coal-processing facilities to escape public-health protections under the Clean Air Act. Enactment of this legislation would result in more pollution leading to more premature deaths, asthma attacks, respiratory disease and heart attacks. House Republicans say they are standing up for family farmers when in fact they are aiding corporate polluters.

While the Minnesota family farmers I have heard from have serious challenges, they assure me that farm dust is far down on their list of priorities. Their real concerns relate to rising costs for seed, fertilizer, land, rent and machinery. They worry about protecting their land for the next generation in the face of federal cuts to conservation programs. They struggle with consolidation in the agricultural sector and the ability of the biggest farms to expand at the expense of smaller ones. Political debates in Washington about farm dust are not a factor in their lives.

H.R. 1633 is just another veiled Republican assault on our nation's landmark clean air laws. I urge my colleagues to reject this bill and return our attention to the real problems that are impacting job growth in our economy.

MAYOR CHARLES CROWLEY RETIRES AFTER A JOB VERY WELL DONE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, on December 27th, Mayor Charles Crowley of the city of Taunton will be chairing his last City Council meeting. It has been a great privilege and pleasure for me during the last four years and nine months to work with Mayor Crowley, as the Member of the U.S. House of Representatives for the city of Taunton. Officially, he is an extremely thoughtful and creative chief executive, who combines a capacity to do serious policy analysis with important management skills. We have collaborated on a number of issues important to the city of Taunton, involving transportation, housing, and economic development, and I have found it easy to represent the city under Charlie Crowley's mayoralty, because he does his homework in a way that makes being the advocate for the city he presides over easy.

For someone who is interested in history, talking with Charlie Crowley is always fascinating. Mayor Crowley is a first-rate historian, and I have rarely been with him dealing with a particular policy when I haven't learned something relevant and interesting about the history of the events or the place we are addressing.

Charlie Crowley has been a friend as well as a colleague. He retires entitled to a sense of satisfaction about the great job he has done—especially in an era when being Mayor of a city is one of the hardest jobs around.

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

SPEECH OF

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Ms. FOXX. Mr. Speaker, I'm thinking about why Congress is raising the issue of Christian properties in Turkey at a time when that country has already addressed these concerns. It is very unfortunate that at a time when our country is facing so many challenges, that we are focusing on an issue that should be settled internally by a foreign country. I strongly support religious freedom but this is not an appropriate issue for the United States Congress to be involved in.

Last August, while Congress was in recess, the Turkish Government took the decision to return to non-Muslim community foundations the immovable properties registered in the name of Turkish public institutions, or compensate (at market rates) those foundations if such properties are held by third parties.

Secretary Clinton publicly praised and ''applauded'' Turkey and Prime Minister Erdogan for this ''serious step to improve the climate for religious tolerance'' during a briefing on the release of State Department International Religious Freedom Report. The Report itself emphasizes Turkey's ''steps to improve religious freedom.'' Furthermore, during the American Turkish Council 2011 Annual Conference, Secretary Clinton said: ''I was particularly impressed by Prime Minister Erdogan's statement during Ramadan that property would be returned to religious minority groups, and we also hope to see other positive steps, such as reopening of the Halki Seminary.''

The simple truth is that we shouldn't single out one country when we know there are similar issues throughout the world. If we're going to be involved with calling attention to the faults of one country, we are setting a dangerous precedent where the House of Representatives can be distracted by focusing on the problems existing anywhere else in the world. We need to be promoting religious freedom and tolerance all over the world and this resolution does not accomplish that goal. A better use of our time and energy would be for all of us to foster stronger bilateral relations with all of our allies.

CAMP ASHRAF

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. POE of Texas. Mr. Speaker, Camp Ashraf is a small little camp in Iraq made up of a few thousand Iranian freedom fighters. They are unarmed civilians who, like us, don't like the tiny tyrant in the desert.

But the Camp is under siege.

PM Maliki wants to close the camp by December 31.

If the Camp is closed, many of the residents could be killed.

You see, Iraqi soldiers can't be trusted. In 2009 and 2011, they killed dozens of innocent civilians in the Camp.

Now Iran is promising all sorts of goodies if Iraq closes down the Camp.

Iran hates anyone who disagrees with its regime, so it wants nothing better than to have all these people in the Camp forcibly removed and eliminated.

But there is one tiny problem with Iran and Iraq's dirty little scheme: The world is watching.

Since the massacres, Camp residents have applied for UNHCR political refugee status.

It will take the U.N. 6 months to process their applications.

The U.N. Secretary General just wrote me yesterday to say that he has personally encouraged Maliki to not close the Camp down.

Sixty-five of my colleagues asked President Obama to raise this issue when he met with PM Maliki yesterday—we don't know if he did or not.

Maliki could be tried with war crimes if there is a New Year's massacre.

It should be the official policy of the United States to urge the government of Iraq to protect the residents, not return them to Iran, and not close the Camp until the U.N. can finish its political refugee process.

I am thankful to the Chair and Ranking Member of the Foreign Affairs committee for their support of this policy.

We cannot allow Maliki to once again slaughter innocent civilians.

And that's just the way it is.

RECOGNIZING THE MORTGAGE-BURNING SERVICE AT LITTLE UNION BAPTIST CHURCH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Little Union Baptist Church, in Dumfries, Virginia, on the occasion of its June 11, 2011, "Mortgage-Burning Service."

The Deed for the first site of Little Union Baptist Church was signed on September 9, 1901, a gift of the land from John Thomas and Mary Bates Thomas to church trustees. For Mary Bates Thomas in particular, this gift represented a great achievement in the life of a truly amazing woman. Mary Bates was born into slavery in Northern Virginia. As a slave, Ms. Bates learned to read and write and participated in the camp meetings praising God and maintaining her undying faith in the face of such great hardship.

Following emancipation, Mary Bates Thomas became a pillar of her community, running a small general store with her husband John Thomas, reading and writing letters for the illiterate, and acting as a healer and midwife. Recognizing the need of her community for a church of its own, Mary Bates Thomas and her husband donated the land on which the church, which would come to be known as Little Union Baptist, was built. Its diminutive name may have reflected its intimate membership early on, but the church acted as a focal point of the community and a great source of comfort and pride in times of both joy and difficulty.

In over one hundred years of serving the community, the Little Union family has grown in size, yet its mission, handed down from Mrs. Bates Thomas to the church leadership and today through the guidance of Reverend James Green, has always remained: "to establish a fellowship in Jesus Christ that will promote the Gospel throughout the community and the world."

Mary Bates Thomas would surely be proud to see what her church has become. Due to the generosity of the congregation, the able leadership of the church, and God's grace, today we may celebrate Little Union Baptist's satisfaction of its mortgage. Now in complete ownership of its house of worship, the church will be able use its resources in even greater support of other outreach ministries.

Mr. Speaker, I ask that my colleagues join me in celebrating the "Mortgage Burning Service" for Little Union Baptist Church. I would like to extend my sincere appreciation to the Little Union church family for establishing and maintaining a healthy house of worship that spreads the spirit of charity and provides counsel to those in need of guidance.

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MORAN. Mr. Speaker, as a strong supporter of religious freedom, I share the desire of many of my colleagues that our international relationships and foreign policy should reflect our values. A legacy of intolerance and violent conflict is still palpable in Turkey, decades after the upheavals and population transfers that took place as the Ottoman Empire collapsed. Greeks, Armenians, Assyrians, and others still live with this legacy, and for many decades Turkey's government failed to account for it or to take any steps to recognize it.

Yet, Turkey is undergoing profound and very hopeful changes today. The current Turkish leadership demonstrates an understanding of these changes. They are challenging entrenched, conservative orthodoxies and facing the past in ways that I believe we should encourage. That is why I cannot support the resolution before us today. It is out of step with the reality of today's Turkey, the U.S.-Turkish alliance, and the political realities in the Eastern Mediterranean.

I am concerned that H. Res. 306 would not only send the wrong signal, it would cause the deterioration of a relationship with an important ally without advancing the laudable goal of religious freedom.

The fact is, the Turkish government is moving in the right direction on this issue, and of their own accord. Prime Minister Erdogan of Turkey announced last August that his government would return hundreds of properties that were confiscated from religious minorities by the state or other parties since 1936, and would pay compensation for properties that were seized and later sold.

I don't think such a gesture should be repaid by a sense of Congress that claims that "the Republic of Turkey has been responsible for the destruction and theft of much of the Christian heritage within its borders" and which accuses our strongest Muslim ally of "official and unofficial acts of discrimination, intolerance, and intimidation." This is a government that has fought beside our soldiers in Afghanistan, and has provided training, overflight and logistical support that have been critical to the United States in Iraq.

While we debate this resolution, we can't ignore the fact that Turkey has taken important steps forward regarding civil and political rights, and is even now developing a new constitution to reflect Turkey's diverse society and its aspirations to become a more active member of the global community. This orientation should be encouraged. The resolution before us, in my view, does nothing to encourage Turkey on that path, regardless of what its backers are claiming.

Only in the last few months, Turkey has taken some very difficult and controversial steps that support the foreign policy of the United States. Perhaps the best example, and least well-known, is in Libya. While U.S. and N.A.T.O. forces were protecting Libyan civilians from a depraved dictator, the Republic of Turkey agreed to serve as a "protecting power" on behalf of the United States. In that capacity they represented the United States in Libya, including acting as consular officers on behalf of U.S. citizens in Libya and looking after American diplomatic facilities in the country. They also fully supported our goal of protecting the Libyan opposition, and pledged financial and material support to NATO to bring about a free, democratic, secure, stable, and united Libya. Is this how we repay them?

Another example of Turkey's positive role in the Mediterranean region is their government's decision to host a U.S. radar warning system in the southeastern region of the country. This is a landmark agreement for the alliance. NATO Secretary General Anders Fogh Rasmussen called the installation a "critical contribution" to the Alliance's efforts to address the growing threat of proliferation. This effort is not inconsistent with Turkey's leadership on issues of international security—only last month Turkey hosted an important international security conference on Afghanistan, and Turkey continues to participate in military and civilian efforts in Iraq and Afghanistan.

And Turkey has also demonstrated a willingness to challenge undemocratic and despotic neighbors, despite the risk to its own economic interests. The Turkish government has imposed sanctions on the Assad regime in Syria, and erected trade barriers that will make it harder for the dictatorship to remain in place. And the Erdogan government has also distanced itself from Iran by pushing for secular, democratic governments in Egypt, Tunisia and Syria. These are not easy steps for the Turkish government to take—Iran and Syria account for much of Turkey's eastern border and a large part of its trade. But they are pushing ahead, because they share our concern for democratic values. Turkey's government is showing that there can be no real peace without moral principles.

The resolution before us seems utterly ignorant of these critical developments. I cannot

support it, despite my profound wish that Turkey fully embrace the full diversity represented within its borders. Further, I would like to see the current government of Turkey—as well as the governments of Greece and Armenia—fully and fairly recognize the enduring pain that conflict and hatred have wrought in its territory. I feel that under Prime Minister Erdogan, that process of acceptance and accountability has begun. We in the United States Congress can support a process of authentic reconciliation, and we should.

Turkey is our strong ally and friend. By shoring up our friendship, we can have discussions about the shortcomings we see in our ally. But this resolution fails to meet the basic standard of an enduring alliance, and therefore must oppose it.

THE WATER FOR THE WORLD ACT OF 2012

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. BLUMENAUER. Mr. Speaker, as America prepares for the holiday season, it is important to pause and reflect on what we can do for others as well as ourselves. I hope that Congress will give a gift of life, health and hope by helping people around the world with something that most Americans take for granted: safe drinking water.

Nearly 900 million of the world's poorest don't have clean drinking water, and fully 2.6 billion lack access to improved sanitation. This shortfall poses a significant challenge for development and security around the world, reinforcing a cycle of poverty and instability that represents both a humanitarian disaster and a national security threat.

Water-related diseases are particularly brutal in how they target children: 90% of all deaths caused by diarrheal diseases are children under 5 years of age, mostly in developing countries. In all, 1.8 million children under the age of 5 die every year, more than from AIDS, tuberculosis and malaria combined. The economic impacts are devastating: inadequate sanitation in India alone costs that country $53.8 billion, or 6.4 percent of its GDP every year.

What's more, dirty water directly affects every area of development. Children cannot attend school if they are sick from dirty water, and adults suffering from water-borne illnesses overwhelm hospitals and cannot go to work. Hours spent looking for and collecting clean water mean hours not spent adding to a family's economic well-being. In short, the best intentioned efforts at development fail if the basic necessity of clean water is not met.

In this period of good tidings, there is good news with water. The solution to this problem is cheap and relatively straightforward. We don't have to spend millions searching for a cure. Sometimes something as simple as teaching the value of hand washing, or providing access to technology we already have is all it takes to save millions of lives and increase economic development. What we lack is leadership and accountability.

It's time for Congress to act again. The Water for the World Act of 2012 builds on current U.S. efforts to provide those in need with greater access to clean water and sanitation. And in this period of tight budgets, it is important that the Water for the World Act doesn't ask for any increase in funding, but rather improves the effectiveness, transparency and accountability of international aid programs. Given the strains on federal resources and the depth of need, it is essential that we are able to target our efforts more efficiently.

The Water for the World Act also gives the State Department and U.S. Agency for International Development the tools needed to leverage the investments they are already making by elevating the current positions within the State Department and USAID to coordinate the diplomatic policy of the U.S. on global freshwater issues and to implement country-specific water strategies.

There is nothing more fundamental to the human condition and global health than access to clean water and sanitation. More needs to be done, and it needs to be done well. Taxpayers are rightly demanding better results and greater transparency from foreign aid. This bill provides the tools and incentives to do just that.

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MEEKS. Mr. Speaker, I rise today to speak on H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

I believe that it is important for Secretary Clinton to discuss issues of religious freedom and equality with her Turkish counterparts, but I regret that Congress often fails to acknowledge the rapidly developing situation in Turkey, where the relationship between religion and state is evolving in positive and dynamic ways.

As a devout Christian and American, I believe that all religions should be treated equally, with dignity and respect, both here in the United States and abroad, and as such, I wish the resolution before us today would have offered a more balanced perspective, acknowledging the positive steps taken by the Turkish government.

Turkey is home to many faiths, and I believe that Turks take questions and concerns about religious freedom and equality very seriously. Turks are no strangers to religious restrictions, discrimination and prejudice, which confront many of their communities abroad.

I would like to commend the government of Turkey for its recent reform of The Law on Foundations, which enables the return of or compensation for immovable properties significant to religious minority communities. Congress should also acknowledge that Turkey has preserved or restored many sites of importance to religious minorities in recent years, and we should encourage the continuation of this important work.

I applaud the Turkish government for easing restrictions on the Greek Orthodox community and the Ecumenical Patriarch, initiatives that have been welcomed by the Hellenic communities in Turkey and the United States and improved relations between Turkey and Greece.

In another example of forward movement that Congress has yet to recognize, the Armenian Orthodox Patriarch led worship services in the historic Armenian church on Akhtamar Island near Van for the first time since World War I, attended by thousands of pilgrims from Turkey and abroad.

Congress should welcome Prime Minister Erdogan's commitment to return property to religious minority communities and recognize Turkey's status as a majority Muslim, democratic, secular state where all religions are equal.

The latest International Religious Freedom Report published by the State Department lists areas where the Turkish government has made significant advances, while calling for improvements in areas such as the reopening of the Halki Seminary on the island of Heybeli.

Further improvement is always possible, and as Turkey moves forward with constitutional reform efforts, I am confident that this process will recognize religious freedom, equality and plurality as universal values that should be upheld in every corner of the world.

SUDAN PRESS CONFERENCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. WOLF. Mr. Speaker, I submit remarks I delivered at a Sudan press conference today hosted by the U.S. Commission on International Religious Freedom.

SUDAN PRESS CONFERENCE,

1 P.M., DECEMBER 14, 2011, RAYBURN FOYER

We are surrounded today by photos which convey a dark but familiar story—Sudanese people, brutalized, marginalized and terrorized by their own government.

And yet, it seems this same regime has been afforded the privilege of legal representation in Washington by the Obama administration.

Earlier this week, I was outraged to learn that the genocidal government of Sudan led by Omar Hassan Bashir—an internationally indicted war criminal—now has a lawyer, Mr. Bart Fisher, on retainer in Washington.

According to a news report in Africa Intelligence, Mr. Fisher was hired with the express purpose of trying ''to lift American sanctions against it.''

In documentation posted on the Department of Justice Web site, it appears that Mr. Fisher was granted a license by the Office of Foreign Assets Control (OFAC) at Treasury to provide this representation and that he plans to engage in political activities, among them, ''Representations (including petitions) . . . to U.S. government agencies regarding sanctions . . .''

If true, I am appalled that this has been permitted and can't help but wonder if Mr. Fisher's political contributions were a factor. The administration should reverse this approval.

Martin Luther King famously said, ''In the end, we will remember not the words of our enemies, but the silence of our friends.''

I can't help but wonder what the people of Sudan are thinking at this particular juncture when the administration struggles to find its voice on their behalf, while at the same time seemingly empowering the voice of their oppressors.

Would we even dream of allowing Milosevic, Karadzic or Gaddafi to have representation in the nation's capital?

Bashir's crimes are well-known and documented. This is the same man that is accused by the International Criminal Court of five counts of crimes against humanity, including murder, rape, torture, extermination, and two counts of war crimes.

I've been to Sudan five times, including in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur. We spoke with women who had been raped just days earlier.

The Arab janjaweed militias, armed by Khartoum, told these women that they wanted to make ''lighter skinned babies.''

In addition to horrific human rights abuses and crimes committed by Bashir and his National Congress Party (NCP), Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s. Moreover, Khartoum was a revolving door for Hamas and other designated terrorist groups.

But Bashir's crimes are not merely at thing of the past as we will hear in greater detail today. At a recent Tom Lantos Human Rights Commission hearing on the crisis in Southern Kordofan and Blue Nile states in Sudan, former Member of Congress and President of United to End Genocide, Tom Andrews, spoke about his experiences while visiting the region.

He said that there were reports of, ''Sudanese armed forces and their allied militias going door to door targeting people based upon their religion, and based upon the color of their skin.''

Let me repeat that . . . people were being targeted for killing based upon their religion and the color of their skin.

According to the USCIRF delegation that recently visited Sudan and met with refugees in Yida camp, all of the pastors with whom they spoke said they fled Southern Kordofan after learning that the Sudanese military was undertaking house searches for Christians and SPLM–N supporters.

If this were happening in southern France, the world would be outraged. The world would take action. And yet, this story rarely features above the fold.

We stand just blocks from a museum that cries out ''Never Again.'' Meanwhile, it appears that this administration is complicit in allowing the genocidaire Bashir an advocate in Washington.

Which begs the question, who lobbies for the people whose faces are represented in this room?

Yesterday I wrote the president along with the Departments of State Treasury and Justice requesting immediate clarification about this matter and will continue to press them—just as I have done during previous administrations.

I am submitting this correspondence and relevant information into the Congressional Record for all to see.

We must not be silent in the face of this injustice.

If President Obama, Secretary Clinton and Secretary Geithner stand by and allow this to happen, history will be their judge.

RECOGNIZING THE 20TH ANNIVERSARY OF LITERACY VOLUNTEERS OF AMERICA—PRINCE WILLIAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 20th Anniversary of Literacy Volunteers of America—Prince William.

Founded in 1991 by local librarian Dona Swanson to help teach a library patron to read, Literacy Volunteers of America—Prince William has since grown to 300 volunteers and 600 students. Despite its impressive growth, LVA-PW has maintained its direct service approach, providing individualized adult literacy tutoring based on the personal needs and goals of adult learners seeking to improve their education and employment skills. LVA-PW's programs are well-researched and constantly tracked and evaluated by staff to ensure their effectiveness. This has proven to be a highly successful model; in 2010, LVA-PW's adult learners received a total of 12,000 hours of instruction, with nearly 80% achieving at least one of their personal goals.

Literacy Volunteers of America—Prince William has established itself as an institution in the community, fostering local partnerships to strengthen both their own services and those of other community groups, including the Prince William County Library System, the Virginia Employment Center, Northern Virginia Community College, the Prince William County Adult Education Program, and local businesses through workplace literacy programs. Literacy Volunteers of America—Prince William has additionally been recognized in the past as Community Service Organization of the Year by the Prince William Regional Chamber of Commerce, Volunteer Organization of the Quarter by Prince William County, and Friday's Hero by the local Channel 9 News. Most recently, LVA-PW Executive Director Kim Sells received the Nancy Jiranek Award for Outstanding Virginia Adult Literacy Executive Director from the Virginia Literacy Foundation.

Mr. Speaker, I ask that my colleagues join me in recognizing the 20th Anniversary of Literacy Volunteers of America—Prince William. I also express my gratitude to LVA-PW's volunteer tutors and trainers, Board of Directors, and staff for helping to empower members of the community by increasing life skills and workforce potential through literacy.

PROVIDING FOR CONSIDERATION OF H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. WAXMAN. Mr. Speaker, I oppose this closed rule, particularly because it does not allow for a Democratic substitute for critical year end legislation.

In a Democratic substitute we would have included a permanent repeal of the flawed physician payment formula in Medicare replacing it with a ten-year freeze. Each year members promise to look into this formula and address it—to provide certainty and stability for America's seniors in accessing their doctors. The House passed health reform bill did exactly that. Unfortunately it did not become law, but the Republicans did not even try to solve this problem. They did not offer legislation or have markups. The Republican bill punts the question for another 2 years.

In a Democratic substitute we would have included the Wireless Innovation and Public Safety Broadband Act that Representatives ESHOO and I sponsored. It keeps many of the same policy goals as the Republican legislation, but it would not undermine public safety by erecting a faulty governance model for a public safety broadband network, nor would it mandate the premature return of spectrum utilized for mission critical voice communications. The substitute also would have allowed the FCC necessary discretion to preserve unlicensed spectrum uses that preserve innovation and benefit consumers as well as protect consumers from monopolies.

In a Democratic substitute, we would not have included the poison pill of the Keystone XL tar sands pipeline provision.

In a Democratic substitute, we would not be asking modest income seniors and individuals with disabilities to foot the bill for tax relief—that's just robbing Peter to pay Paul. Seniors making over $85,000 a year are already paying more for Medicare. High income earners already pay more all their lives for Medicare through the Medicare payroll tax which has no cap. The changes in the Republican bill restructure the Medicare program in problematic ways to pay for short term extensions.

In a Democratic substitute, we would not be creating an additional 170,000 uninsured people by increasing costs on working class individuals through the health care tax credit and subsidies in the Affordable Care Act.

In a Democratic substitute, we would not be taking the shortsighted step of reducing our commitment to public health and prevention activities. These activities help to prevent diseases like diabetes, heart disease, cancer, and obesity and can lower healthcare costs over the long run.

The Democratic substitute would be a fair extension of important programs and would be paid for by the withdrawal and downsizing of troops overseas through the overseas contingency fund.

MARKING THE END OF THE WAR IN IRAQ

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today in recognition of this great day in American history—the day that marks the end of the Iraq war. Although for years we all hoped and prayed that this day would come, there is an overwhelming feeling of relief when hope becomes a reality. Today we stand together as a nation and rejoice as we look forward to the return of thousands of men and women whose countless sacrifices, remarkable service, and enormous achievements in the name of our great Nation will never be forgotten.

Nearly 1.5 million Americans served in the war in Iraq, with 30,000 wounded and nearly 4,500 casualties. In my district, we suffered the loss of 12 remarkable servicemen. We remember Long Beach residents: Pfc. Stephen A. Castellano; Sgt. 1st Class Randy D. Collins; Sgt. Anthony J. Davis, Jr.; Sgt. Israel Garcia; Pvt. Ernesto R. Guerra; Pfc. Lyndon A. Marcus, Jr.; Spec. Roberto L. Martinez Salazar; Spec. Astor A. SunsinPineda; Pfc.

David T. Toomalatai; Pfc. George D. Torres; and Staff Sgt. Joshua Whitaker, as well as Carson resident Pfc. Daniel P. Cagle of Carson who were all killed in action.

Perhaps the most consequential victory of the War on Terror came earlier this year when Osama bin Laden's life was finally ended by a group of Navy SEALs who deftly carried-out a covert operation at bin Laden's secret compound in Abbottabad, Pakistan. I am extremely thankful for President Obama and his Administration's firm leadership in the effort to bring bin Laden to justice. With a renewed sense that justice has been served, we must return our focus now to protecting our citizens at home, and assuring our veterans a prosperous future.

As President Obama said earlier today ''It's important for us to express our thanks in words, but it's even more for us to express our thanks in deeds.'' It is now our turn to stand up for our troops at home as they courageously stood up for us in battle.

Our troops are returning home to a tough economy. They are returning home to an unemployment rate for veterans that is 2.5% higher than the national average. I urge my colleagues on both sides of the aisle to put aside our differences and come together in our commitment to ensure veterans returning home receive all the resources they need. No measure of action we take in Congress can ever truly repay our troops for their sacrifices, but I vow to do all that I can to ensure that the country they fought and sacrificed for gives back to them all that they deserve.

Finally, Mr. Speaker, while keeping the American people safe should always be our top priority, now we must refocus our priorities and our resources into protecting our homeland, educating, training and employing the American workforce, and ensuring our veterans a prosperous future in the nation they fought to defend. Over the last ten years, American taxpayers have spent billions rebuilding Iraq. We must now be willing to make the same investment of time and resources to rebuild our economy so that it provides a standard of living and quality of life worthy of the heroic sacrifices made by the men and women who risked their lives to defend our way of life and freedom.

RECOGNIZING THE 200TH ANNIVERSARY OF THE GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE DISTRICT OF COLUMBIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 200th Anniversary of the Grand Lodge of Free and Accepted Masons of the District of Columbia.

Freemasonry has been active in the United States for over two hundred and fifty years. Since its founding in 1811, the Grand Lodge of Free and Accepted Masons of the District of Columbia has encouraged interaction and discourse among individuals of differing beliefs by promoting community service, civic responsibility, and civil debate.

The Grand Lodge of D.C. has participated in the development and strengthening of our national institutions of government, including the United States Congress and Judiciary, Presidency, and Executive Branch Agencies, as well as the Capital's historic landmarks such as the White House, Smithsonian Institution, Washington Monument, and Washington National Cathedral. The Grand Lodge of D.C. has been greatly involved with the enrichment of Washington, D.C., with members establishing prominent institutions such as the Corcoran Gallery and George Washington University, and has been actively engaged in charitable projects. The Masonic Foundation of DC has provided tens of thousands of dollars each year in financial scholarships to college students who attended D.C. public schools. Participation in numerous community service projects include Hands on DC, Adams Morgan Day, Susan G. Komen Race for the Cure, Department of Veterans Affairs Hospital, United States Holocaust Memorial Museum, Doctors Without Borders, So Others May Eat, St. Baldrick's Foundation for childhood cancer research, DC Community of Hope, DC Central Kitchen, and DC Special Olympics.

The Grand Lodge of D.C. has been involved domestically and abroad in countries such as Armenia, Cuba, and the Philippines. It also hosted the 2008 World Conference of Masonic Grand Lodges, the largest gathering of Masonic leaders in history, to discuss ways to build a global civil society.

Mr. Speaker, I ask that my colleagues join me in celebrating the 200th Anniversary of the Grand Lodge of Free and Accepted Masons of the District of Columbia. For 200 years, the Grand Lodge of D.C. has supported the Freemasonry founding principles of ''Brotherly Love, Relief and Truth,'' and continues to do so today, supporting the American ideal that individuals can coexist peacefully and come together to form a community, regardless of background and differences.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 1905, the Iran Threat Reduction Act.

I thank Chairwoman ROS-LEHTINEN and Ranking Member BERMAN for crafting this important, bipartisan bill. H.R. 1905 was reported out of the Foreign Affairs Committee by voice vote and comes to the floor with over 350 cosponsors—of which I am one.

We must make it clear to Iran that any pursuit of a nuclear weapons program is unacceptable. This bill is designed to significantly strengthen the hand of the Obama Administration in applying economic pressure on the Iranian regime.

Specifically, the bill targets Iran's petroleum sector by expanding the activities that could trigger sanctions to include making certain petroleum resource agreements with Iran. It also requires the President, subject to a national security waiver, to impose sanctions on entities doing business with the Central Bank of Iran if he determines the Central Bank is linked to the Iranian nuclear program. The measure also requires entities filing with the Securities and Exchange Commission to disclose business ties with Iran.

By most accounts, the sanctions passed by Congress last year have ratcheted up pressure on the Iranian government. But Iran continues to increase its stockpile of enriched uranium. This measure is necessary to give the President the tools to penalize the Iranian regime for its continual refusal to heed the objections of the international community.

I encourage my colleagues who have not already expressed support for H.R. 1905 to join me in support of the bill.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,060,274,082,298.88. We've added $10,258,868,907,004.60 dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MORAN. Mr. Speaker, in June 2010 President Obama signed into law the most far-reaching and carefully targeted sanctions ever imposed on Iran. Later that same month, the Administration also succeeded in bringing the United Nations Security Council to issue further, multilateral sanctions. In May, the United Nations issued a report demonstrating that these multilateral sanctions were having a serious, deleterious impact on Iran's ability to pursue nuclear weapons.

The reason these sanctions are having such an impact is that they have garnered the cooperation of allies around the world, who saw that this Administration was willing to engage Iran. If those allies now deem that we are turning back from that posture of engagement, and returning to the unilateralism of the Bush Administration, I am concerned that our effort to isolate the Iranian regime will collapse. It is the comprehensive diplomacy of the Obama Administration that has unified our European allies and brought them on board. That could end.

And in addition, the sanctions called for by H.R. 1905, are less targeted and more indiscriminate. They will have an impact, but that impact will not be directly related to our justified concern over human rights or Iran's nuclear military goals. Rather, they would hurt Iranians of all walks of life, including those we hope will become an effective opposition to

the current leadership. The recent IAEA report shows that Iran is not complying with its obligations under the treaty. We urgently need to keep a united front on the goal of preventing Iran from advancing its nuclear military capability. These sanctions could undermine that effort.

This bill is the wrong move for the global economy as well. In the middle of a very fragile economic recovery, these new sanctions could wreak havoc in the world oil market, right in the middle of winter, a time of our highest consumption. Already, we see oil prices rising. According to the Wall Street Journal, new sanctions could increase the price of oil by up to $1 per gallon. That would be terrible for U.S. consumers, businesses and the economy. But it would be very good for Iran's leaders.

In fact, the sanctions would do more to help Iran's Supreme Leader and President than hurt them. Last week, the fierce competition between President Ahmadinejad and Ayatollah Khamenei was threatening to boil over when an embezzlement scandal roiled the Iranian leadership. The Washington Post reported this week that President Ahmadinejad admitted that the country is having a hard team with sanctions, and that now is not the time to shake things up in the government. In other words, external pressure unified rival factions, and helped the repressive regime to achieve a united front.

These sanctions could also hurt Iranian Americans. Sanctions on Iran's Central Bank will make it hard for Iranian Americans to send money to relatives in Iran. That could mean that an Iranian living in the United States has no legal way of helping his parents or grandparents. It could force them to pursue unsafe and illegal channels to send legal remittances to family members. That would be a terrible injustice, and it would be bad for U.S. interests. The Iranian American community is our best way to reach out to people in Iran, and we should not be making it harder for them to do so.

The sanctions could also hurt innocent Iranians in other ways. Aside from making it harder to import food and medicine, this bill bans the licensing of sales of spare parts for civilian airliners. Iran's airlines are already among the most dangerous in the world because of the difficulty in maintaining them under sanctions. Over 1,000 people have died in air crashes in the last ten years.

Lastly, this bill is wrong because it would be an expression to the world that the United States is not interested in having a relationship with the people of Iran. As it stands now, we have very little understanding of what is really happening inside Iran. The Obama Administration has strengthened our capacity to know what is happening inside the country by adding to a network of diplomats in missions around the world focusing on developments in Iran.

But we have a long way to go. Recently Admiral Mike Mullen said that this absence of contact is hurting us. At a Carnegie Endowment for International Peace event shortly before he retired, the Chairman of the Joint Chiefs of Staff said: ''Even in the darkest days of the Cold War, we had links to the Soviet Union. We are not talking to Iran, so we don't understand each other.''

I agree with Admiral Mullen: we need more contact with Iran—about Afghanistan, the drug trade, and human rights—not less. Ambassador Tom Pickering, in a recent Newsweek essay, also criticized this bill because of the constitutional questions it raises about the separation of powers.

CISADA sanctions and U.N. measures are having a serious effect, and intensifying rifts in Iran's leadership. This bill would close those rifts as Iran's leaders circle their wagons, and would give them an excuse as to why things are bad on the economic front. I can't support it as it is written.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011—

Mr. DIAZ-BALART. Mr. Speaker, due to a family medical issue, I was unable to cast the following votes. If I had been present, I would have voted as follows:

December 7, 2011—

Rollcall vote 892—I would have voted ''yes''
Rollcall vote 893—I would have voted ''yes''
Rollcall vote 894—I would have voted ''yes''
Rollcall vote 895—I would have voted ''no''
Rollcall vote 896—I would have voted ''no''
Rollcall vote 897—I would have voted ''no''
Rollcall vote 898—I would have voted ''no''
Rollcall vote 899—I would have voted ''no''
Rollcall vote 900—I would have voted ''no''
Rollcall vote 901—I would have voted ''yes''
Rollcall vote 902—I would have voted ''yes''
Rollcall vote 903—I would have voted ''yes''
Rollcall vote 904—I would have voted ''yes''
Rollcall vote 905—I would have voted ''yes''
Rollcall vote 906—I would have voted ''no''
Rollcall vote 907—I would have voted ''no''
Rollcall vote 908—I would have voted ''no''
Rollcall vote 909—I would have voted ''no''
Rollcall vote 910—I would have voted ''no''
Rollcall vote 911—I would have voted ''no''
Rollcall vote 912—I would have voted ''yes''

December 12, 2011—

Rollcall vote 913—I would have voted ''yes''
Rollcall vote 914—I would have voted ''yes''
Rollcall vote 915—I would have voted ''yes''
Rollcall vote 916—I would have voted ''no''

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. YOUNG of Indiana. Mr. Speaker, I rise today in support of H.R. 1905, the Iran Threat Reduction Act of 2011. This bill promises to meet the threat the Islamic Republic of Iran poses and takes significant, tangible steps in limiting Iran's uranium enrichment and targeting Iran's nefarious activities.

The latest United Nations weapons inspectors' disclosure and International Atomic Energy Agency report on the Islamic Republic of Iran are consubstantial. The Iranian nuclear weapons program is in direct contravention to Iran's ratification of the Non-Proliferation Treaty, endangers regional stability, and poses an unfathomable threat to international security. The Iranian Regime has defied international order and expectations in its undeniable pursuit of nuclear weapons and its close relationship with foreign terrorist organizations.

That is why the Iran Threat Reduction Act of 2011 is so important. These sanctions are right and just based on irrefutable evidence of malice on the international stage. We must declare that it is United States policy to deny, at every juncture, the ability for Iran to fund and pursue its nuclear program and its policy of inciting violence abroad. The Iranian regime's continuous circumvention of past sanctions and continued noncompliance require more aggressive actions.

The only way to ensure the Iranian regime cannot circumvent international will is to take definitive actions. The sanctions in the Iran Threat Reduction Act in conjunction with the language in the National Defense Authorization Act for 2012 to formally sanction the Central Bank of Iran, CBI, are the steps required at this moment to impede the progress of Iran's ambitions. By sanctioning the CBI and creating accountability to those that deal with Iran, we limit the Iranian leadership's ability to function and directly curtail the infrastructures that sustain Iran's illicit nuclear ambitions and its state-sponsorship of terrorist organizations.

I urge my colleagues to support the Iranian Threat Reduction Act of 2011 and stand with me against the threat posed by the Iranian nuclear program and Iran's known links to various terrorist organizations.

RECOGNIZING THE PARTNERSHIP OF RACHEL CARSON MIDDLE SCHOOL AND DOMINION POWER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the partnership of Rachel Carson Middle School and Dominion Power in efforts to support green energy.

Through their partnership, Carson Middle School was able to recently install on its roof an array of 11 photovoltaic solar panels, which have already generated over 1,000 kilowatt-hours of electricity—enough to power a house for more than a month.

Rachel Carson Middle School is a Fairfax County public school with over 1200 students. The solar project was initiated in the spring of 2009 and driven by a group of former eighth grade students, its teacher sponsor, Mr. Kirk Treakle, and its Going Green Club, formerly established as Carson FREE—which stands for Future Renewable Energy Effort. The group was established in hopes that solar electric would be used in addition to several other prospective forms of renewable energy at school. The Going Green Club is researching wind, geothermal, solar thermal, and algae oil as future possibilities. The solar project was funded by grants from Dominion Power, the Earth Day Network, Lowe's, and InterfaceFLOR as well as donations from InScope International, Katydid Inc., the Carson PTA, and other individuals with no taxpayer money used.

The photovoltaic panels are ''grid-tied'' so the electricity they produce helps power the

school and decreases the amount of electricity that must be generated by other means, reducing pollution. While serving as a clean energy resource, the photovoltaic system is also used as an accessible, educational resource with students participating in an energy workshop using the new photovoltaic installation and online data logger. The system's connections to the science curriculum in areas of energy, electricity, and the environment serve as great additions to the school.

Mr. Speaker, I ask that my colleagues join me in recognizing the partnership of Rachel Carson Middle School and Dominion Power. Together, they have succeeded in taking a great step towards cleaner energy for the future. I extend my congratulations to the school and thank Rachel Carson Middle School and Dominion Power for their valuable efforts.

EASTERN WASHINGTON HONORS RETIRING WASHINGTON FARM BUREAU PRESIDENT STEVE APPEL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mrs. McMORRIS RODGERS. Mr. Speaker, today I rise to recognize the extraordinary career of one of Eastern Washington's most exemplary leaders, Mr. Steve Appel. After devoting over 37 years of service to the Farm Bureau—the last 17 of which have been as Washington Farm Bureau's esteemed President—Steve has decided to retire. His career comes to an end with a long list of distinguished accomplishments and a record of success for the state of Washington.

As a third-generation family farmer, Steve grew wheat and barley in southeast Washington state and worked for decades to promote U.S. agriculture interests at home and abroad. A Washington State University alumnus, Steve leaves behind a distinguished career in Washington's agriculture community.

Steve was elected as Washington Farm Bureau president in 1994 and represents the longest-serving state President in the organization's history. His vision for the organization's growth was tremendous. In fact, in just the last five years, the Bureau experienced an 85 percent increase in membership alone. Under his leadership, Washington Farm Bureau pioneered the first-ever association health plan and industrial insurance safety and health program, which provide health insurance to rural Washingtonians in areas where such services were previously unavailable.

In addition to serving as the Bureau's President, Steve served as Vice President of the American Farm Bureau Federation—the world's largest general agriculture organization with over six million members—from 2001 through 2007. As the Pacific Northwest's first farmer to serve as an officer in the AFBF, he directed and implemented the organization's grassroots development process. Steve has also served on the Whitman County Planning Commission, Whitman County Soil Conservation Board, and the Eastern Washington Advisory Committee for the Washington Policy Center.

But his leadership extends far beyond his elected and appointed positions. He has testified on many congressional committees and remains extremely engaged in domestic and international trade issues. In his capacity as chairman of AFBF's trade advisory committee, Steve partook in a trade mission to Cuba and Mexico to advocate for advanced trade opportunities between the United States and Latin America.

While Steve is retiring as President of the Washington Farm Bureau, he will continue to serve as a vocal leader and member of the WFB Health Care Trust Board of Directors and the Board of Directors for Farm Bureau Bank. He leaves behind an indelible legacy in the agriculture community and will continue to play an instrumental role in the years to come.

Steve has been more than just a leader for the Farm Bureau; he's been a model for the state of Washington. When asked how he managed his success, he often says, "I live by something my dad said a lot: 'You do the best job you know how to do and leave the rest to the man upstairs.'" I congratulate Steve on his remarkable leadership and thank him for the profound differences he made—and will continue to make—in the state of Washington.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MARKEY. Mr. Speaker, let's start with what we know:

First, Iran is actively seeking nuclear weapons, and the international community has ratcheted up sanctions to prevent Tehran from getting the bomb.

Second, Iran is attempting to circumvent these sanctions, with Iranian nationals establishing front companies in other countries to get around U.N. restrictions.

Just this year, a grand jury indicted a firm established by Iranians but operating in Istanbul for allegedly procuring materials for Iran's ballistic missile program.

Third, we must be vigilant about companies that deliberately hide their ties to Iran.

But what about companies that don't even try to conceal their Iranian connections?

In October, this Congress passed H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act. This bill will allow Rio Tinto, a foreign company that does business with Iran, to obtain public land in Arizona so that it can mine for copper here in the United States.

But when Republicans in this chamber had a chance to join Democrats to ensure these business ties between Rio Tinto and Iran were severed as a condition of doing business on our land, every single member of the Republican majority voted no.

With the threat of nuclear weapons landing in the hands of Ahmadinejad, the stakes are simply too high to change the rules when the majority sees fit.

Vote yes on H.R. 1905 today, and we must insist on strong nuclear nonproliferation conditions in H.R. 1904.

DAVID MARVIN BLUMBERG'S 60TH BIRTHDAY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. BRADY of Texas. Mr. Speaker I rise today to honor the celebration of David Marvin Blumberg's 60th birthday.

David was born on December 26, 1951 in Jacksonville, Florida. He is the fourth of five children born to Marvin Bernard and Mary Louise Blumberg. David obtained his Masters Degree of Public Administration in 1994 from the University of North Florida.

He was honorably discharged from his service in the USAF in 1974 after having worked as an instrument mechanic on the Minute Man 1, 2, & 3 missiles at Vandenberg AFB, CA.

David worked alongside his father at Marvin Blumberg and Sons from 1974–1982. He was certified as an FAA Air Traffic controller and worked in that capacity from 1982–2006.

Presently he is serving as an Air Traffic Safety Risk Management Facilitator and Instructor nationwide.

David is the proud father of Lauren, Will, Olivia, Nathan and Natalie. He has one grandchild, Walker Brooks Haas.

David plays the drums in a band comprised of other Air Traffic Controllers who raise money for charities and to date they have raised over $650,000 for local and national charities.

David will be moving to Fort Worth, Texas to supplement the Federal Aviation Administration's Safety Risk Management staff.

His band Aire Traffic will be playing future benefit concerts to raise money for the Juvenile Diabetes Foundation and for the Joseph Sam's School for Special Needs Children in Fayetteville, GA.

Please join me in wishing David Blumberg a very happy 60th birthday.

PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mr. GENE GREEN of Texas. Mr. Speaker. I support the Pipeline Safety, Regulatory Certainty, and Job Creation Act. This bill has been improved since it was marked up by the Energy and Commerce and Transportation and Infrastructure Committees. I know that there are residual issues that some in the industry and some in the environmental community still have. No legislation will make everyone happy all the time, but I think my colleagues Representatives UPTON and DINGELL, have worked hard to come as close as possible with the legislation before us today. I thank them for their leadership and I am pleased that they have set an example of bipartisan legislating that we should all follow.

Pipeline safety is one that is particularly important to me. I represent parts of Houston and East Harris County, where virtually everyone either lives on, or in close proximity to, a

natural gas or oil pipeline. I also have thousands of constituents who rely on this industry for employment and their livelihood. I understand the need to pass a bill that addresses the dual priorities of ensuring safety along these pipelines and providing regulatory certainty for the operators in the years ahead.

There are problems with the bill, for instance, this bill may lead to an attempt by this Pipeline and Hazardous Materials Safety Administration, PHMSA, or future PHMSAs to regulate offshore gathering lines in the same way that onshore lines are regulated. While not prescribed by this legislation, the door is left open. It is important that PHMSA carefully consider how to regulate these lines and not take a one-size fits all approach. There are other tweaks that would have been nice, but this is a good bill and represents a bipartisan compromise.

Failure to pass a bill, or one side or another pursuing a partisan agenda over good policy, would have been far worse than the small problems I have with this bill. I commend Representatives UPTON and DINGELL for this bill and I urge my colleagues to support it.

RECOGNIZING ARIANNA McQUILLEN, RECIPIENT OF A BUICK AND GENERAL MOTORS FOUNDATION SCHOLARSHIP

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to congratulate Arianna McQuillen, of Fairfax Station, on her selection as a Buick and General Motors Foundation Scholarship Recipient. She has been identified as one of 100 outstanding students from across the United States to receive up to $25,000 in a renewable scholarship. She plans to attend Massachusetts Institute of Technology and specialize in robotics.

Arianna is very involved in our community, working on projects such as cleaning the Occoquan watershed, planting trees, preparing care packages for soldiers abroad and tutoring young students.

Her academic record is proof that she is a high-achieving student. She studied at Lake Braddock Secondary School, where her interests varied from math and science to art and the environment. She has won many awards in areas ranging from debate to art. She is a National Merit Scholar, a 2010 Beat the Odds Scholarship Recipient, an Advanced Placement Scholar, and a National Achievement Semi-Finalist.

Mr. Speaker, I ask my colleagues to join me in recognizing Arianna McQuillen's remarkable achievements and wishing her continued success as she pursues her degree at MIT.

HONORING SLOVAK EXPLOSIVE ORDINANCE DISPOSAL (EOD) MAJOR BARTAKOVICS AND EOD TEAM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to honor Slovak Explosive Ordinance Disposal, EOD, Maj. Roland Bartakovics and the entire Slovak EOD team for their role in resisting an assault by armed insurgents on Camp Nathan Smith in Kandahar. I would like to recognize the Slovaks for their bravery during a failed enemy attack on the base.

The camp in Kandahar, which houses the Kandahar Provincial Reconstruction Team, KPRT, was attacked by four armed insurgents with rocket-propelled grenades and small fire arms. The attack lasted nearly 11 hours, and was ended by the Afghan National Police supported by coalition forces, including the Slovak EOD team. Thanks to the determined professionalism of the Slovak unit, at no point did the attackers gain access to the compound.

I would like to offer my condolences to the families and loved ones of those killed and injured during the attack. The heroic leadership of the entire Slovak unit will forever be remembered. Their service and dedication has brought great pride to their nation, families and communities.

Echoed throughout Afghanistan, the KPRT reflects a productive civilian-military partnership. The United States stands with the Afghan people and their government in pursuing the mutual goal of a stable and prosperous Afghanistan. The United States owes a great debt of gratitude to Maj. Roland Bartakovics and the entire Slovak EOD team for putting themselves in harm's way in the pursuit of freedom.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. DAVID B. McKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. McKINLEY. Mr. Speaker, yesterday I voted to protect the Social Security Trust Fund by opposing H.R. 3630 and would like to take this opportunity to discuss my decision. This bill was a patchwork of many policies that were thrown together at the last hour and created a flawed piece of legislation that I could not support.

Primarily, the corner stone of this legislation—the extension of the payroll tax reduction—did not create jobs for the last year it has been in effect. Over the past five months, I have been vocal in my opposition to the President's unproductive plan. Since, I do support a long-term "doc fix" to ensure that doctors continue to accept Medicare patients, I do not support the $17 billion cut from hospital payments, including those that are essential to help hospitals care for low-income Medicare patients. I do support the Keystone XL pipeline and efforts to reform unemployment insurance; however, these were not the central issues of the legislation we considered yesterday.

Over the last several days, I have conducted numerous town hall-like meetings to discuss this legislation with constituents. As a result of these conversations with everyday West Virginians, it was apparent to me that breaking from both President Obama and even my own party on this bill was the right thing to do.

Washington just doesn't get it. This tax cut has been in effect for the last year and it clearly did not improve the economy. And at what cost? For the second year in a row, this bill would take another $180 billion from Social Security with a promise to be paid back over the years, all to give the average West Virginia worker an extra $30 in his or her paycheck every two weeks. That's not a jobs plan—it's a re-election plan. We have seen these same unsuccessful economic plans for the past three years, and for those three years they have failed miserably. Does it make sense to continue to make choices that we know from experience do not work?

I will concede that after spending most of this past year above 9 percent, unemployment has dropped to 8.6 percent. But the primary driver of this change is simply that 315,000 Americans simply stopped looking for work. Also, at this time of year, the retail industry increases their staff by almost 50 percent; those people will be back on unemployment benefits in February. Nobody can say that the payroll tax "holiday" has had a meaningful impact on the unemployment rate thus far, nor will it likely prove beneficial if extended for another year.

We've all been told that Social Security's finances are in trouble, yet President Obama's plan makes the situation worse. We cannot continue to send mixed messages to senior citizens and current workers. They need to be able to trust that Social Security will be there for them. If we do not stop extending this payroll tax cut, then Social Security will cease to be a guarantee and instead become another typical government program reliant entirely on politicians' whims.

That's not fair for our seniors or current workers who are currently paying into Social Security. So the question becomes, if not now, when we will stop raiding Social Security?

H.R. 3630 is just another temporary tax reduction that only produces more uncertainty for employers and fails to protect our seniors. Real structural reforms are needed to stabilize Social Security. Past experience shows that Congress will spend the next 10 years figuring out how to spend the money designated as offsets for today's bill on other projects. It won't be used to pay for the bill; I could not in good faith support a measure that will raid the trust fund without comprehensive reform to the system.

As Andrew Biggs, a resident scholar at the American Enterprise Institute, said, "People don't generally respond well to temporary tax cuts so it's unlikely you're going to see a strong economic response." House Budget Committee Chairman PAUL RYAN has likened the payroll tax cut to "sugar-high economics." And Chris Edwards, a tax scholar at the Cato Institute, said that the president's plan "is based on faulty Keynesian theories and misplaced confidence in the government's ability to micromanage short-run growth." Perpetuating the president's failed economic policies,

especially if we have to rob Social Security to do it, has to stop.

Additionally, the reductions in federal reimbursements to hospitals that are contained in this legislation are not acceptable. Hospitals in northern West Virginia are already being paid at some of the lowest Medicare rates in the country; we should not be making it even harder for the hospitals to provide quality healthcare to our seniors.

Again, since this bill was loaded up at the last minute with several items which I have already strongly supported throughout this Congress—including jumpstarting the Keystone Pipeline, relaxing EPA regulations on boilers, extending and reforming unemployment benefits and other government programs, and preventing a scheduled 27% cut to doctors' Medicare reimbursement rates—it is simply unacceptable to continue the president's misguided economic theories at seniors' expense.

This bill has a long way to go despite the short timeframe in which Congress is operating, and if significant changes are made, it may be worth another look. But I came to Washington to get something done, create jobs, and restore common sense to the process. Unfortunately this particular bill fails that test.

RECOGNIZING THE YOEMEN MARCHING BAND OF CAMERON HIGH SCHOOL IN CAMERON, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CARTER. Mr. Speaker, I would like to recognize the Yoemen Marching Band of Cameron High School who placed third out of the 297 bands in state 2A marching competition in San Antonio on November 7, 2011.

The 97 member band is under the direction of Stephen Moss, head director, and Craig George and Danielle Roberts, assistant directors. Only ten bands performed in the finals competition, and the Yoemen Marching Band received a 1st place vote from all five judges, which advanced them to the UIL State Marching Contest in San Antonio for the first time in the history of the school. The band competed in the preliminary competition at the UIL State Marching Contest, which advanced them to the finals portion of the competition. The Yomemen Marching Band came in 2nd place behind the two time champion Queen City.

This 2nd place finish advanced the band to the highly coveted finals competition that same evening. The Yoeman High School Marching Band was also selected to play at the World War II Memorial in Washington DC and was one of the ten bands selected to play in the Houston Livetock Show and Rodeo Parade this past spring.

I congratulate the Cameron High School Yoemen Marching Band on their accomplishments and I am proud to represent them in the United States Congress.

RECOGNIZING THE SEMI-FINALISTS FOR THE ASIAN AMERICAN SUCCESS YOUTHCON SCHOLARSHIP PROGRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to rise today to recognize the finalists of the 2011 Asian American Success (AASuccess) YouthCon Scholarship program. Each year, AASuccess grants scholarships and recognition awards to 6 students in the Washington, DC Metropolitan Area.

Founded in April 2006 by Dave Nguyen, Irina Nguyen, David Montanari, Sumesh Kaushal and Malou Gemeniano, the missions of AASuccess are to promote academic excellence of young Asian American and other minority students, foster mentorship and partnership between career professionals and student members, and promote "The Act of Giving Back" in the Asian American community. AASuccess offers 4 different programs to achieve their goals; the AAS Life Skills Academy, Scholarship Program, Giving Back Program, and the Arc360 Web TV Program.

Scholarships are awarded in amounts ranging from $500.00 to $1000.00, and winners are selected based on academic performance, civic engagement, and completion of an essay. Using famous images from Saigon for inspiration, the theme for this year's essay asked applicants to consider their freedom, and the connection between protection of personal freedoms and civic duties. This thought provoking topic has encouraged students to reflect on and consider some of the most crucial questions we face today.

While there will be 6 scholarship winners, it is my great pleasure to recognize the following 12 finalists:

Ms. Sungmin Sohn; Mr. Vihanh Tham; Ms. Khanh-Ni Thi Nguyen; Ms. Mai Ly; Ms. Julie Hoang; Mr. Dylan Vu; Mr. Tristin Tran; Mr. Maxwell Tran; Mr. Minh Pham; Ms. Kirby Taylor; Ms. Julia Ngoc-Kim Nguyen; Ms. Krystal Sing.

Mr. Speaker, I ask my colleagues to join me in applauding the efforts of these students, and in congratulating them on their academic and civic accomplishments. I also commend AASuccess for their efforts to ensure and encourage professional development and success of students in our community.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GENE GREEN of Texas. Mr. Speaker, during this Season of Giving, when our nation should be reflecting on the need of friends and neighbors who are out of work and struggling to provide for their loved ones, this chamber will vote today to cut unemployment benefits for one million of our fellow Americans.

The House Majority's bill, H.R. 3630, 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 to 59 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.

I am strongly opposed to any reduction in emergency unemployment insurance.

This Congress cannot and must not adjourn for the holidays and go home to tell our unemployed neighbors that the richest country on earth cannot find a place in their heart to help them in their time of need.

Mr. Speaker, unfortunately I am not able to support H.R. 3630 even though I am a strong supporter of moving the Keystone XL Project along and would support the language included in this bill if considered separately.

The Keystone XL project makes both energy and economic sense for our country, and I hope that the Administration could find a way to allow for construction to commence in some of the states while simultaneously revisiting the route in Nebraska.

I urge my colleagues to stand in support of the millions of our fellow Americans struggling to find work and to oppose this legislation.

HOUSE DEMOCRACY PARTNERSHIP

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. DREIER. Mr. Speaker, when I was first elected to this body in 1980, the preeminent national security threat that gravely concerned us all was the Soviet Union. A decade later, as we know very well, the Soviet Union collapsed and the Cold War came to an end. As we quickly near the twentieth anniversary of that transformative event, we should not forget the role that the United States Congress played in supporting democratic development in the legislatures of many of the former Warsaw Pact and Soviet republics. The Frost-Solomon Task Force partnered with the newly democratically elected members of post-Soviet legislatures to offer support and guidance in building an independent, co-equal legislative branch of government. A key part of that effort was the role our Congressional Research Service played in building strong, independent, nonpartisan research and analysis capabilities for these nascent institutions. Many of these countries are now members of NATO, the European Union, and in some cases, the Eurozone. They are fully integrated into the Trans-Atlantic partnership.

However, the work of democratic development in the region is not over. I have the privilege of leading, along with my friend and colleague Rep. DAVID PRICE, the House Democracy Partnership (HDP). Our commission is committed to helping strengthen legislatures in new and re-emerging democracies by engaging with our counterparts throughout the world. Two of our partner countries are Ukraine and the Republic of Georgia. Both are former Soviet republics working to consolidate their democracies. To date, their efforts have been

met with varying levels of success, but HDP has been honored to work with reformers in both countries as they strive to throw off the shackles of their authoritarian past.

The world has watched over the past week as Russia's citizens have stood up and demanded greater political freedom and transparency, which is indeed a hopeful step. However, there is another country in Eastern Europe that has resisted all efforts to transform itself into a modern democracy and maintains itself as an authoritarian dictatorship. The country of Belarus remains Europe's only dictatorship. Under the unyielding grip of dictator Alexsandr Lukashenko, the people of Belarus are denied the basic freedoms of assembly, association, and expression. The press is heavily restricted and intimidated. The internet is censored. Independent nongovernmental organizations are not allowed to operate. There is little freedom of religion. And 100,000 Belarusians have been barred from leaving the country. For the people of Belarus, the oppression of the past did not dissolve with the Soviet Union, but remains a bitter reality.

While their neighbors in Central and Eastern Europe are able to freely elect their own leaders, Belarusians have witnessed one stage-managed election after another under the current regime. Lukashenko has held illegal referenda to change the constitution, eliminate term limits, and dissolve an elected parliament. In December 2010, the Government of Belarus conducted a presidential election that failed to meet basic standards of the Organization for Security and Cooperation in Europe (OSCE), and followed that election by detaining and beating more than 600 peaceful opposition protestors. Seven of nine opposition presidential candidates were jailed and what remains of the independent media was attacked. Rather than address the OSCE's criticisms, the OSCE was kicked out of the country by the government.

To highlight the continued abuses of the Lukashenko regime and once again demonstrate Congressional support for the aspirations of the Belarusian people, the House voted to renew the Belarus Democracy Act of 2004, with a unanimous vote on July 6 of this year. This bill not only imposes additional sanctions on the leaders of the corrupt Belarusian regime, but allows the United States to work with groups who are promoting freedom and democracy, particularly media groups such as Radio Free Europe/Radio Liberty, the Voice of America, European Radio for Belarus, and Belsat.

The U.S. Congress will continue to stand with the Belarusian people as they fight for self determination and the rule of law. I look forward to the day that they are able to join their European neighbors on the right side of history with a lasting, peaceful and prosperous democracy.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. KINGSTON. Mr. Speaker, I rise today in support of the language included in this bill that would remove current barriers for states to strengthen the unemployment program through optional drug testing. The purpose of the unemployment insurance program is to be a safety net, a bridge to reemployment. However, when beneficiaries choose to abuse illegal drugs they are no longer at their competitive best within the jobs market.

That is why I have proposed legislation, H.R. 3601 the "Ensuring Quality in the Unemployment Insurance Program (EQUIP) Act," that would require screenings for applicants of unemployment insurance. Applicants would be screened using a non-invasive questionnaire that has a 94 percent accuracy rate. If identified as likely to use drugs, an applicant for unemployment would be required to pass a drug test as a condition of benefits. This non-invasive practice has been upheld by state courts in New Jersey, Texas and Indiana. A federal court in West Virginia upheld that state's practice of screening applicants for Social Security Disability Insurance.

The screening would not increase federal spending. The estimated cost is $12 per person. This would be more than offset by reducing the $7.5 billion budget for the controversial Independent Payment Advisory Board (IPAB) and Consumers Operated and Oriented Plan (CO–OPs), which was established to ration health care expenditures.

At one of the several listening sessions I had with business owners earlier this year, I had an employer tell me of an overwhelming response for job openings. There was just one problem: half the people who applied could not even pass a drug test. Another told me about an employee they had to temporarily lay off when times were tight. A month later when he contacted his former employee to offer him a new position, he declined because unemployment was paying the bills. With our budget woes of more than $15 trillion in debt, how can we justify using unemployment insurance to pay someone not to work when they have voluntarily taken themselves out of the hiring pool? That is what we are doing when someone on unemployment is using drugs.

Under the current system, workers can earn up to 26 weeks through employer contribution but are eligible for 99 weeks of benefits under current law. Your tax dollars make up the difference. Maximizing efficiency and effectiveness of programs like unemployment insurance has to be our society's goal.

Drug screening beneficiaries incentivizes individuals to not abuse drugs, which would otherwise render them unfit to be employed. Some have said this proposal asks too much of those who have lost their jobs, but asking someone who is unemployed to do his or her part by staying eligible to work is common sense, not draconian.

I look forward to working with the Committee on this proposal and a hearing in the spring.

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

SPEECH OF

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, the text of House Resolution 306 could lead to false conclusions about Turkey. Make no mistake: Turkey has taken concrete steps to improve religious freedom through a series of meaningful initiatives. Moreover, Turkey is a secular, modernized NATO ally that provides indispensible military and diplomatic support to the United States and our allies. Its efforts with respect to religious inclusion are welcome and worthy of recognition.

In September, for example, Secretary Clinton praised Turkey's continued progress in enhancing religious freedom, stating:

> We have also seen Turkey take serious steps to improve the climate for religious tolerance. The Turkish government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago. I applaud Prime Minister Erdogan's very important commitment to doing so.

Long before H. Res. 306 was introduced, the Turkish Government was enhancing religious freedom. For example:

In May 2010, the Prime Ministry issued a circular underlining that Turkey's non-Muslim citizens share with all other Turkish citizens the right to enjoy and maintain their own identities and cultures in parallel with the national identity and culture of Turkey.

The Greek Orthodox Patriarchate in Istanbul recently has been permitted to conduct masses at religiously significant venues that had been rendered museums due to disuse.

In November 2010, Turkish authorities returned a former orphanage to the Greek Orthodox Patriarchate following a decision by the European Court of Human Rights (ECHR). The attorney representing the Patriarchate declared, "This marks a first in Europe. Turkey became the first country to implement a decision of the ECHR by returning the property. This should be an example for other countries."

Since the original text of H. Res. 306 was introduced, Turkey amended its Law on Foundations to state that immovable properties, cemeteries, and fountains (of the non-Muslim community foundations registered in the name of Turkish public institutions) will be returned to the relevant non-Muslim community foundations, upon those non-Muslim foundations' request.

On a larger scale, Turkey has been an indispensible ally and friend of the United States since it joined NATO almost 60 years ago (in 1952). Given Turkey's strategic location and maintenance of the second largest military in NATO, this should come as no surprise. Currently, NATO is installing radar systems in Turkey and Romania as part of the regional anti-ballistic missile defense system. Moreover, when NATO passed Resolution 1973, which enforced a no-fly zone in Libya, Turkey helped lead a NATO-led coalition, after playing a major role in deliberations with the United States and other key allies. Turkey also had a key role in negotiating the release of four New York Times reporters who were captured during fighting in Libya.

With regard to U.S. operations in Afghanistan, Turkey:

Has made available its Konya Air Base and other airports for the deployment of aircraft and allies' cargo aircraft in support of ISAF operations.

Has deployed five Operational Mentoring and Liaison Teams (OMLT) and has also conducted in-place training of 8,000 Afghan National Army (ANA) members and training in Turkey for an additional 1,000 Afghan troops.

Turkey established two civilian-led Provincial Reconstruction Teams (PRTs) in Wardak and Jawzjan, and opened a branch of the Turkish International Cooperation Agency in Kabul, from which it runs a number of humanitarian assistance and economic development projects.

Turkey stations over 1,700 U.S. military personnel under the U.S.-Turkey Defense and Economic Cooperation Agreement. Incirlik Air Base, which houses about 1,500 U.S. military personnel, is a transit point for 68% of air logistical support for Iraq and Afghanistan. Each year, an average of 2,000 American C–17 aircraft and an average of 1,460 KC–135 refueling tankers fly through the Turkish air base. Turkey's support is not limited to access of its air bases; its Mersin port on the Mediterranean is part of the U.S.'s supply network to Afghanistan.

In a time when several Muslim majority countries are undergoing upheaval, Turkey provides an ideal model to its neighbors. It is a secular, modern, Muslim majority state that is a significant NATO ally. In its domestic affairs, Turkey is again a model for its neighbors. According to the State Department's 13th Annual Report on Religious Freedom,

> During the reporting period, the [Turkish] government took steps to improve religious freedom. Notably the government permitted religious services to be held annually in historic Christian sites that had been turned into state museums after decades of disuse.

As a friend of Turkey, the United States ought to continue to recognize Turkey's initiatives on religious freedom and encourage Turkey to continue its progress. This is what allies do.

RECOGNIZING THE 20TH ANNIVERSARY OF THE TAMPA BAY ESTUARY PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor the 20th Anniversary of the Tampa Bay Estuary Program, which has been a key factor in restoring and improving the ecological health of Tampa Bay. Designated by Congress as an 'estuary of national significance' under the National Estuary Program in 1990, the Tampa Bay Estuary program is one of only 28 programs in the United States and four in Florida.

Unique environments that are found where rivers meet the sea, estuaries are vital components to the world's ecosystem. Estuaries improve water quality by filtering pollutants, act as buffers to protect shorelines from erosion and flooding, serve as nursery grounds for the majority of commercial and recreational fish and shellfish consumed by Americans, and provide essential food and habitat for birds, fish and other wildlife.

Created by Congress in 1987, the National Estuary Program works to identify and restore nationally significant estuaries that are threatened by pollution. Through an amendment to an appropriations bill, we worked quickly to ensure that Tampa Bay was included as one of the first estuary programs, recognizing its importance to the ecosystem of Florida and Pinellas County. Since then, the Tampa Bay Estuary Program has operated as a partnership of thousands of volunteers, elected officials, resource managers and commercial and recreational resource users who work together to restore and improve the ecological health of Tampa Bay.

The program has made significant progress in improving Tampa Bay during the last two decades. Important achievements over the years include the recovery of more than 6,000 acres of life-sustaining sea grasses, the restoration of more than 5,000 acres of coastal habitats, and improved water quality and clarity to levels not seen since the 1950s. The Tampa Bay National Estuary Program has done a tremendous job in cleaning, preserving and maintaining the health and vitality of Tampa Bay and today this estuary is not only a precious natural habitat for many species of fish, birds and flora, but also a beautiful playground for swimmers, boaters and general admirers.

Mr. Speaker, it has been an honor to have been a partner in this incredible successful partnership that has made an invaluable contribution to restoring this unique Florida ecosystem. The hard work and dedication of the staff and their community partners ensures that the Tampa Bay Estuary Program will continue to build upon their success in the future. Please join me in congratulating all those who have been a part of the Tampa Bay Estuary Program for a job well done over these past 20 years.

CONGRATULATING NATIONAL GUARD ON 375TH ANNIVERSARY

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to offer my heartfelt congratulations to the National Guard in honor of its 375th anniversary and a particular thank you to the men and women that serve in the New Hampshire National Guard. The origins of the New Hampshire National Guard can be traced back to 1623 with a proud tradition of protecting the lives and property of Granite State residents. New Hampshire Guardsmen have always answered the call to serve our great state and nation and since the terrorist attacks of September 11th, more than 2,000 New Hampshire Guardsmen have served overseas as part of Operations Enduring Freedom, Iraqi Freedom, and New Dawn. Collectively, the New Hampshire Guardsmen have received the highest honors our military bestows including the Silver Star, Bronze Star, Army Commendation Medals, Combat Infantry and Combat Action Badges and Purple Hearts.

New Hampshire's citizen soldiers and airmen have served domestically as well by mobilizing under Operation Noble Eagle, aiding the victims of severe weather, and rescuing lost hikers in the White Mountains. I am proud to represent the brave men and women of New Hampshire's National Guard and look forward to honoring them for their service in the years to come.

IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MARKEY. Mr. Speaker, North Korea has nuclear weapons. Iran is developing nuclear weapons. Al-Qaeda wants to acquire nuclear weapons. The threat we face is very, very real.

Sanctions are important to help prevent the spread of nuclear weapons, but they are not enough. America must lead by example.

The U.S. recently signed the New START treaty, requiring reductions to our nuclear arsenal. Yet, we still plan to spend hundreds of billions of dollars on new nuclear weapons and related programs over the next decade.

Why do we allow this wasteful spending to continue? Because some Republicans in this Chamber treat the nuclear weapons budget as a sacred cow, never to be questioned or scrutinized. This is ridiculous.

Wasteful nuclear weapons spending actually harms national security. It sends the message to Iran, North Korea, and Syria that while we don't want you to have these weapons, we are not willing to make cuts ourselves. This is the wrong message to send.

You cannot argue temperance from a barstool.

The central deal in the Nuclear Nonproliferation Treaty was that the non-weapons states agreed to forgo the right to get the bomb. The weapons states in return, agreed to negotiate measures leading to disarmament.

That should be our goal, and we can take an important step in this direction by reducing unnecessary nuclear weapons spending.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. BLUMENAUER. Mr. Speaker, this statement is submitted as an extension of my remarks on the House floor, December 13, 2011, discussing H.R. 1905, the Iran Threat Reduction Act of 2011:

I thank my friend from California, the Ranking Member of the House Foreign Affairs Committee, for discussing Section 601(c) of the Iran Threat Reduction Act of 2011 with me.

Despite his helpful words, I still have strong reservations about language used in this legislation.

Specifically with the language in Section 601(c) of this bill, which states that:

> ''No person employed with the United States Government may contact in an official or unofficial capacity any person that is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and presents a threat to the United States or is affiliated with terrorist organizations.''

As most of my colleagues would agree, the whole of the Iranian government is itself a "threat" to the United States. Further, Iran actively supports terrorist organizations such as Hamas and Hezbollah, both listed as Foreign Terrorist Organizations by the State Department. It would be strange logic indeed to disassociate any of the officials who work for Iran from a "threat" to the U.S. It would appear impossible to comply with this language.

Given the inability to comply with this language, this leaves the waiver provision by the President as the only means to initiating contact with Iran. Diplomacy tied to a 15-day countdown is ineffective at best and extremely dangerous at worst. Luckily, this restriction on the Executive Power to conduct the country's foreign policy is likely unconstitutional. This waiver is, on its face, questionable, unnecessarily ties the hands of our President, and is poor policy.

Congress would be better served in these challenging times to do its own job, rather than making it harder for the President to do his.

CONGRESSIONAL COMMISSION ON CHINA HEARING ON ''CHINA'S CENSORSHIP OF THE INTERNET AND SOCIAL MEDIA: THE HUMAN TOLL AND TRADE IMPACT''

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Congressional-Executive Commission on China, I would ask that the following opening statements be submitted to the RECORD for the November 17, 2001 hearing on "China's Censorship of the Internet and Social Media: The Human Toll and Trade Impact."

CHINA'S CENSORSHIP OF THE INTERNET AND SOCIAL MEDIA: THE HUMAN TOLL AND TRADE IMPACT

STATEMENT OF HON. CHRISTOPHER SMITH, A U.S. REPRESENTATIVE FROM NEW JERSEY, CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

The Commission will come to order. I want to welcome all of our distinguished witnesses to this very important hearing. We really appreciate the attendance of all of our panelists and guests. It's a pleasure to welcome everyone to this important roundtable on ''China's Censorship of the Internet and Social Media: The Human Toll and Trade Impact.'' As recent events have shown, the issue of Internet censorship has only grown in terms of importance and magnitude, and I thank the Congressional-Executive Commission on China staff for organizing a hearing on this pressing issue, and for the tremendous scholarly work they have done not only in presenting our annual report, which is filled with facts and information that is actionable, but for the ongoing work that they do to monitor the gross abuses of human rights in China.

As the Congressional-Executive Commission on China's 2011 annual human rights report demonstrates, China's leadership has grown more assertive in its violation of rights, disregarding the very laws and international standards that they claim to uphold, while tightening their grip on Chinese society. As Chinese citizens have increasingly called for freedoms and reforms, China has only strengthened its controls over many areas of society—particularly over the Internet.

While China has witnessed a boom in the popularity of social media and Internet sites, Chinese citizens that access online sites today remain under the watchful eye of the State. By some accounts, China has imprisoned more Internet activists than any other country in the world, and its Internet environment ranks among the most restrictive globally. Chinese citizens are unable to voice a range of criticism that Americans undoubtedly take for granted each day: Chinese citizens that tweet about local corruption may face the threat of abuse or harassment. Citizens that express dissatisfaction over tainted food supplies that injure children—the most vulnerable population of our society—may come to hear a knock at the door. And, citizens that voice the human desire for democracy and rights protections we value so dearly may disappear into the official custody of the State, where they face torture and incarceration.

For Chinese citizens, the line that can't be crossed is unclear. While mentions of the 1989 Tiananmen protests are surely prohibited, China's censorship remains at the whimsy of governmental agencies that seek to limit what they perceive to be any destabilizing commentary. In China, the Internet provides no transparency—and citizens must weigh their choices each time they click to send an email or press a button or post personal views online. Who can forget Shi Tao, who for merely posting information about what he is not allowed to do, with regards to Tiananmen Square, garnered a ten year prison sentence when Yahoo opened up their personally identifiable information and gave it to the Chinese secret police that lead to his conviction. There are no lists of banned words. There are no registers of prohibited topics. In China, there is no transparency. There are only consequences, and dire ones at that.

Today, we welcome two panels that will address China's Internet censorship from two perspectives. The witnesses will not only provide personal accounts of how China's censorship affects individuals and families, but also detail how China's actions hinder the rights of U.S. businesses that seek to compete fairly in China. These panels will expose China's bold disregard for its own laws and its international obligations, specifically in terms of its controls on internet activity and expression.

In the first panel today, we will hear personal accounts of the consequences Chinese citizens face in seeking to express their fundamental rights of expression. We will hear from a son and a pastor that have seen firsthand the anxious and unforgiving hand of China's Internet police. We will hear how the simplest calls for freedom and reforms can lead to the separation of loved ones and partition of families.

In the second panel, we will hear how China's Internet restrictions and controls not only hurt its citizens, but also hurt countries seeking to better China through international trade and cooperation. On a commercial level, China similarly lacks the kind of transparency and fairness that we expect in global trading partners. China has not only failed to comply with its WTO commitments, it has exploited our expectations to create an unlevel playing field, hurting the competitiveness of U.S. businesses and workers alike.

We recognize that the Internet and social media can and should be used to provide people with greater access to honest information and to open up commercial opportunities for businesses operating in global markets. We know that the promise of information technology can not be achieved when it is used by repressive governments to find, capture, convict and so often torture ordinary citizens for voicing concerns publicly. Information technology can not be advanced when it involves the systemic exclusion of commercial competitors and rampant disregard for transparency and intellectual property.

China is one of the most repressive and restrictive countries when it comes to the control of the Internet and the impact goes far beyond the commercial losses for U.S. companies that want to participate in that market. There are serious human rights implications and we have seen the damage inflicted countless times through the arrest of bloggers and prodemocracy activists who have used the Internet to communicate with colleagues or disseminate views and then have been arrested. What makes this situation even worse is that sometimes it is U.S. companies, and my colleagues will recall I held the first of a series of hearings where we had Microsoft, Yahoo, Cisco, and Google before our committee—it was my subcommittee on human rights—held up their hands and promised to tell the whole truth and nothing but, and then said they couldn't tell us what they were censoring and would not tell us how they were being complicit. Harry Wu, who is here, and has been a leader on this issue, pointed out that Cisco has so enabled the secret police to track down people using police net, and that the use of cyber police, ubiquitous throughout all of China, in order to capture the best, bravest, and smartest in China, who will bring that country to democracy if only allowed to do so.

NOVEMBER 17, 2011 TESTIMONY BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA HEARING ON ''CHINA'S CENSORSHIP OF THE INTERNET AND SOCIAL MEDIA: THE HUMAN TOLL AND TRADE IMPACT''

GILBERT B. KAPLAN, PARTNER, KING & SPALDING, PRESIDENT, COMMITTEE TO SUPPORT U.S. TRADE LAWS—INTRODUCTION

China's censorship of the Internet and its restrictions on the free flow of information have a very significant impact on U.S. economic and trade interests. China continues to impose debilitating burdens on foreign Internet service providers through its censorship regime, its blocking of foreign websites, and its ''Great Firewall'' infrastructure, which inhibit or prevent all together U.S. companies' ability to do business in China, and their ability to compete with Chinese domestic companies. China's Internet service providers have capitalized on this discriminatory treatment of U.S. companies and have consequently experienced great success. Earlier this year, for example, RenRen (known as ''China's Facebook'') filed for a U.S. public offering, symbolizing its success to date and its plans for expansion. Meanwhile, Facebook is blocked in China. These measures have been ongoing for years, and have had an overwhelming adverse impact on market share for U.S. companies perhaps to the extent that such market share can never be recovered.

China's blocking and filtering measures, and the fog of uncertainty surrounding what China's censors will and will not permit, violate numerous of China's international obligations, including provisions of the WTO General Agreement on Trade and Services (''GATS'') and China's WTO Protocol of Accession.

The negative impact of these violations on America's premier Internet companies is profound. There are several corporate victims of China's exclusionary practices. Although there is public information identifying several large companies that have been

blocked or restricted by the Great Firewall, including YouTube, Facebook, Twitter, Vimeo, Google, and the Huffington Post, to name a few, there are many other companies that have been blocked from access in China that I am not able to identify by name specifically because these companies fear retaliation. These companies come from various sectors, including energy, labor mediation, tourism, education, web hosting, and advertising, among others. The fact that these large, well-established companies and other fast-growing U.S. firms, so successful in every other major market in the world, are reluctant to come forward with specific information that would form the basis of a WTO complaint against the Chinese government is powerful testament to 1) the importance of the Chinese Internet market—the largest in the world—to these firms' continued success, and 2) the risk of retaliation that these firms face if they are seen as lending direct support to a trade complaint against China. Moreover, companies not yet in existence, but for which China could represent a significant business opportunity, do not even have a voice in the matter and perhaps never will.

I represent the First Amendment Coalition, an award-winning, non-profit public interest organization dedicated to advancing free speech for individuals and companies just like those denied access to China's Internet market. 1 have been working with them to address the issue of China's Internet restrictiveness since 2007. The issues regarding internet censorship and internet blockage are trade issues cognizable under the WTO, as well as freedom of speech issues. They are a harmful trade barrier to U.S. business which must be ended.

The First Amendment Coalition was able to persuade the Office of the U.S. Trade Representative (''USTR'') to take the critical step of requesting detailed information from China on its internet restrictions under Article 111:4 of GATS, which mandates transparency in a Member's application of measures affecting services. OATS Article 111:4 reads as follows.

Each Member shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Agreement.

USTR's request to China follows a three year effort by the First Amendment Coalition to get the U.S. government to take a tough stance to address China internet restrictions in violation of international trade rules, free speech, and human rights. The U.S. request to China under GATS Article 111:4 is highly significant not only because it is the very first time any WTO Member has utilized that provision of the GATS agreement, but also because it is the first time that the U.S. government, or any country, has made a formal submission through the WTO to China to address internet censorship.

Contrary to GATS Article 111:4, China's measures with respect to Internet services have not been published promptly, and in fact, the blocking and filtering measures have not been published at all. In this regard, we have been unable to document written directives or specific governmental instructions concerning China's measures constituting the ''Great Firewall,'' but this in effect lends support to the argument that China is not transparent in its practices related to controlling and censoring Internet content. Indeed, China has published few, if any, regulations related to Internet services. The Chinese government recently issued an official decision, currently available only in Chinese, which appears not to contain ''any new concrete policies but it does set the stage for future moves to rein in parts of the Internet at the possible expense of the commercial Internet companies.''

The historic action taken by USTR is also a significant and important step because, in addition to promoting transparency and free speech, it may result in China providing information in response to U.S. questions that will assist small and medium-sized U.S. businesses in entering the Chinese market, which they currently are unable to do given the lack of certain vital information involving use of the Internet. As USTR indicated in its press release,

[a]n Internet website that can be accessed in China is increasingly a critical element for service suppliers aiming to reach Chinese consumers, and a number of U.S. businesses, especially small- and medium-sized enterprises, have expressed concerns regarding the adverse business impacts from periodic disruptions to the availability of their websites in China.

Small and medium-sized U.S. businesses are particularly disadvantaged by China's Great Firewall because, unlike bigger U.S. companies, they do not have the resources to physically set up shop in China so they are simply excluded from the Chinese market Some of the information requested from China by USTR included the following:

With respect to China's rules governing website blocking: Who is responsible for determining when a website should be blocked? What are the criteria for blocking access? Where are the guidelines published? Who does the actual blocking? How can a service supplier know if their website has been blocked? Are decisions to block appealable? Is the process used to prevent access the same or different for foreign and domestic content?

With respect to the State Internet Information Office (''SIIO) established by the State Council: What are the responsibilities and authorities of SIIO? Will SIIO handle licenses, approval processes, and questions on filtering and other laws?

With respect to inadvertent blocking where one site is blocked when it shares an IP address with a website China has deemed harmful: How does it occur? Can it be avoided? Will Chinese authorities notify the owner of the web hosting service so that it may ensure other sites are not inadvertently blocked? How can companies resolve inadvertent blocking?

With respect to the broad nature of the eleven categories of content which Internet service providers may not disseminate: Are there any criteria to determine when content falls within the eleven categories? Are government requests to filer specific terms communicated directly to Internet information service providers? Are the same terms subject to filtering made available to Internet information service providers inside and outside of China?

With respect to the prevention of ''illegal information'' as that term is used in the White Paper on the Internet in China: How is illegal information defined? Is a written government order required for a private corporation or relevant authority to block the transmission of illegal information? What types of technical measures are service suppliers expected to use to prevent transmission of the illegal information? Are the technical measures to block illegal information applied automatically to domestic and foreign traffic? If not, how are they applied? Does Internet content from outside of China go through a separate monitoring process for illegal information than Internet content created inside of China? If so, how do they differ?

We hope and expect that the Government of China will answer these questions fully and promptly, fulfilling its obligations under the WTO to maintain an open internet and not discriminate against U.S. business.

The remainder of this submission will review in greater detail the Internet restrictions in China, the adverse trade impact caused by those restrictions, and how those restrictions would appear to violate China's international trade obligations.

I. CHINA'S INTERNET RESTRICTIONS

U.S. and foreign Internet companies have faced a long history of discriminatory treatment in China, to their disadvantage and to the advantage of their Chinese competitors. China has for many years maintained a policy, popularly known as the ''Great Firewall,'' under which it has exerted strict control over the use of the limited system of fiber optic cables that connects networks in China to the outside world. As we understand it, China has installed certain hardware, known as ''tappers'' or ''network sniffers,'' at each entry point so that when a user in China attempts to access a good or service located on a server outside of China, the tappers create mirror copies of the data packets that flow back and forth between the two servers, and the mirror copies are delivered to a set of computers that automatically review the data packets. The computers can be, and often are, pre-progammed to block a particular domain name server (''DNS''), Internet Protocol (''IP'') address, or Universal Resource Locator (''URL'') address.

The government of China (''GOC'') also employs tens of thousands of individuals whose sole mission is to search the Internet for objectionable content. Their work often results in the blocking of additional DNS, IP, and URL addresses.

Following USTR's Article 111:4 request, China defended its Internet censorship as an effort to ''safeguard the public.'' Although the ruling Communist Party claims its monitoring and blocking is to promote ''constructive'' websites, stop the spread of ''harmful information,'' and develop what it calls a healthy intemet culture, it is unclear what content is subject to blocking and often the blocked content has nothing resembling ''harmful information.'' Additionally, the blocking appears motivated by other competitive or political agendas. For example, access to the Android Marketplace was blocked within China just after Google announced it would help the Dalai Lama to visit South Africa virtually.

HARM CAUSED BY CHINA'S RESTRICTIONS

Chinese internet restrictions have disadvantaged American businesses, to the benefit of Chinese businesses. According to news reports, Facebook and Twitter, for example, have been blocked in China. In their absence, copycat websites based in China (with censored content) have been able to flourish. It seems unlikely that Facebook and Twitter will be able to regain the market share lost to their Chinese competitors even if they were unblocked at some point in the future. Chinese users have already developed a preference for certain social media sites, and it is doubtful that they would have an incentive to switch services. The loss of a huge potential market for these companies indicates the extent of the harm caused by the Chinese actions. In addition to the direct loss of access to Chinese consumers by these companies comes the loss from all of the advertisers that would ordinarily be offering their services on the Internet pages of these social media service providers. The number of Internet users in China has exceeded 500 million, growing at double digit rates since 2008, roughly twice the size of the U.S. market, which grew only 2.5 to 4.5 percent in the same timeframe.

China is now the largest market for Internet users and U.S. businesses are effectively being blocked from or only given highly restricted access to that market. U.S. companies excluded from the Chinese market are not just large tech companies but small and medium businesses including ''travel sites, engineering firms and consulting firms, which have found their sites blocked and have complained to the trade office.'' A 2011 report by the McKinsey Global Institute estimates that there is a ten percent increase in productivity for small and medium businesses from internet usage. This productivity growth is denied U.S. companies that are blocked from providing their services in China.

U.S. companies are subject to the strict controls that completely disrupt their service, or at a minimum seriously delay the transmission of information. Users of these websites, if they actually endure the wait and do not move to a competitor service supplier, suffer from a decrease in the quality of service, causing commercial harm to U.S. companies.

It would be very useful for this Commission to undertake, directly or perhaps through an economic consulting firm, an economic analysis of the overall harm caused to U.S. companies by the Chinese blockage and censorship of the internet. I think that would be one useful follow-up to this hearing.

III. CHINA'S INTERNET RESTRICTIONS VIOLATE ITS INTERNATIONAL TRADE OBLIGATIONS

The Chinese Government's actions appear to constitute various violations of WTO agreements to which China is a party, particularly the GATS Agreement. The Chinese actions in question, although often based on unwritten policies and practices, would still constitute ''measures'' that can be challenged under the World Trade Organization Dispute Settlement procedures. In this regard, the Appellate Body and various WTO panels have confirmed that actionable ''measures'' subject to WTO dispute settlement include not only written laws and regulations, but other government actions as well. Panels have also recognized the subtleties of government pressure on private companies as ''measures'' that may be challenged at the WTO.

In addition to USTR's current GATS Article 111:4 request, there are more aggressive steps that the United States could take to protect its vital economic interests. While we believe that China currently is preparing its official response to USTR's Article 111:4 request, if China fails to respond or fails to respond meaningfully, the United States would then have a readily apparent basis to initiate formal dispute settlement proceedings in the WTO. Paragraph 1 of GATS Article XXIII says ''[i]f any Member should consider that any other Member fails to carry out its obligations or specific commitments under this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter have recourse to the dispute settlement understanding.''

In addition to a potential violation under GATS Article III on transparency, there are other WTO obligations that China appears to violate with its Internet restrictions, including other GATS provisions, as is discussed below.

Initiation of a WTO dispute settlement proceeding against Chinese Internet restrictions by the United States would signal to the U.S. business community, to consumers around the world, and to China, that the U.S. government will assert its rights under WTO agreements when China fails to fulfill its WTO obligations, even in those areas that may be of a more sensitive nature. Unfortunately, these sensitivities give rise to a number of obstacles to U.S. initiation and prosecution of a formal WTO dispute against China.

As noted, it is difficult to find companies willing to come forward to support a potential case against China for fear of retaliation. Due to this fear, specific facts needed by the U.S. government to support many claims under the WTO are difficult to document. In addition, also as noted, many of the Chinese laws, regulations, policies, and practices regarding Internet services are not written down, although they are enforced de facto.

A. CHINA'S INTERNET CENSORSHIP VIOLATES OTHER PROVISIONS OF GATS

China made specific commitments regarding market access and national treatment for services in various service sectors. China's Internet policies would appear to violate many of these specific commitments under the GATS, including in the areas of Data Processing Services, Photographic Services, Telecommunication Services, Mobile Voice and Data Services, Audiovisual Services, Tourism and Travel Related Services, and Transport Services. By pursuing these policies, China denies market access to U.S. companies and discriminates against the services of U.S. companies in favor of Chinese companies.

Although U.S. companies offer a wide range of services over the Internet, four service sectors that would appear to suffer disproportionately under Chinese policies are: (1) Advertising services (the primary revenue source for U.S. suppliers of Internet-based services, particularly those operating search engines, social networking, and data/photo sharing, is through advertising and U.S. services suppliers obtain revenue from the development and posting of targeted advertisements on their webpages and facilitating access to other websites by their users clicking on the advertisements); (2) Data processing and tabulation services (relevant U.S. services suppliers are providing consumers with the ability to access certain tools over the Internet that enable them to make, edit, and share videos or photos, or other data and that allow them to search for content on other websites and the U.S. services supplier is necessarily processing data for the consumer and providing a tool to access defined data bases or the Internet generally); (3) On-line information and database retrieval; and (4) Videos, including entertainment software and (CPC 83202), distribution services (''Video/entertainment distribution services'').

There follows below a brief discussion of some of the specific GATS claims that might be made against the Chinese measures in question and some of the factors that would need to be considered in prosecuting such claims.

I. NATIONAL TREATMENT

China's restrictions on U.S. Internet companies appear to violate the national treatment provision in Article XVII of the GATS, which provides that ''each Member shall accord to services and service suppliers of any other Member, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.''

The Chinese measures at issue would seem to fall within one or more of at least four services subsectors for which China has inscribed a specific commitment, without limitation on national treatment, in its WTO Services Schedule. As such, China's measures must comply with the obligations in Article XVII for these subsectors. Current Chinese treatment of U.S. Internet companies, including filtering and blocking through the ''Great Firewall'' and mandated disabling of certain service functions, modifies the conditions of competition in favor of Chinese suppliers such as Baidu (considered the ''Google'' of China); as such, these measures are inconsistent with Article XVII of the GATS.

If China's measures were challenged in a WTO proceeding, a Panel would first determine whether China's measures are indeed ''affecting'' the supply of these services. As noted by the Appellate Body in EC–Bananas III:

[T]he term of ''affecting'' reflects the intent of the drafters to give a broad reach to the GATS. The ordinary meaning of the word ''affecting'' implies a measure that has ''an effect on'', which indicates a broad scope of application. This interpretation is further reinforced by the conclusions of previous panels that the term 'affecting' in the context of Article III of the GATT is wider in scope than such terms as 'regulating' or 'governing.'

It is therefore not necessary for China's measures to be directly regulating or governing the business of U.S. Internet service providers, but merely that the measures have an effect on these services, and their providers' ability to do business in China. China's measures clearly have ''an effect on'' these services—indeed, a very detrimental one.

Second, the United States would need to demonstrate that China's measures accord ''less favorable'' treatment to U.S. suppliers than to China's domestic suppliers of ''like'' services. As set forth in GATS Article XVII:3, the test for less favorable treatment is whether the measure ''modifies the conditions of competition in favor of services or service suppliers of' China compared to like services or services suppliers of the United States. Persuading a panel in this regard would require the production of extensive data and specific information demonstrating the competitive disadvantage suffered by U.S. companies due to China's measures. A comparison of blockages of websites, upload times for content of websites, and other significant impediments to Internet service providers would likely reveal significant and swift loss of market share by U.S. providers.

2. MARKET ACCESS

Article XVI:2 of the GATS prohibits Members from maintaining or adopting quantitative limitations on service operations or service output. China's restrictions on certain U.S. Internet companies' services constitutes a de facto quantitative limitation on such services, therefore violating this provision.

3. DOMESTIC REGULATION

Under Article VI of the GATS, for services sectors in which specific commitments have been undertaken, China must administer its measures in a ''reasonable, objective and impartial manner'' and, for all services sectors, must ensure that tribunals or procedures are available for the prompt review and remedy of administrative decisions. China's restrictions on U.S. Internet companies are subjective and non-transparent, and there are no tribunals or procedures for the review of these administrative decisions. The restrictions therefore violate China's obligations under Articles VI:1 and VI:2(a) of the GATS.

China's ''Great Firewall'' filtering and blocking practices would also seem to violate the GATS Annex on Telecommunications, which states in paragraphs 4 and 5 that ''each Member shall ensure that relevant information on conditions affecting access to and use of public telecommunications transport networks and services is publicly available'' and that ''{e}ach Member shall ensure that any service supplier of any

other Member is accorded access to and use of public telecommunications transport networks and services on reasonable and nondiscriminatory terms and conditions.'' In addition, paragraph 5(c) imposes an obligation on China to ensure that U.S. services suppliers may use the public telecommunications transport networks and services ''for the movement of information within and across borders'' and ''for access to information contained in databases or otherwise stored in machine-readable form'' in the United States or in the territory of another WTO Member. China's filtering and blocking on Internet content clearly restricts the availability of these telecommunications networks in a discriminatory fashion.

CONCLUSION

We appreciate the Commission holding this hearing and inviting me to testify. We also appreciate the efforts of USTR in submitting the GATS 111:4 questions. We urge the Commission to take into account our views in its ongoing work on this issue. We also urge the Commission to monitor China's responses to these questions as well as USTR's continuing efforts on this very important issue. An open and accessible internet in China is a prerequisite to U.S. success in the Chinese market, and a goal that we must continue to fight for until it is achieved.

U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mr. ISSA. Mr. Speaker, I would like to submit the following letter regarding S. 384:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 13, 2011.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing concerning S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. I wanted to notify you that the Committee on Energy and Commerce will forgo action on S. 384 so that it may proceed expeditiously to the House floor for consideration.

This is 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 confirming this understanding with respect to S. 384 and 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.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, December 13, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Energy and Commerce's jurisdictional interest in S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and your willingness to forego consideration of S. 384 by your committee.

I agree that the Committee on Energy and Commerce has a valid jurisdictional interest in certain provisions of S. 384 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of S. 384.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

IRAN THREAT REDUCTION ACT OF 2011

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CROWLEY. Mr. Speaker, I rise today in support of the Iran Threat Reduction Act of 2011.

I want to thank both the Chairman and the Ranking Member of the Committee on Foreign Affairs for their efforts on passing this important legislation.

I am a proud co-sponsor of this bill.

Iran's efforts to obtain nuclear capabilities and its support for terrorism form one of our most serious foreign policy challenges.

And, the Iranian regime's treatment of its own people horrifies the world.

This legislation sends a strong message to the Iranian government—there is a price to pay for ignoring the will of the international community.

It is no secret that Iran has been a destabilizing and dangerous force in the Middle East.

From repeatedly threatening our ally Israel to providing support for attacks on U.S. troops in the region, Iran has sought at every turn to thwart U.S. and international efforts.

Let's be clear though—while the Iranian government conceives of these actions, it is the cruel and twisted core of the Iranian regime—the Iran Revolutionary Guard Corps—that executes its daily threats and brutalities. That's why it is so important that this measure targets the IRGC.

This legislation isn't all that we must do. It is also time for tough and lasting pressure on those who do business with the Central Bank of Iran.

The world must not allow Iran to obtain nuclear capabilities, for the sake of the region and the world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 15, 2011 may be found in the Daily Digest of today's RECORD.

Wednesday, December 14, 2011

CORRECTION

Daily Digest

Highlights

House agreed to the conference report to accompany H.R. 1540, National Defense Authorization Act for Fiscal Year 2012.

Senate

Chamber Action

Routine Proceedings, pages S8555–S8618

Measures Introduced: Eight bills were introduced, as follows: S. 1988–1995. **Page S8602**

Measures Passed:

Belarus Democracy and Human Rights Act: Committee on Foreign Relations was discharged from further consideration of H.R. 515, to reauthorize the Belarus Democracy Act of 2004, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8611**

Reid (for Kerry/Lugar) Amendment No. 1462, to make minor edits to the bill. **Page S8611**

Intelligence Authorization Act for Fiscal Year 2012: Senate passed H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, after agreeing to the following amendment proposed thereto: **Pages S8611–17**

Reid (for Feinstein/Chambliss) Amendment No. 1463, in the nature of a substitute. **Page S8617**

Measures Failed:

Balanced Budget Joint Resolution: By 21 yeas to 79 nays (Vote No. 228), two-thirds of Senators voting not having voted in the affirmative, Senate failed to pass S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States. **Pages S8565–67**

Balanced Budget Joint Resolution: By 47 yeas to 53 nays (Vote No. 229), two-thirds of Senators voting not having voted in the affirmative, Senate failed to pass S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States. **Pages S8565–67**

Appointments:

National Advisory Committee on Institutional Quality and Integrity: The Chair announced, on behalf of the President pro tempore, pursuant to P.L. 110–315, the appointment of the following to be a member of the National Advisory Committee on Institutional Quality and Integrity: Ms. Jill Derby of Nevada, vice Daniel Klaich of Nevada. **Page S8617**

Christen Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10:30 a.m., on Thursday, December 15, 2011, Senate begin consideration of the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate resume legislative session, and at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate return to executive session, resume consideration of the nomination, and there be an additional 2 minutes for debate equally divided in the usual form, prior to a vote on confirmation of the nomination; and that no further motions be in order to the nomination. **Page S8611**

Nominations Confirmed: Senate confirmed the following nominations:

8 Coast Guard nominations in the rank of admiral.

15 Navy nominations in the rank of admiral.

Pages S8611, S8617–18

Messages from the House: **Pages S8600–01**

Measures Referred: **Page S8601**

Measures Placed on the Calendar: **Pages S8601, S8617**

Executive Communications: **Pages S8601–02**

Executive Reports of Committees: **Page S8602**

Additional Cosponsors: **Pages S8602–04**

Statements on Introduced Bills/Resolutions: Pages S8603–04

Additional Statements: Pages S8598–S8600

Amendments Submitted: Pages S8604–10

Authorities for Committees to Meet: Pages S8610–11

Privileges of the Floor: Page S8611

Record Votes: Two record votes were taken today. (Total—229) Pages S8566–67

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:10 p.m., until 9:30 a.m. on Thursday, December 15, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8617.)

Committee Meetings

(Committees not listed did not meet)

INVESTOR RISKS IN CAPITAL RAISING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine investor risks in capital raising, including S. 1824, to amend the securities laws to establish certain thresholds for shareholder registration under that Act, S. 1831, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, S. 1933, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, and S. 1970, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, after receiving testimony from John C. Coates IV, Harvard Law School, Newton, Massachussets; Kate Mitchell, Scale Venture Partners, San Francisco, California; Barry E. Silbert, SecondMarket, New York, New York; Stephen Luparello, Financial Industry Regulatory Authority, Alexandria, Virginia; and Mark T. Hiraide, Petillon Hiraide and Loomis LLP, Redondo Beach, California.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1449, to authorize the appropriation of funds for highway safety programs and for other purposes, with an amendment in the nature of a substitute;

S. 1950, to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, with an amendment in the nature of a substitute;

S. 1952, to improve hazardous materials transportation safety;

S. 1953, to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development; and

A promotion list in the National Oceanic and Atmospheric Administration.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nomination of Rebecca R. Wodder, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife.

ALTERNATIVE ENERGY TAX INCENTIVES

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure concluded a hearing to examine alternative energy tax incentives, focusing on the effect of short-term extensions on alternative technology investment, domestic manufacturing, and jobs, after receiving testimony from Molly Sherlock, Analyst in Economics, Congressional Research Service, Library of Congress; Will Coleman, Mohr Davidow Ventures, Menlo Park, California; Martha Wyrsch, Vestas-American Wind Technology, Inc., Portland, Oregon; Paul Soanes, Renewable Biofuels, Inc., Houston, Texas; and Margo Thorning, American Council for Capital Formation, Washington, D.C.

HUMAN RIGHTS AND RULE OF LAW IN RUSSIA

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine the state of human rights and rule of law in Russia, focusing on United States policy options, after receiving testimony from Philip H. Gordon, Assistant Secretary for European and Eurasian Affairs, and Thomas O. Melia, Deputy Assistant Secretary for Democracy, Human Rights and Labor, both of the Department of State; and David Kramer, Freedom House, Edward S. Verona, U.S.-Russia Business Council, and Tom Malinowski, Human Rights Watch, all of Washington, D.C.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

An original bill entitled, "Stop Trading on Congressional Knowledge Act of 2012";

H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia;

H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in

Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office"; and

H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, with an amendment in the nature of a substitute; and

The nominations of Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service, Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts, Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities, Stephanie Orlando, of New York, and Gary Blumenthal, of Massachusetts, both to be a Member of the National Council on Disability, and a nomination list in the Public Health Service.

FEDERAL BUREAU OF INVESTIGATION OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 3658–3672; and 5 resolutions, H. Con. Res. 92–94; and H. Res. 495–496 were introduced. **Pages H8965–67**

Additional Cosponsors: **Pages H8967–68**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H8903**

Recess: The House recessed at 10:58 a.m. and reconvened at 12 noon. **Page H8910**

National Defense Authorization Act for Fiscal Year 2012—Conference Report: The House agreed to the conference report to accompany 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, and to prescribe military personnel strengths for such fiscal year, by a recorded vote of 283 ayes to 136 noes, Roll No. 932. **Pages H8915–37, H8941–42**

Rejected the Bishop (GA) motion to recommit the conference report to the committee of conference with instructions to the managers on the part of the House, by a recorded vote of 183 ayes to 234 noes, Roll No. 931. **Page H8941**

H. Res. 493, the rule providing for consideration of the conference report, was agreed to by a recorded vote of 245 ayes to 169 noes, Roll No. 926, after the previous question was ordered by a yea-and-nay vote of 235 yeas to 173 nays, Roll No. 925. **Pages H8921–22**

Recess: The House recessed at 3:27 p.m. and reconvened at 5:40 p.m. **Page H8937**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, December 13th:

Iran Threat Reduction Act of 2011: H.R. 1905, amended, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, by a ⅔ yea-and-nay vote of 410 yeas to 11 nays, Roll No. 927; **Pages H8937–38**

Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011: H.R. 2105, amended, to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, by a ⅔ yea-and-nay vote of 418 yeas to 2 nays, Roll No. 928; and **Pages H8938–39**

Fallen Heroes of 9/11 Act: 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, by a ⅔ recorded vote of 416 ayes with none voting "no", Roll No. 929. **Pages H8939–40**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on December 12th:

Designating the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza": H.R. 1264, amended, to designate the property between the United States Federal 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 historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson, by a ⅔ yea-and-nay vote of 418 yeas to 1 nay, Roll No. 930 and **Pages H8940–41**

Brian A. Terry Memorial Act: 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". **Page H8952**

Directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540: The House agreed to H. Con. Res. 92, to direct the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540. **Page H8942**

Providing for a correction to the enrollment of the bill H.R. 2845: H. Con. Res. 93, to provide for a correction to the enrollment of the bill H.R. 2845. **Pages H8942–48**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Providing for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska: H.R. 443, amended, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; **Pages H8948–49**

Rattlesnake Mountain Public Access Act of 2011: 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; and **Pages H8949–50**

Sugar Loaf Fire Protection District Land Exchange Act of 2011: S. 278, amended, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado. **Pages H8950–52**

Recess: The House recessed at 9:35 p.m. and reconvened at 11:39 p.m. **Page H8965**

Senate Message: Message received from the Senate today appears on page H8910 .

Quorum Calls—Votes: Four yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H8921–22, H8922, H8938, H8938–39, H8939–40, H8940–41, H8941 and H8941–42. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:40 p.m.

Committee Meetings

ICANN'S TOP-LEVEL DOMAIN NAME PROGRAM

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled "ICANN's Top-Level Domain Name Program." Testimony was heard from Fiona Alexander, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a markup of the following: the "Private Mortgage Market Investment Act"; and H.R. 2483, the "Whistleblower Improvement Act of 2011." Both bills were forwarded, as amended.

CONFRONTING DAMASCUS: U.S. POLICY TOWARD THE EVOLVING SITUATION IN SYRIA

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing entitled "Confronting Damascus: U.S. Policy Toward the Evolving Situation in Syria." Testimony was heard from Frederic C. Hof, Special Coordinator for Regional Affairs, Office of the U.S. Special Envoy for Middle East Peace, Department of State.

JUDICIAL RELIANCE ON FOREIGN LAW

Committee on the Judiciary: Subcommittee on the Constitution held a hearing entitled "Judicial Reliance on Foreign Law." Testimony was heard from public witnesses.

NUCLEAR REGULATORY COMMISSION

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "The Leadership of the Nuclear Regulatory Commission." Testimony was heard from the following officials of the National Regulatory Commission, Gregory B. Jaczko, Chairman; George E. Apostolakis, Commissioner; C. Ostendorff, Commissioner; Kristine L. Svinicki, Commissioner; William D. Magwood IV, Commissioner; and the following officials from the Nuclear Regulatory Commission: Bill Borchardt, Executive

Director for Operations; and Stephen Burns, General Counsel.

HHS AND THE CATHOLIC CHURCH

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''HHS and the Catholic Church: Examining the Politicization of Grants (minority day of hearing).'' Testimony was heard from Susie Baldwin, M.D., Chief, Health Assessment Unit, Office of Health Assessment and Epidemiology, Los Angeles County Department of Public Health; and public witnesses.

WATER QUALITY

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''Integrated Planning and Permitting: An Opportunity for EPA to Provide Communities With Flexibility To Make Smart Investments in Water Quality.'' Testimony was heard from Jim Suttle, Mayor, Omaha, Nebraska; Joe Reardon, Mayor, Kansas City, Kansas; Todd Portune, Commissioner, Hamilton County Board of Commissioners; Walt Baker, Director, Division of Water Quality, Utah Department of Environmental Quality; Carter H. Strickland, Jr., Commissioner, New York City Environmental Protection; Nancy Stoner, Acting Assistant Administrator for Water, Environmental Protection Agency; Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, Environmental Protection Agency; and public witnesses.

VA'S COMPENSATED WORK THERAPY PROGRAM

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing entitled ''Is It Working: Reviewing VA's Compensated Work Therapy Program.'' Testimony was heard from Anthony Campinell, Director, Therapeutic and Supported Employment Programs, Veterans Health Administration, Department of Veterans Affairs.

TRANS-PACIFIC PARTNERSHIP

Committee on Ways and Means: Subcommittee on Trade held a hearing on the Trans-Pacific Partnership. Testimony was heard from Demetrios Marantis, Ambassador, Deputy U.S. Trade Representative, Office of the United States Trade Representative; and public witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1339)*

H.R. 2192, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days. Signed on December 13, 2011. (Public Law 112–64)

S. 1541, to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership. Signed on December 13, 2011. (Public Law 112–65)

S. 1639, to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion. Signed on December 13, 2011. (Public Law 112–66)

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 15, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: To hold hearings to examine the nominations of Michael T. Scuse, of Delaware, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, and Chester John Culver, of Iowa, and Bruce J. Sherrick, of Illinois, both to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, 10:30 a.m., SR–328A.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine environmental risks of genetically engineered fish, 10:30 a.m., SR–253.

Committee on Energy and Natural Resources: Business meeting to consider S. 1108, to provide local communities with tools to make solar permitting more efficient, S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, S. 1149, to expand geothermal production, S. 1160, to improve the administration of the Department of Energy, and the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy, 9:30 a.m., SD–366.

Committee on Environment and Public Works: With the Subcommittee on Clean Air and Nuclear Safety, to hold

joint hearings to examine the Nuclear Regulatory Commission's (NRC) near-term task force recommendations for enhancing reactor safety in the 21st century, 10 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs, to hold hearings to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean, 11 a.m., SD–419.

Subcommittee on African Affairs, to hold hearings to examine improving governance in the Democratic Republic of Congo, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine prescription drug shortages, focusing on examining a public health concern and potential solutions, 10 a.m., SD–106.

Committee on the Judiciary: Business meeting to consider S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels, and the nomination of Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri, 10 a.m., SD–226.

House

Committee on the Budget, Full Committee, markup of H.R. 3521, the ''Expedited Line-Item Veto and Rescissions Act of 2011.'' 10 a.m., 210 Cannon.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing on H.R. 3606, the ''Reopening American Capital Markets to Emerging Growth Companies Act of 2011.'' 9:30 a.m., HVC–210 Capitol.

Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''The Homeless Children and Youth Act of 2011: Proposals to Promote Economic Independence for Homeless Children and Youth.'' 10 a.m., 2237 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''The Collapse of MF Global.'' 1 p.m., HVC–210 Capitol.

Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, markup of the following: H.R. 3401, to apply counterinsurgency tactics under a coordinated and targeted strategy to combat the terrorist insurgency in Mexico waged by transnational criminal organizations, and for other purposes; and H.R. 2542, to withhold twenty percent of United States assessed and voluntary contributions to the Organization of American States (OAS) for every permanent council meeting that takes place where Article 20 of the Inter-American Charter is not invoked with regard to Venezuela's recent constitutional reforms, and for other purposes. 11 a.m., 2172 Rayburn.

Committee on the Judiciary, Full Committee, markup of H.R. 3261, the ''Stop Online Piracy Act.'' 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing on the following: the Harris Neck National Wildlife Refuge and How the Federal Government Obtained Title to This Land and Promises Made to the Original Landowners; H.R. 1171, the ''Marine Debris Act Reauthorization Amendments of 2011''; and S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes. 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled ''What the Euro Crisis Means for Taxpayers and the U.S. Economy, Pt. I.'' 10 a.m., 2154 Rayburn.

Committee on Small Business, Subcommittee on Investigations, Oversight and Regulations, hearing entitled ''New Medical Loss Ratios: Increasing Health Care Value or Just Eliminating Jobs?'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing entitled ''California's High-Speed Rail Plan: Skyrocketing Costs & Project Concerns.'' 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing entitled ''Reviewing the Implementation of the VOW to Hire Heroes Act of 2011.'' 10 a.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 15

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 15

House Chamber

Program for Thursday: Consideration of H.R. 3659—Welfare Integrity and Data Improvement Act.

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