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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. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 3, 2011.

I hereby appoint the Honorable TOM MCCLINTOCK 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.

CONSTITUTIONAL FUNDAMENTALISM

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

Mr. QUIGLEY. On the first day of this Congress, Members took turns reading the Constitution aloud on the floor of this House. It was a worthwhile exercise.

However, some parts were omitted. There was no recital of the Amendment that established prohibition or the clause requiring fugitive slaves to be returned to their owners, or the one equating slaves with three-fifths of a human being. I guess nobody wanted to be the one who was stuck reading those parts, and I can understand that.

But it got me thinking that, lately, there has been a lot of talk about the Constitution, and that's a good thing. The Constitution is our national charter. It protects our basic freedoms, it grants power to the government, and puts limits on those powers.

All of us in this body took an oath to support it. We should talk a lot about the Constitution, but we should talk about it the right way. Some of my colleagues here seem to think that all we have to do is read the Constitution together and we will all see the light; that the little words on the page will answer all of our questions. For them, the Framers had all the answers. I guess that's the real reason they didn't want to read the embarrassing parts out loud on the House floor.

To do that would be to admit that the Framers got some things wrong, that their document was a first draft of liberty, a blueprint for justice, not the last word.

Some call this way of thinking constitutional fundamentalism. When it comes to the Constitution, fundamentalism is misguided. Let me explain why.

No one doubts that some parts of the Constitution are meant to be read literally and rigidly: every State gets two Senators. You have to be at least 25 years old to be elected to Congress. Cut and dried.

But in many of the most important passages of the Constitution, the Framers deliberately used broad, open-ended language because they wanted their words to be read flexibly as times changed. Freedom of speech, due process of law—these terms don't define themselves.

The Fourth Amendment protects the right of people against unreasonable searches and seizures. The Eighth Amendment outlaws cruel and unusual punishment. What makes a search unreasonable or a punishment cruel? The document itself doesn't tell us.

The constitutional fundamentalists tell us we should interpret the words of the Constitution as they were understood at the time they were written, more than 200 years ago, but they can't really mean that. At that time, all felonies were subject to the death penalty and flogging was a common punishment for crime. Today, we consider such punishments cruel and unusual.

The words the Framers chose are not just broad and open-ended. More importantly, they express basic values. To enforce basic values, you need to make value judgments. And value judgments change as the world changes, even when the underlying values stay the same. The Supreme Court has always understood this.

Almost 200 years ago, the great Chief Justice John Marshall made clear that the Court was going to read the broad phrases of the Constitution differently than it might read a tax statute or bailing code.

Marshall wrote: ''If we apply this principle of construction to any of the powers of government, we shall find it so pernicious in its operation that we shall be compelled to discard it.''

Marshall and his successors on the High Court understood that when we freeze the meaning of the Constitution in place, we limit our capacity to make progress as a people.

Progress hasn't come easy. It wasn't until the 1940s that the Court applied the First Amendment's establishment clause to State and local governments, ensuring the separation of church and State. It wasn't until the 1950s in Brown v. Board of Education that the Court declared government-sponsored racial segregation unconstitutional. Not until the 1960s did the Court finally represent the principle of one person, one vote. And not until the 1970s did the Court enforce constitutional equality for women.

If we interpreted the document in a static and literal way, we would find ourselves in a country we didn't recognize.

Constitutional fundamentalism makes difficult choices look easy by papering over the ambiguities of the document and ignoring the complexities of our history.

I would much rather acknowledge the ambiguities and debate and discuss and argue about the complexities. I think it's significant that when we amend the Constitution, we don't redact the superseded parts. Leaving them in serves as an anecdote to collective amnesia about our past mistakes; it undermines efforts to sanitize our troubled history, as many in power throughout the world often do with their own history.

I close with the words of Thomas Jefferson: ''Some men look at constitutions with sanctimonious reverence and deem them like the ark of the covenant, too sacred to be touched. Let us follow no such examples, nor weakly believe that one generation is not as capable of taking care of itself, and ordering its own affairs.''

Thank you.

ALABAMA IMPACTED BY THE APRIL 27, 2011, STORM

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

Mrs. ROBY. Mr. Speaker, last week my home State of Alabama faced the worst natural disaster in the history of the State. My immediate thoughts go out to the families impacted by the storm, as well as my thanks to the men and women on the ground assisting in recovery efforts. As of May 1, the Alabama Emergency Management Agency has confirmed 250 fatalities in Alabama from the April 27 storm.

Although the Second Congressional District dodged the full force of the storm, Elmore County sustained significant damage and, tragically, the loss of six lives. My thoughts and prayers go out to all of those who lost loved ones.

Since the storm, I have had the opportunity to tour the affected areas in my district and meet with the hardworking men and women working on recovery efforts.

Working quickly with Governor Bentley and the Alabama delegation, we requested shortly after the storm for the President to sign a major disaster declaration, which I am grateful that he immediately did.

Over the next coming months, I will continue to work with the Governor, the Alabama delegation, and the administration to ensure that critical resources and assistance is getting to those impacted by this horrific disaster.

Once again, the citizens of Alabama are in my thoughts and my prayers for them to get through such a difficult time.

□ 1010

MISPLACED PRIORITIES OF THE TEA PARTY REPUBLICANS

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

Mr. GEORGE MILLER of California. Mr. Speaker, let me begin by joining my colleagues on both sides of the aisle in praising President Obama and our military and our intelligence teams for their extraordinary work in the culmination of the killing of Osama bin Laden. His death is a very positive step for U.S. counterterrorism efforts. Bin Laden's death will not erase the pain he caused by his evil acts, nor does it mean that Americans are not still the targets of others bent on doing us harm, but hopefully his elimination will offer some comfort to the grieving families all over the world who have suffered at his hand and will diminish the capacity of his network to do us harm.

Mr. Speaker, while Americans are expressing their appreciation over the death of bin Laden, they remain deeply anxious about our economy. They are suffering from high unemployment and high gas prices and they expect and need relief. That is why Americans must be really scratching their heads in disbelief over the choices being made here in the House of Representatives.

While Americans remain focused on jobs and the economy, the tea party Republican majority has voted to end Medicare and to cut taxes for the richest Americans and the largest oil companies. And this week they will vote to make it harder for students and low-income workers across the country to have access to health care by bringing up two bills to end the funding for new school-based health care centers and for State-based exchanges where workers and small business employees who cannot get insurance through their jobs will be able to look for health care benefits.

Mr. Speaker, they are also bringing up a third bill, a sweeping measure that would, in effect, make abortion inaccessible to most women, despite the fact that the Supreme Court has ruled that women in the United States of America have a constitutional right to receive an abortion if they so choose.

With sky-high gas prices and continued high unemployment, the Republicans must wake up in the morning and think the most important thing to do today is to take away health care from kids and hardworking Americans and trample on women's rights.

Really? Time out, America. Time out.

This Congress, under the control of the tea party, is making the wrong choices for our economy and for our future. They have accomplished nothing for the American people in more than 3 months that they have been in charge. No bill to help create jobs. Not one. Instead, what have they done? They voted to end Medicare. That is right. They voted to end Medicare and shift the cost of health care of current and future seniors onto seniors themselves, in some cases adding nearly $7,000 more in costs per senior starting in the year 2022. They voted to reduce nursing home care for seniors and for the disabled. And they voted to make prescription drugs for senior citizens more expensive.

To make it all worse, at the same time they voted to end Medicare, they voted to cut taxes for millionaires and billionaires and give tax breaks to the largest oil companies and to extend tax breaks to companies that ship jobs overseas and in fact pay no taxes to the American people, no sense of patriotism for the benefit these companies receive by being American corporations. They chose to give them additional tax breaks, even though they pay no taxes under current law.

Their choices are clear—dangerously clear. End Medicare and make seniors pay more for health care, but give giant oil companies and the wealthiest in our country more tax breaks.

One of the bills that they will bring up this week will eliminate the ability of Americans without insurance, including small business employees, to shop and to compare health plans in the State-based exchanges. They have determined to pursue policies to harm working families in order to cater to their insurance industry friends and radical right-wing supporters. They don't believe that every American should have access to affordable health coverage.

Health exchanges are one of the most popular and important provisions of the health care law. They are vital for families and small businesses to be able to have access to affordable health care. These exchanges are market based, they foster competition, they reduce costs, and they provide access to health insurance for millions of Americans.

Yes, Mr. Speaker, Americans must scratch their heads every day and wonder why the priorities of the tea party Republicans are not consistent with the needs of their families, their children, their job opportunities, their small businesses' vitality. They must wonder every day: Why can't this Congress start serving the American public?

JUSTICE DELAYED BECAME JUSTICE SERVED

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

Mr. PENCE. Mr. Speaker, Osama bin Laden is dead. Justice delayed became justice served. And I stand to pay a debt of honor and a debt of gratitude to all of those who brought us to this day.

The first time most Americans heard Osama bin Laden's name was perhaps from that podium. Just more than a

week after September 11, we gathered here. President George W. Bush spoke that name into history. And every day since, it has been clear to freedom-loving people across this planet that we had to reach this day to answer for the tragic and brutal events visited upon our country on September 11.

I rise to pay a debt of honor and a debt of gratitude. I commend President Barack Obama for his decisive leadership, making the tactical decisions that were made, as well as providing our troops with the resources they needed to get the job done and come home safely. I commend his predecessor, President George W. Bush, whose tenacity and commitment to the war on terror clearly brought us to this day. I also commend our intelligence community, who, year upon year, never lost sight of the demand for justice.

But I mostly rise today to pay a debt of honor and gratitude to the members of our U.S. Armed Forces, past and present. Those Sunday night who slid down the ropes and captured and killed Osama bin Laden are in our hearts, but also those over the last 10 years who have made the necessary sacrifices in the war on terror, and I rise today to particularly pay tribute to them.

I was here on 9/11. After we had the opportunity for the roads to open, I made my way back to our small home in Northern Virginia, and there, with my wife and our children, 6, 7 and 8, we gathered for a short family meeting and for prayer before I would come back in to the Capitol.

My little 6-year-old daughter stopped me in the kitchen as I was walking to the car and she said, ''Daddy, I have to talk to you.'' I said, ''I've got to go.'' She said, ''Daddy, I've got to talk to you.'' I said, ''What?'' She said, ''If we have to make a war, do you have to go?'' And I dropped down on one knee and I threw my arms around that 6-year-old and I said, ''Daddy's too old.'' But every day since I have thought of all the daddies and mommies who looked their little ones in the eye, looked their spouses and their parents in the eye, and they said, ''I have to go.'' And they went. And some of them didn't come home.

In the Sixth Congressional District, we have a roll of the fallen heroes of the war on terror. I recite them today with the deepest respect and gratitude.

Lance Corporal Matthew Smith of Anderson; Private Shawn Pahnke of Shelbyville; Specialist Chad Keith of Batesville; Staff Sergeant Frederick Miller, Jr., of Hagerstown; Sergeant Robert Colvill, Jr., of Anderson; Specialist Raymond White of Elwood; Lance Corporal Scott Zubowski of New Castle; Sergeant Jeremy Wright of Shelbyville; Master Sergeant Mike Heister of Bluffton; Staff Sergeant Michael Bechert of New Castle; Staff Sergeant Brian Keith Miller of Pendleton; Specialist Jonathan Lahmann of Richmond; Lance Corporal Layton Crass of Richmond; Lance Corporal Andrew Whitacre of Bryant; Specialist William Justin McClellan of New Castle; Private First Class Jaiciae Pauley of Muncie; Staff Sergeant Phillip Chad Jenkins of Decatur; and Sergeant Jeremy McQueary of my hometown of Columbus.

This was a victory for freedom. And as much as it belongs to those who made the decisions, developed the intelligence, who slid down the ropes and stepped into harm's way Sunday night, this victory belongs to those who lie in earthen graves in my district and all over this country who brought it about.

□ 1020

Winston Churchill said, We sleep soundly in our beds because rough men stand ready to visit violence on those who would do us harm. Today, I pay a debt of gratitude to a Commander in Chief, present and past, but to all the members of the Armed Forces who allow us this day to say: Justice served. Osama bin Laden is dead.

PROTECTING CONSUMERS FROM HIGHER GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. CONNOLLY) is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Let me congratulate my colleague from Indiana on his eloquence. I don't think it could be better said.

Mr. Speaker, 1 year after the Deepwater Horizon oil spill, Americans are paying record gas prices. In northern Virginia, gas that used to cost $3 a gallon now costs $4 a gallon. This gas price hike is the result of instability in the Middle East and possible oil speculation, and is a reminder of our dangerous dependence on foreign oil. Sadly, our Republican colleagues are not advancing legislation to help consumers. Their plan would line the pockets of Big Oil, which saw its profits skyrocket 30 percent in line with these rising gas prices. Fortunately, there are positive steps we can take to promote energy independence and protect consumers: Improve vehicle efficiency, boost production of domestic renewable energy, and convert oil industry tax breaks into gas price relief for consumers.

America owns 3 percent of the world's oil but consumes 25 percent of its global reserves. The only way to end our dependence on foreign oil and reduce gas prices is by improving automobile efficiency and developing new sources of clean domestic energy. Energy independence is going to depend on reducing our oil consumption and shifting to domestic forms of energy like wind, solar, biofuels, and, most importantly, improved efficiency. Energy independence will save consumers money and protect us from political instability in the Middle East.

At the end of 2010, Congress extended tax credits for biofuels and the production of wind and solar energy. Those tax credits increased wind energy production by nearly 43 percent in less than 2 years. So extending them now is important for energy independence.

Under the authority of the Clean Air Act amendments, President Obama and automakers recently announced an agreement to improve the efficiency of automobiles by 30 percent by 2016. This agreement will save consumers $3,000 for each car purchased 5 years from now. Here's another way of looking at it. If you can save 30 percent at the pump, better vehicle efficiency would more than offset recent gas price hikes. Unfortunately, oil companies and their allies in Congress are trying to roll back much of this progress. Our Speaker has forced through legislation which would repeal much of the Clean Air Act, hurting American consumers and undermining our national security. Fortunately, the Senate will not allow that reckless legislation to become law.

This week, the Republican leadership in this House will try to short-circuit safety rules for the production of oil off America's coast, increasing the likelihood of another Deepwater Horizon catastrophe. Their legislation could also allow oil exploration that would impede Naval operations off Virginia's coast and threaten the Chesapeake Bay. I do not support these reckless efforts to allow unregulated oil drilling which endangers our coastal economies and our national security. I will be introducing an amendment in the nature of a substitute. My amendment would strike the anti-safety language and add a provision to repeal $37 billion in oil company tax loopholes. It would remit this money equally to licensed American drivers. Averaged among licensed drivers, this amendment would give $185 to each driver—the equivalent of reducing gas prices by 27 cents a gallon.

There are many positive steps we can take to promote energy independence and reduce the burden of gas prices: Improve vehicle efficiency, boost production of renewable domestic energy, and end Big Oil tax breaks in order to help consumers. We should be taking these positive steps instead of endangering our coastal economies with unregulated oil drilling which would do nothing to affect oil prices.

OVERSEAS SECURITY ADVISORY COUNCIL ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Today, May 3, 2011, I would like to take this time to commend the Department of State's Overseas Security Advisory Council, or OSAC, on its 26th anniversary. Since 1985, OSAC, a public-private partnership, has provided accurate, timely, actionable information on global security concerns. Its constituents number over

4,000, and include businesses, schools, faith-based organizations, and nongovernmental organizations. OSAC serves as the U.S. Government's primary platform for assisting the U.S. private sector to confront and mitigate security threats overseas. Information is shared via OSAC's Web site and through individual consultations between OSAC analysts and its constituency. OSAC's original reports are posted on their Web site, sent to embassies around the world, and have been requested by numerous U.S. and foreign government agencies.

Through its Country Council program, OSAC provides a mechanism for the U.S. private sector to gather information and share best practices among the world's leading security experts. Country Councils are present in over 140 cities and serve as a forum for the discussion of time-sensitive and country-specific security concerns. Around the world, the London Country Council is gearing up for the immense undertaking of the 2012 Olympic Summer Games; members of the Lagos Country Council are discussing operating challenges in the Niger Delta; the various Country Councils in Mexico are creating strategies for operating amid the violence caused by the drug trafficking organizations; the Hong Kong Country Council is focusing on deterring cybercrime; the Erbil Country Council is facilitating discussions between the U.S. private sector and Kurdistan government officials.

Over the past 26 years, OSAC has developed into the premier model for public-private partnership. It is the only government-sponsored organization specifically designed to address the private sector's global security concerns. Founded by Secretary of State George Shultz and a handful of CEOs in 1985, OSAC has expanded to include over 4,000 constituents and looks forward to a robust partnership with the U.S. private sector and ensuring the safety of American entities abroad. Congratulations to the OSAC cochairs, Diplomatic Security Service Director Jeff Culver and John McClurg from the Dell Corporation, and the Executive Working Group: Jim Snyder from Conoco Phillips; Brad Brekke from Target Corporation; and Jim Hutton from Procter & Gamble. I also want to thank OSAC's executive director, Peter Ford, and from OSAC, Jackee Schools and Marsha Thurman.

IT'S TIME TO STOP RELYING ON FOREIGN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, with gas prices skyrocketing to over $4 and $5 a gallon, threatening our fragile economic recovery, let me retrace the history of U.S. economic recessions and unemployment since the 1970s and their relation to global oil markets and oil prices. Both in 1973, during the Nixon administration, and then during 1978, during the Presidency of Jimmy Carter, America's economy was subjected to serious harm by global oil kingdoms on whom our Nation already had become too dependent. When gas prices eventually doubled, with the unemployment that followed, President Carter described that major oil price squeeze as the ''moral equivalent of war.''

This chart very vividly shows, how rising unemployment, which is the blue line, follows every major oil price increase since the 1970s. Yes, every spike of gas price increase creates a path to high unemployment that follows. That certainly was true back in 2008, when in fact the oil prices spiked over $4 dollars per gallon and unemployment shot up, triggering our current recession as well. President Carter lost his reelection to Ronald Reagan, who won on a campaign of blaming Carter for a ''misery index.'' Back in those days the misery index was explained as the sum of unemployment and inflation rates but that sum actually was due to gas price sticker shock. When gas prices rise above $4 a gallon, that very fact triggers major unemployment here at home. How many times does our American economy have to be hit over the head with a baseball bat before we recognize our conundrum? We should be working full steam ahead to become energy independent here at home rather than coveting our neighbor's goods.

If we look at the continuing use of petroleum inside our economy—other than the recession we're now in, where we've had a little bit of a dip in imports due to decreased demand—all the way going back to the 1970s, every year, we've consumed more imported petroleum. The red lines show how much more is imported each year. Rather, why don't we invest those trillions and trillions of dollars we are spending in the Middle East and around the world to import that oil right here in our own country?

□ 1030

We literally could rebuild energy production capacity, and much more, from one end of our country to the other and create millions of jobs doing it.

America's chief strategic vulnerability is our dependence on imported energy. How many more Americans have to die to keep those oil lanes open? It is no coincidence we have sent our soldiers to fight where the greatest global oil deposits are located.

My oath is to protect our Nation against all enemies, foreign and domestic. America's petrol dependence is an enemy on both fronts: foreign and domestic. It is no secret that there are some big business interests, including many global oil companies, oil speculators, and financiers trading in those petrodollars, that are making a killing, in many ways, off of America's dependency.

In 2008, rising oil prices tripwired the Great Recession we are currently enduring. And we know recent price hikes threaten our recovery just as our Nation and our people are struggling to get back on their feet. Look at the profits that the major oil companies are ringing in from gas prices at over $4 a gallon. Just in the last quarter, Exxon raked in $10.7 billion, BP brought in $7.2 billion, Chevron earned over $6 billion, and the list goes on and on—in one quarter. One quarter. These huge profits at the expense of our people and nation.

The American people suffer great hardship every time this petroleum addiction rears its ugly head, and it has done so every decade, consistently. The situation keeps getting worse, if anyone is paying attention. In effect, our American Republic becomes a gasoline hostage and a sticker cash cow anytime the global oil markets need an infusion of oil cash or raise prices due to supply aberrations. We simply can't leave America and our people this vulnerable. And we can't keep killing our soldiers to keep those oil lanes open.

The biggest force in the world is inertia. People don't want to change, or don't know how to change our predicament, or don't want to change this losing strategy for our Nation. It's no secret that some interests are making a whole lot of money off the present equation: ''I win, you lose.''

Mr. Speaker, if these economic interests aren't tamed and aren't enemies of our Republic, I don't know what is. Bill Greider wrote a book, it's time to ''Come Home, America.'' Let's do that by restoring energy independence here at home and, indeed, our very liberty.

THE NATIONAL CONSTITUTION COMPETITION

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

Mr. BLUMENAUER. Mr. Speaker, it was my great privilege to spend a major portion of the weekend watching young constitutional scholars from Portland's Grant High School compete in the national Constitution competition here in our Nation's Capital.

It was an amazing experience watching these young men and women debating the fine points of our Constitution. While I had a personal interest with one of the students there, it became clear, watching the competition, that everybody was a winner.

As I was watching the finals, where they were one of the top 10 teams in the Nation, it was fascinating to contemplate what was going on in the much broader context in terms of what this represented. Everybody was a winner—the student constitutional scholars, their dedicated coaches and teachers. Most important, America was winning.

They were part of tens of thousands of students across the country who dove into the intricacies of the Constitution over the past year. They

delved into its antecedents like the Magna Carta and the Articles of Confederation. They deal with the Civil War and the challenges to our constitutional ideals and the practicality of governance in a time of war. They pondered the struggle to give all Americans the promises embedded in the Constitution and the Declaration of Independence. They explored the conflict between the rule of law and its too often flawed implementation.

It was really heartwarming to be able to witness the discussion between the judges, who were all skilled professionals—professors, lawyers, judges volunteering their time—and these terrific young citizens. Indeed, some of the exchanges were riveting. I found myself reflecting on how much easier would be our job in Congress if there were more Americans who were part of this extraordinary experience.

These young people have been part of a program making a difference for a quarter century now. We've got data that show its effectiveness. These young people score a third higher than adult citizens on their knowledge of the Constitution and civic affairs. And good news for America: looking at this experience over a quarter century, they are five times more likely to run for public office.

The bad news is that thousands of young people in every State, the District of Columbia, and some of the territories will lose as a result of the inability of Congress to figure out how to finance a small portion of the participation that comes from Federal money. They are a casualty this year of the inability of Congress to figure out how to provide that support. I find that ironic because these young people could give Congress lessons about the congressional power of the purse, the separations of power, to give us a roadmap to make sure that these programs are not sacrificed.

It's particularly important because the flawed ''No Child Left Behind'' bill that's up for reauthorization doesn't place a premium on civic education. I see my good friend, Congresswoman WOOLSEY, a senior member of that committee, who has fought for years to redirect it.

Well, the least we can do is to restore the money lost this year as we deal with the budget for the next year. Any Member of Congress who takes the time to meet with the outstanding young men and women from their State who are in our Nation's Capital today in the aftermath of that contest would be hard-pressed to explain to them why they wouldn't and, indeed, should be inspired to do all they could to make sure this outstanding program continues.

POST-BIN LADEN: A MOMENT TO RE-THINK OUR NATIONAL SECURITY APPROACH

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

Ms. WOOLSEY. Yes, indeed, just to follow up on the gentleman from Oregon, we are, in our efforts to reauthorize elementary and secondary education, expanding to the whole child, we hope, including civics and art and music.

Mr. Speaker, my first thought when watching the news last Sunday night was about the many people, the many people, who have a hole in their hearts and in their homes because of the senseless, brutal violence perpetrated by Osama bin Laden. There was 9/11, of course, but also the 1993 World Trade Center bombing, the Embassy bombings in East Africa, the attack on the USS *Cole*. Bin Laden is responsible for so much evil, and I hope that the families of his victims can now find some measure of peace and hopefully some closure.

He is dead, but the terrorism threat he represents remains alive and well. The network he created continues to thrive. And I believe, Mr. Speaker, that al Qaeda will remain strong as long as we, the United States of America, continue our policy of aggressive militarism in the Middle East.

□ 1040

The war in Afghanistan remains an epic failure that is bankrupting us morally and fiscally. Our nearly 10-year occupation has emboldened those who hate America instead of defeating them. It has created more terrorists than it has killed. It is undermining our national security interests, not advancing them. It is making us less safe, not more.

None of that changes with the news of Osama bin Laden's death. Just last week, a retired Army lieutenant colonel from my district just north of the Golden Gate Bridge, James McLaughlin, Jr., of Santa Rosa, California, was killed while working as a contractor training military pilots in Afghanistan. He died along with eight others when an Afghan pilot turned on his allies and went on a shooting spree during a meeting at the Kabul airport. Bin Laden's death won't bring Jim McLaughlin back, nor will it bring back the 1,500-plus Americans who have lost their lives in Afghanistan. The horror of this war continues unabated.

So with Osama bin Laden's death, I believe that it is past time for somber reflection—reflection about the policies of the last 10 years and about where we might go from here. It is time to rethink our entire approach to national security.

We can save so much in lives, in money, in global credibility, and in moral authority with a smart security platform that puts diplomacy and development aid before guns and tanks: a platform that uses American power for humanitarian ends, a platform that empowers and invests in the people of Afghanistan instead of invading and occupying their country.

We have a chance now to change course. The trauma of 9/11 was profound, but it also led to some disastrous choices, from the war in Iraq, to roving wiretaps, to waterboarding, to the surge in Afghanistan. Now that the 9/11 mastermind is gone, it is time to turn a new page.

It has to begin with a swift move toward military redeployment out of Afghanistan. We cannot continue down this road of permanent warfare. The costs are too great. I've never ever felt more strongly, Mr. Speaker, that it is time to bring our troops home.

RECESS

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

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Dr. Alan Kieran, Office of the U.S. Senate Chaplain, Washington, D.C., offered the following prayer:

Most Holy God, Creator and sustainer of the universe, we come to this Chamber today with humility and expectation.

In humility because we know that You have appointed our elected Members and Capitol Hill staff for such a time as this.

In expectation because faith in You brings untold blessings to hearts, homes, and nations.

You say, O God, that from those to whom You have given much, much is expected.

Endow our leaders with good health. Strengthen them in body, mind, and soul for the busy days ahead. Grant them Your wisdom, peace, and joy in this season of fruitful labor.

And may we all reap a harvest of righteousness as we serve You and our Nation's citizens.

I pray in Your everlasting Name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr.

PAYNE) come forward and lead the House in the Pledge of Allegiance.

Mr. PAYNE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

DRILLING BILLS

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

Mr. PITTS. Mr. Speaker, where does our oil come from?

Much of it comes from offshore drilling rigs scattered around the globe. From the North Sea to the South China Sea, there are thousands of rigs pumping oil that eventually finds its way to the American market. Exploration for oil and natural gas is growing in Egypt, Brazil, and dozens of other countries.

But here in the United States, we are moving backwards. Leases and permits have been slow-walked and delayed—2011 was almost the first year since 1958 that the Federal Government did not hold an offshore lease sale.

This week we are going to pass legislation to kick-start leases and increase production of American energy. The only reliable way to decrease gasoline prices is to increase domestic supply. If we don't act to expand access to American natural resources, we will see production fall this year.

The American people want to get back to work, but high energy prices are holding back job growth. American jobs are on the line. That's why now is the time to boost American energy.

GAS PRICES

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

Mr. CICILLINE. Mr. Speaker, over the last several weeks, my Rhode Island constituents and Americans all across this country have been nervously eyeing their neighborhood gas stations, waiting and watching as the gas prices steadily rise, now forcing many to fill their tanks for no less than $4 per gallon.

This news underscores the concerns voiced by hundreds of men, women, and families throughout Rhode Island and all across this Nation in recent weeks. They can no longer afford the price of gasoline, and urgent help is needed.

Yet as gas prices climb, profits continue to soar for Big Oil. We've got to find solutions now to lower the cost of gasoline and to end the $4 billion in tax breaks that are paid to Big Oil.

Mr. Speaker, I am delivering a letter today to the Speaker asking him to bring legislation already drafted to the floor for a vote that would release oil from the Strategic Petroleum Reserve and legislation aimed at preventing Big Oil from engaging in price-gouging schemes which drive up the price of gas at the pumps.

These are just two measures, Mr. Speaker, that have been introduced in the House which would provide immediate relief to consumers from the rising price of gasoline that threatens our economy and the well-being of hard-working middle class Americans all throughout this country.

I certainly hope the Speaker will put these on the calendar so we can vote on them and provide relief immediately to the American people.

CONGRATULATING PRESIDENT OBAMA ON OSAMA EXECUTION

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

Mr. PAYNE. Mr. Speaker, this upcoming September 11 will mark the 10th anniversary of the most horrific act of terrorism, executed under the leadership of the now deceased Osama bin Laden.

We will never forget the images of burning buildings, crashing planes, and Americans running for their lives. Three thousand people never came back home that Tuesday, and families will again remember the last time they hugged their loved ones good-bye. What will be different this September 11 is that Osama bin Laden will no longer be able to celebrate the destruction he caused and the lives he destroyed.

President Obama, we thank you for a superb operation. Thank you for having the courage to make the decision so many would have backed away from.

Because of President Obama's team of experts, this risky mission was backed by sound information, solid facts, and accurate calculations. His goal was clear: Get Osama bin Laden. And that is exactly what happened. This is truly a mission accomplished.

I commend our Commander in Chief, Barack Obama, for his intelligent execution. This is not a celebration of death; this is a celebration of justice, courage, sacrifice, and democracy. And this is a celebration of leadership.

Mr. President, your 40-minute operation has helped bring closure to so many Americans for a lifetime.

THE FIGHT FOR FREEDOM DINNER

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

Mr. CLARKE of Michigan. Mr. Speaker, this past Sunday I participated in one of the largest sit-down dinners ever held. It was hosted by the Detroit branch of the NAACP, and there we heard from and we honored the conscience of this House, Representative JOHN LEWIS.

The event was titled ''The Fight for Freedom Dinner.'' And some of those freedoms worth fighting for are economic in nature: The freedom to own a home that won't be unfairly placed in foreclosure. The freedom to work a job and not be laid off because you're outsourced. The freedom to receive health care, especially health care guaranteed by Medicare, and not have to go broke or bankrupt paying for it.

These opportunities should be available under our legal system to all Americans equally.

WHERE ARE THE JOBS?

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

Ms. LEE. Mr. Speaker, the American people want to know, Where are the jobs?

After 17 weeks of controlling the House, Republicans have no plan to create jobs and no plan to spur economic growth. Instead, they proposed a budget that puts our country on a road to ruin. They want to end Medicare, gut Medicaid, strip funding for Pell Grants and elementary and secondary education for our students, while hobbling our Nation's transportation infrastructure.

Yet again this week, Republicans are offering slogans instead of solutions: ''Drill Baby Drill,'' ''Kill the Bill.'' These slogans don't amount to a plan to create jobs or guarantee access to health care in America.

Instead of another very cynical attempt to repeal health reform and perpetrate their war on women, and instead of offering oil companies free reign off our coasts, we should be working together to help the unemployed and to create jobs. We must not forget the 99ers and we must help them, people who have moved out of their unemployment benefits. They've actually maxed out. And we must invest in our country to stimulate job creation.

Democrats have a plan while Republicans can only offer rhetoric.

□ 1210

ALL THE CARDS ARE ON THE TABLE

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

Ms. EDWARDS. Mr. Speaker, all the cards are on the table, and the Republicans want to reduce Medicaid to a mere block grant program and drastically alter the Federal-State partnership that has been struck for over 45 years.

The GOP budget argues that under a block grant program, ''States will no longer be shackled by federally determined program requirements.'' Sounds

nice, right? But, Mr. Speaker, what they really mean is that States will no longer have to meet standards that ensure quality, delivery of service, and eligibility.

The GOP budget argues that block grants will improve health care safety for seniors and low-income families. Again, sounds right, Mr. Speaker, sounds wonderful. But they fail to conveniently mention that the States would be required to spend below projected growth, forcing State governments to make up the difference by increasing spending. Again, that's a fat chance in this environment.

And so what they really want to do is to cap enrollment, cut eligibility, limit mandatory benefits, and lower provider reimbursement. Our doctors, our seniors, and our low-income families deserve so much better.

RECOGNIZING TWO SIGNIFICANT ATHLETIC ACHIEVEMENTS IN DELAWARE

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

Mr. CARNEY. Mr. Speaker, today, I'd like to recognize two significant athletic achievements that were recently announced in my home State of Delaware.

In March, the St. Mark's High School football team was named Team of the Year by the Delaware Sportswriters and Broadcasters Association. This fall, St. Mark's finished with an undefeated 12–0 record and captured their first football title since 1978.

Also last month, University of Delaware sophomore Elena Delle Donne was named Player of the Year in Delaware after earning First Team All-CAA honors in basketball for the second straight year.

As a St. Mark's alumnus and former high school and college athlete and coach, I know the hard work and commitment that goes into achieving success at such a high level. I also know that high school and college athletes learn lessons about teamwork, competition, and leadership that will serve them well for the rest of their lives.

And so I'd like to once again congratulate Elena Delle Donne, St. Mark's High School football coach Jim Wilson and his staff, and each member of this year's team.

We in Delaware wish you well and hope for your continued success.

PROVIDING FOR CONSIDERATION OF H.R. 1213, REPEALING MANDATORY FUNDING FOR STATE HEALTH INSURANCE EXCHANGES, AND PROVIDING FOR CONSIDERATION OF H.R. 1214, REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

Mr. REED. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated May 2, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. 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.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. REED. House Resolution 236 provides one rule for consideration of H.R. 1213 under a structured process, making all five Democratic amendments in order that comply with the rules of the House; and H.R. 1214 under a modified open process that gives all Members an opportunity to preprint their amendments in the CONGRESSIONAL RECORD and have them considered on the floor.

Mr. Speaker, we are here today to offer a rule to allow us to debate H.R. 1213 and H.R. 1214. H.R. 1213 would repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American health benefit exchanges. H.R. 1214 would repeal mandatory spending for school-based health center construction.

Quite simply, our country is broke, and we cannot continue to spend money like we have in the past. Our spending crisis is clear. Slush funds and unlimited tabs on the Treasury must be the first to go, particularly when they are being used to fund government-centered takeover of our Nation's health care system that does not improve care, does not lower costs and, simply, we cannot afford.

The American people sent a clear message last November: ObamaCare is not the answer; stop spending money that our country doesn't have, money we are borrowing and spending on the backs of our children and grandchildren who will be left footing the bill.

H.R. 1213, introduced by the distinguished chairman of the Energy and Commerce Committee who has been a leader in this fight, repeals the provision that gives the Secretary of Health and Human Services a blank check to determine how much to facilitate enrollment in the State health care exchanges set up by the underlying bill. The law includes no definition of what that means. For example, a 100 percent premium subsidy for individuals to enroll in the exchange would not be prohibited under the statute.

In the year since ObamaCare was enacted, it has already become clear the law set up an unworkable and an unaffordable system. There have been countless numbers of waivers given out and slush funds such as this to allow the Federal Government to continue to push more money onto the States,

force them to accept provisions that simply don't make sense and don't work. Just because the authors of ObamaCare could not determine the amount necessary to fund these programs does not mean American taxpayers should allow the Secretary to cash this blank check.

□ 1220

Secretary Sebelius, in a March 3 hearing, testified that there are no monetary limitations on the size of the appropriation and the law requires no further congressional action for the Secretary to spend these funds. CBO estimates a reduction in direct spending by an estimated $14.6 billion over the next 10 years would be achieved by successful passage of this bill. And that is just an estimate. With a blank check, the spending could be much higher.

Mr. Speaker, I submit that giving any executive branch official a blank check is a bad idea, particularly when we already have a $1.6 trillion deficit this year alone and a $14 trillion national debt. We must vote to repeal this provision.

In regards to H.R. 1214, introduced by Representative BURGESS of Texas, who is one of the physician members of our Republican Conference, it repeals the school-based health center construction fund. ObamaCare provides $200 million in direct appropriations through fiscal year 2013, which this legislation would rescind. This money is only for facilities with an express prohibition on using the funds for personnel or to provide health services at these newly constructed facilities. The facilities could be built with no guarantee, therefore, that the center would ever see or care for one single patient.

This fund is yet another example of the wasteful, duplicative spending that caused ObamaCare to have such a huge price tag and another example of spending we simply cannot afford. ObamaCare and the stimulus bill have already made $3 billion available to the Department of Health and Human Services for facility improvements at community health centers. Providing an additional $50 million a year is duplicative. We do not need to build for building's sake. Therefore, we must vote to repeal this provision.

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

Mr. POLIS. Mr. Speaker, I thank the gentleman from New York for giving me the customary 30 minutes, and I yield myself such time as I may consume.

It's my understanding this is his first rule that he is managing in his name on the floor of the House, and I congratulate him in that regard. In the 111th Congress, I had the opportunity to manage a number of rules, and I had a perfect record—I never lost a rule. This Congress as well, I too have a perfect record—I have never won a rule. I wish the gentleman from New York success in his efforts and congratulate him on his appointment to the Rules Committee and look forward to working with him throughout the 112th Congress.

Mr. REED. I thank the gentleman.

Mr. POLIS. Today, while millions of Americans remain unemployed and millions more await the chance to receive affordable health care, the Republicans are spending another week rehashing old debates instead of talking about creating jobs and, in fact, in this case, undermining Americans' access to quality health care.

This rule brings forth two bills. First, the majority brings forth, under this bill, legislation that will prevent Americans from accessing the exchanges which are competitive marketplaces in which to buy private insurance.

Now, there's a lot of subterfuge and misinformation in this debate. For instance, there is no ObamaCare option. There is no public insurance option that we are even discussing here. What is being discussed is a marketplace in which individuals, primarily those who work in small businesses or are self-employed, will have access to choose from the private policy of their choice.

According to the Congressional Budget Office, under this Republican proposal, 2 million fewer Americans will be enrolled in exchanges in 2015. The Congressional Budget Office also says that H.R. 1213 will result in higher premiums in the exchange. Again, a bill that is delivering higher premiums for American citizens—hardly, hardly the outcry that I have heard on the stump.

I had a chance to have public meetings in the last 2 weeks back in our district, as many Members of Congress have. My constituents, Mr. Speaker, did not request that we deliver higher health insurance premiums. They wanted us to deal with the deficit. They wanted us to deal with jobs and the economy. Not a single constituent of mine asked for higher health insurance premiums, which seems to be a priority of this Congress.

Now, there may be a talking point involved, and certainly both of these bills today were also included in H.R. 2, which was a repeal of health care reform, largely. Now we are looking at individual pieces. But this new marketplace has historically been an idea that has had strong bipartisan support: to have competitive health care exchanges; to keep in tact America's employment-based system while expanding access to tens of millions of people, including small businesses and people who are self-employed. Truly, the exchanges represent an opportunity for a more competitive and a more transparent marketplace that empowers consumers to make the choice between private insurers.

The other bill that is brought forth under this particular rule, after we have dispensed with denying health care to an estimated 2 million more Americans through the exchanges, we are also, in this next bill, eliminating funding for school-based health clinic construction, renovation, and equipment. That would particularly harm our Nation's health care services, especially for children, youth, and families and those with low incomes.

School-based health care clinics serve students whose access to health care is limited; and frequently, the scope of services is determined by school officials in partnership with parents and community-based health care initiatives. Services are designed to identify problems early, provide continuity of care, and improve academic participation. These programs save money by providing access to preventive care that frequently alludes many of the families affected.

And yet also, while we are denying basic preventive care to our Nation's youth, the passage of this bill will also deny job opportunities to Americans all across the country who are ready with shovel-ready projects to begin improving and building school-based health care clinics. So here we are with a bill: less jobs, less health care, less education—hardly the priorities that I think the voters wanted for the 112th Congress.

Democrats believe strongly that we need to make tough choices to end the deficit and end the climbing spiral of debt. But what we are left with with these two bills, as separate from H.R. 2, is actually the worst of both worlds. The Republicans leave in place the taxes that were used to pay for health care reform—they leave in place in these two bills the medical device tax; they leave in place the tax on unearned income—and yet they remove the benefits to the American people from these taxes.

Whenever the American people agree to any degree of taxes, they want to see a tangible result. But what is being done with these bills is leaving in place the taxes of health care reform and removing the benefits to the American people of health care reform. That's hardly a balanced and fair approach, and it's one that the House should reject.

I would remind my colleagues of House Resolution 9, which I supported on the floor of the House of Representatives. It dealt with 13 items out of the original jurisdiction of our Rules Committee before the gentleman from New York joined our Rules Committee. We instructed the House on replacing health care reform and what some areas for working on it would be.

I would like to submit to the RECORD in the context of this debate, Mr. Speaker, House Resolution 9, which was adopted by the House and, indeed, discusses changing existing health care law within the various committees of jurisdiction to foster economic growth and private sector job creation; to lower health care premiums, preserve a patient's ability to keep their health care plan, provide people with preexisting conditions affordable access to health care; and many, many other good ideas.

But rather than discussing any of these 13 points that were contained in House Resolution 9, the business of the committees of jurisdiction has apparently been not only to repeal health care reform generally but now to repeal each of the individual components while leaving the taxes in place. We would encourage these committees to comply with House Resolution 9. And I think by rejecting this bill before us today, we are sending a powerful message to the committees of jurisdiction that rather than talking about repeal, repeal, repeal, they need to also discuss replace.

What are we going to do if the exchanges don't exist or are handicapped to provide people with preexisting conditions access to affordable health care? Again, if we repeal the support for the exchanges, how are we fostering economic growth and private sector growth? How are we encouraging small businesses and self-employed people to have access to the same health care services at a similar cost that large employers already have?

I call upon my colleagues to reject this rule and both underlying bills and begin the discussions of how to improve and build upon health care reform, finding a common ground between Members of both parties and saving taxpayers money to help reduce the deficit.

H. RES. 9

In the House of Representatives, U.S., January 20, 2011.

Resolved, That the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means, shall each report to the House legislation proposing changes to existing law within each committee's jurisdiction with provisions that—

(1) foster economic growth and private sector job creation by eliminating job-killing policies and regulations;

(2) lower health care premiums through increased competition and choice;

(3) preserve a patient's ability to keep his or her health plan if he or she likes it;

(4) provide people with pre-existing conditions access to affordable health coverage;

(5) reform the medical liability system to reduce unnecessary and wasteful health care spending;

(6) increase the number of insured Americans;

(7) protect the doctor-patient relationship;

(8) provide the States greater flexibility to administer Medicaid programs;

(9) expand incentives to encourage personal responsibility for health care coverage and costs;

(10) prohibit taxpayer funding of abortions and provide conscience protections for health care providers;

(11) eliminate duplicative government programs and wasteful spending;

(12) do not accelerate the insolvency of entitlement programs or increase the tax burden on Americans; or

(13) enact a permanent fix to the flawed Medicare sustainable growth rate formula used to determine physician payments under title XVIII of the Social Security Act to preserve health care for the nation's seniors and to provide a stable environment for physicians.

I reserve the balance of my time.

Mr. REED. Mr. Speaker, I now yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

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

□ 1230

Mr. DREIER. Mr. Speaker, let me begin by extending congratulations to my good friend from Corning for his stellar management of his first rule on the House floor, and to say that we have managing this two of my favorite Members, including my friend from Boulder who serves on the Rules Committee with such distinction.

I have to say that I'm also glad to see that we have Dr. ROE here, who has, over the past couple of years, regaled us in the Rules Committee of the failures of massive, even State, government involvement in health care and the dramatic increase in costs that he's seen in his State of Tennessee because of the so-called TennCare program that has existed there. I know that we are going to look forward to hearing from him later.

Let me, at the outset, respond as the author of H. Res. 9 to the comments that my friend from Boulder has just offered, Mr. Speaker. First, I want to say that I believe that the measures before us are all about job creation and economic growth, improving health care and improving education, all three of the things that my friend from Boulder indicated that he doesn't believe that we are successfully addressing here.

Second, I have to say that as we looked at the litany of those 13 items included within H. Res. 9, mark my words, the committees of jurisdiction are already working on and focusing on those priority items. I believe that the purchase of health insurance across State lines needs to be a very high priority as we want to ensure that the American people have access to quality health care. We need to make sure that we have pooling to deal with preexisting conditions. That continues to be a bipartisan priority. And, in fact, on the issue of the purchase of insurance across State lines, and obviously on pooling for preexisting conditions, President Obama, even though he opposed it in the measure, has indicated his support of those items.

We need to expand medical savings accounts so that people can be incentivized to put dollars aside for the purchase of direct health care needs and/or health insurance.

We also need to do what we can to expand something that actually passed the Republican House of Representatives but was killed by our colleagues in the other body 5 years ago, that is, associated health plans that allow for small businessmen and -women to come together and actually get reduced rates as larger corporations and entities have done.

And the fifth item that, of course, we heard the President of the United States say in his State of the Union message he supported but, of course, was not included in the measure and that is real, meaningful lawsuit abuse reform because we continue to see the dramatic increase in health care costs because of the number of frivolous lawsuits out there. We have a load of empirical evidence on that, Mr. Speaker.

Again, the President of the United States stood here and talked about how important it was to deal with it, and yet we hadn't. Those are five among the 13 items that are addressed in H. Res. 9. And I will tell you that the committees of jurisdiction are today working on that.

Why is it that we are here today?

Well, we all know that we did pass the repeal measure out of the House of Representatives. We felt very strongly that the need to focus on some of the most flagrant examples of abuse by passing legislation out of this House needs to continue to be a priority, and that's exactly what we're doing today.

Now, I don't like the use of the word ''slush fund'' to be thrown around. It makes me a little uncomfortable, I have to admit. But that is a term that has been used by more than a few people to describe the funds that are granted, such funds as may be necessary and open-ended, without congressional oversight to the Secretary of Health and Human Services. And it seems to me that one of the things we need to recognize in a bipartisan way is that enhancing congressional oversight of the executive branch is an institutional issue. We have a responsibility to the American people to make sure that we scrutinize every tax dollar that is being expended, and this legislation is designed to deal with one of the major flaws in the health care bill, that being the granting, without congressional oversight, of such funds as may be necessary.

Similarly, if you look at the expansion in every way of expenditures which are not going to do anything to improve the quality of health care in this country, it seems to me that this is the right thing for us to do.

Now, procedurally, I know that my friend joins me. I'm not going to ask him to join, as Mr. DICKS has repeatedly in the past in complimenting the work of the Rules Committee, in providing for a process that allows for greater deliberation. But these two items before us are, in fact, making in order every single amendment that was submitted to the Rules Committee that is germane, complies with CutGo, does not waive the rules of the House.

We had amendments that were submitted. One of these measures is going to be considered under a modified open rule, meaning that any Member of the House will have an opportunity, assuming that they submit their amendment into the CONGRESSIONAL RECORD and if it complies with the rules of the House, they will be able to offer their amendment to this measure. We had 13

amendments submitted to the Rules Committee; five were made in order. The other seven did not comply with the rules of the House, whether nongermane or did not comply with the CutGo rule that was put into place at the beginning of this Congress.

So what we've done procedurally here under the rule that my friend from Corning, Mr. REED, is managing is we are, Mr. Speaker, providing for a chance for a free-flowing debate, what Speaker BOEHNER indicated before the election last year was absolutely essential for us to do. These are commitments that were made to the American people throughout the election process. They sent a very strong message by sending 87 new Members of the House on the Republican side, nine Members on the Democratic side, 96 newly elected Members of the House of Representatives.

But their message was to deal with this issue, ensuring that Americans have access to quality health care, but don't expand the Federal Government's involvement in it, and ensure that since we had bills dropped on us in the middle of the night, one very famous one, the cap-and-trade bill, a 300-page amendment given to us that no one had seen at 3 o'clock in the morning as the measure was being reported out, they said, read the bill. They said, make sure that you have a degree of accountability and transparency in your deliberations.

I will say, Mr. Speaker, that if you look at what's happened in the last 4 months, we have had, I believe, more amendments considered, more debate. Just take the beginning of our continuing resolution when we had 200 amendments debated here on the House floor, 90 hours of debate, more Member involvement than we had had in the entire 4 years of the last speakership.

And so, Mr. Speaker, we, today are on the right track. In a very, very responsible, transparent and open way we are addressing an issue that the American people said they wanted us to address. Our priority with this legislation is to ensure that every American has access to quality, affordable health care. That's something that we want to make happen.

I believe that the legislation that is before us today will enhance our chance to do that as we seek to reduce the size, scope, reach and control of this behemoth, our Federal Government, which has a $14 trillion debt. With one of these measures, we're going to be saving $14 billion, a very important step in the direction which both Democrats and Republicans alike say they want us to achieve.

I urge support of the rule.

Mr. POLIS. Mr. Speaker, I yield myself 1 minute to respond before further yielding.

The gentleman from California again identified several areas where there are opportunities for both parties to work together: allowing the sale of insurance across State lines, something I certainly support; pooling for high-risk individuals; reforming the medical liability system.

Again, it really goes to a question of if we are, in fact, repealing in part or all various parts of the health care reform, what is replacing it. When we talk about pooling of high-risk individuals, if we can put together a way of doing that, that can effectively serve as a marketplace or as an exchange.

What this bill simply does is repeal the support for the exchanges, leaving many of these with preexisting conditions, particularly those who work for small businesses or are self-employed, entirely in the lurch. As we discuss how to improve health care for the American people, it's critical to actually have the solution to the policy problem that's been identified.

The gentleman talked about an inadequate selection process with regard to the use of funds, inadequate congressional oversight. Again, why not bring a bill forward that talks about setting the right process in place to allow for the correct oversight of the use of these funds? It's a question of making it work for the American people rather than throwing the baby out with the bath water.

With that, Mr. Speaker, I am proud to yield 2 minutes to my colleague, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. I thank the gentleman from Colorado for yielding.

Mr. Speaker, here we are, we are at month five, and I thought that we'd be talking about job creation and spurring economic development across this country. Instead, we are yet again talking about how we can repeal elements of a health care bill that passed some time ago.

□ 1240

Nonetheless, today I rise in opposition to the rule and to the underlying bills. Let me first just say a few words about the exchanges.

In my State of Maryland, our Governor, Martin O'Malley, in working with our legislature, has been in the process of actually trying to make this work—implementing the health insurance exchanges in the State to make sure that people don't fall through the cracks. In fact, our Secretary of Health has come out with a study that shows that, by going through this process of implementing the exchange and moving through reform, we are going to create jobs and provide health care for thousands and thousands of people across the State of Maryland and for our small businesses, which want to do right by their employees by providing health care.

So I don't understand what the problem is here, and I'm a bit confused. On the one hand, the majority doesn't want to pursue a public option for millions who are uninsured. On the other hand, they don't want to make a marketplace, which is what these exchanges are, available to people to get health care in their States. You cannot have it both ways unless you want to continue to leave millions and millions of people uninsured across this country and without health care.

In the underlying bill as well, the majority proposes in the Act to eliminate funding provided to construct, renovate and improve services at school-based health centers. In my district, the elimination of these funds would mean something very specific: The centers at Fairmont Heights High School, one of the poorest communities in our district, would be without a health center. There is Northwestern High School in Adelphi, Maryland; Oxon Hill High School in Oxon Hill, Maryland; and Broad Acres Elementary School in Silver Spring, which are serving very needed communities.

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

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

Ms. EDWARDS. These school-based health care centers offer a wide range of services, from wellness checks to mental health services for our young people, which is care they wouldn't receive otherwise—or maybe they would in expensive emergency room visits in a crisis.

Studies show the link between affordable health care for our students and their education success, so I would urge my colleagues to oppose this legislation. Let's create jobs instead of dismantling a health care system.

Mr. REED. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Tennessee (Mr. ROE).

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

Mr. Speaker, I rise today in support of the rule and of the underlying bills. I would like to draw particular attention to H.R. 1213, which would repeal a provision in the health care law that gives the Secretary of Health and Human Services unlimited spending authority with regard to State-based exchanges.

Let me start by saying that two years ago, when I came to Congress, I looked at the American health care system, and I asked: What's the problem with it?

The problem with the American health care system is that it costs too much money. It's too expensive to go to the doctor or to go to the hospital to receive medical care. If it were affordable, we could all have it. Number two, we have a segment of our population that doesn't have access to affordable health care coverage. Let's say it's a drywall or a sheetrock worker or a carpenter who may be out, working. Maybe his spouse works in a diner, let's say, and they get along just fine, but they can't afford the high premiums. Number three, we have a liability crisis in this country that is forcing the cost of health care through the roof.

Well, what did the Affordable Health Care Act do? It did do number two. It

expanded coverage for some people in this 2,500-page bill—remember, it's this thick—but it did nothing to help curb the costs, and it did nothing for liability, which is forcing the costs of health insurance coverage higher for all of us. I've seen it in my own State of Tennessee. The enactment of this legislation we are talking about today will take $14 billion that we don't have.

Let me just say this: What worries me about Washington, D.C., is that we didn't get the memo. We're broke here. Number two, what is that $14 billion going to do? It's not going to put one more patient in my office who I can see and treat. It's going to the bureaucracy. I see it in education. I see it in commerce. I see the beast, the Federal Government beast, just getting larger and larger and larger. The money doesn't actually get down to a patient for whom I can write a prescription so he can then go to a pharmacy, get the prescription filled, and then get his health care.

So we talk about several simple things that the chairman spoke about just a moment ago very eloquently, and let me show you an example.

I have a Health Savings Account. This little card right here is a debit card. I don't have to fool with the insurance company. I don't have to fool with the Federal Government. I don't have to fool with anybody. I fool with me and my doctor; and who should be making health care decisions are patients and their physicians, not an exchange and not all of this. That's just going to complicate it. I go in with this, and I pay for it, and I usually get a significant discount when I do that.

There are a couple of other things that you can do. Just remember, as to this 2,500-page bill, Mr. Speaker, you could have done two-thirds of it with two paragraphs. One which I agree with, which is in the bill—and it's one of the few things I do agree with—is to simply let children stay on their parents' plans. Pick your age—25, 26, 27. Number two, simply sign up people who are already eligible for government programs. That's SCHIP and Medicaid. If you do those two things, you can cover nearly 20 million people without this complex, almost incomprehensible bill. We have a Secretary who really has a fungible account from which she can spend billions of dollars that are really unaccounted for. Also, we are knee-deep in red ink. That's the major problem with granting the Secretary access to the Federal Treasury.

The exchanges mandated by this affordable health care law are the first step for Washington bureaucrats in really getting more control of our health care system. Don't get me wrong. I am absolutely for consumer choice because I believe consumer-driven health care is the only way to keep costs down. I think, if we don't do that, you will never get the costs going in the right direction. Instead, this creates a top-down mandate for the type of insurance that will be made available in these exchanges. Remember, when you're looking at this Affordable Health Care Act, the government—not you, the patient, as an individual, as a person, and not the doctor—decides what is an adequate health care plan. So these exchanges are basically just an excuse for unelected Washington bureaucrats to really make our health care decisions for us.

Mr. Speaker, this is not a free market system. It's basically central planning. Patients should be allowed to choose which benefits they want when buying their insurance plans. By passing H.R. 1213, Congress would send a message that we want health care reform that puts the patients first.

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

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

Mr. ROE of Tennessee. There are another couple of things that are very simple in lowering the costs of health care.

It is difficult to cover people in small businesses. There is no question about that. Association health plans allow you to do that, to group and become large groups. There is a second thing you can do that really is so simple I don't know why we haven't done it. I spent a year, when I was running for Congress and after I left my medical practice, and I had to buy an individual insurance policy. It was very expensive. Many people out there in small businesses or individuals who work on farms or in other places do the same thing. To make that insurance more affordable, not only could you have an association health plan, but number two, as an individual, you could have allowed me to deduct my health premiums just like a big business does, just like a huge corporation does, and you would have automatically lowered my cost by 35 percent and would have made insurance more affordable.

So there are many things we could do. This is not what we should be doing. I would urge a vote for the rule.

Mr. POLIS. Mr. Speaker, I yield myself 30 seconds to respond really briefly.

In the minority report from the committee, it discusses the oversight of the exchanges. Specifically, the Government Accountability Office is required to review the operations and the administration of the exchanges. In addition, not one, not two, but three congressional committees—Energy and Commerce, Oversight and Government Reform, and other congressional committees—can provide the oversight of the implementation of the Affordable Health Care Act according to section 1311.

Again, if there is additional oversight, as the gentleman from California seeks, why are we not discussing a bill that provides additional oversight? We all want this money to be spent correctly and well.

With that, I am proud to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, this is an open dialogue with the American people through their Members of Congress.

I thank the gentleman from Colorado, and I thank the manager of the majority, but this is an open dialogue.

To my good friend from Tennessee, who may not have read the bill the Affordable Health Care Act and who may have missed the fact that Health Savings Accounts are allowed, no one is blocking anyone, and the accounts are considered ''sufficient'' under that bill. So, if you desire to have a Health Savings Account, so be it, but those savings accounts really adhere to those who are more wealthy and who are more endowed with finances.

□ 1250

What these repeal bills will do, both H.R. 1213 and H.R. 1214—and I was hoping the Rules Committee would have voided these bills and not allow them to go forward, but they did not. I thank them for the amendment that they gave me and the respect they gave me in the time that we were before that committee.

But the fact is that the exchanges are to allow those who do not have means to get into an open market, the same thing that our Republican friends have been talking about, to allow people to go across State lines to buy the cheapest State policy or the policy that they can for families that have the sickest of the sick, children that are disabled, others that are in need who heretofore have been blocked.

By the way, the Affordable Care Act takes away the bar of anyone who has a preexisting condition, such as pregnancy, from not being able to get insurance. What is wrong with that?

By the way, the Congressional Budget Office, an independent budget office, says that if we repeal these provisions, the exchange, the premiums of the American people, the farmer, the small business will go up and not down. Go up. What more common sense can you have as a reason for voting against these bills and voting against the rule?

H.R. 1214 has to do with school-based clinics. That is an innovative concept. In fact, as a member of the Homeland Security Committee, we have begun to think of schools as a site for individuals if they are built in this new structure, the way they are funded, to be able to be designed in a way to ensure that they are secure as a site for evacuation, a place to go when there is a disaster. That means that a school-based clinic that can be part of the community health system will be available in times of emergencies. What sense does it make to eliminate the opportunity to improve a community's safety and security in these times of trouble and questioning about terrorism, finding a place where the community could go?

I don't know whether there are structures in Alabama that could have withstood these horrible tornados, but we are trying to build schools now to be

more safe and secure. So both of these bills make no common sense. Some 1,900 school-based clinics serve our children and their extended families. Do we want a community and a Nation that is healthier, or do we want to have a Nation of sick people?

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

Mr. POLIS. I yield an additional 30 seconds.

Ms. JACKSON LEE of Texas. I thank the gentleman from Colorado for his kindness.

This is what these two bills will allow us to become: One, to ignore those who don't have the resources for a health savings account, are not packing big wads of money in their pocket, to be able to say I can independently go out and get insurance based upon the monies that I am going to put into some kind of account.

Fine for those who can do it. But I can assure you, the Nation's farmers and small businesses are glad to be able to know that their employees can go into an exchange. They are also glad to know there are tax incentives just for them in this bill.

And, finally, I would say the Nation's parents, single parents, parents that are making ends meet are glad for school-based clinics.

Vote against the rule and the underlying bill.

Mr. REED. Mr. Speaker, I yield 1 minute to my colleague from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I have read the bill, all pages of it. I won't say that says a whole lot about my intelligence, but I did read the entire health care bill. When you speak of HSAs only being for wealthy people, that is absolutely not correct.

In my own practice, we have offered the 300 people or so who get insurance through our practice, we allow them to get a traditional health insurance policy or an HSA, and over 3 out of 4 people choose an HSA. And why is that? Because they make the health care decisions, not an insurance company and not a bureaucrat.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. ROE of Tennessee. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman for his correction.

My point would be, is it not okay then for your patients to use the health savings account but also okay for those who still may not have the resources to go into an exchange? Aren't we trying to do the same thing, which is to make sure everyone of all means available can in fact have insurance?

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

Mr. REED. I yield the gentleman 2 additional minutes.

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

Absolutely. What our goal is is to provide affordable health insurance coverage for all Americans. There is no question that I would like to see that in my tenure here in this House, in this body. The problem we have is, how do you get there?

I think the Democratic side is to expand the bureaucracy, more government control. IPAB is a perfect example, and the President spoke of that, and our Medicare patients. I think that is a terrible idea. As a matter of fact, it is a terrible idea. We want to do that. I know there is a way to do it. And, again, to hold the costs down. Remember, that is the problem.

The gentlelady from Texas made a point that insurance premiums would go up. Insurance premiums are going up in anticipation of this particular health plan because, why? The government decides what you must have. You don't get to make that decision yourself. That is done by a bureaucrat, it is done by Congress or whoever decides what is in the plan.

I will give you an example, Mr. Speaker. I don't need in my family fertility coverage at my age. I have three grown children that are raised, educated, have health insurance, good jobs. But I probably will have to have that, because that is a plan that someone else will decide I need—to have fertility coverage. There are things in those bills that I don't need to have personally that I should be able to pick out. And I am just one example. People across this country ought to be making those decisions, not the Federal Government and not a bureaucrat.

Ultimately, what is going to happen in our health care system is, because resources are finite, is that care is going to be rationed. Is the government going to ration it, or are a patient and a doctor going to make those health care decisions? I trust the patient and the doctor to make those health care decisions.

Mr. POLIS. I yield myself 15 seconds just to restate what my colleague, the gentlewoman from Maryland, stated: If the Republicans are against the public option, if they are against the private option in the form of the exchanges, the only option left is pay more insurance premium. That simply is not acceptable to the American people.

With that, Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I guess I don't understand. I don't understand what our Republican colleagues want to accomplish here.

They talk about free market. They talk about the need to provide options and opportunities. I think that is exactly what an exchange does, so I don't quite understand what this is all about.

I was the insurance commissioner, the elected insurance commissioner in California in 1991, and we set up an exchange. Unfortunately, Governor Wilson vetoed it; otherwise, we would have had this exchange years ago. And 1 year ago, the California legislature, with the signature of a Republican, Governor Schwarzenegger, created an exchange based upon the Affordable Health Care Act and they want to put it into effect.

The Republican proposal here on the floor would make it impossible for California to do what it wants to do; that is, set up a marketplace in which people have access to insurance. The notion being that, by creating the exchange, you spread the risk over many, many different populations so that, like a huge corporation, you have an opportunity as an individual purchaser or a small business to participate in a large pool and accept the lower rate of insurance.

So what is this all about? What are you trying to accomplish here? Is it some ideology that you just simply can't stand the Affordable Health Care Act and you want to rip it apart piece by piece? Apparently so. And you just don't want to stop there. You are going after Medicare, a program that has been in effect for 42 years, that provides a universal insurance policy to anyone over 65. You are going to terminate Medicare. What is that all about? And give it to an insurance company and not have an exchange?

So what is an individual going to do when they are 65 and possessing all kinds of preexisting conditions? Go without insurance? Be at the mercy of the insurance company? And, by the way, you want to repeal all of the insurance reforms, all of the protections that individuals have in the Affordable Health Care Act.

This doesn't make much sense to me. I don't understand what your goal is here, except maybe to have some political scorecard you can say, yeah, we repealed the Affordable Health Care Act. Good for us. But what effect to the population of America? No exchanges? They are gone. No opportunity for small businesses to enjoy a large market, a large pool in which they can have a lower price? They are gone.

Oh, I see. You can have an association health plan. I spent 8 years of my life chasing after association health plans that were frauds. They were out and out frauds, sold across State lines.

□ 1300

Is that what you want? Apparently so. I don't get it.

I don't understand what the goal is here. The Affordable Health Care Act establishes an exchange allowing individuals and small businesses to be part of a large pool, to have four different options on their insurance. And you want to do away with it. I don't get it. You want to do away with clinics in schools so that kids can have access to health care. I don't understand.

You have cut all the money out from the community clinics so that people have to go to the emergency rooms in a more expensive situation. What is this all about? I don't understand what the goal is that our Republican colleagues have in mind. The exchanges make sense. They create a marketplace for small businesses.

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

Mr. POLIS. I will be happy to yield an additional 30 seconds to the gentleman from California.

Mr. GARAMENDI. The exchanges create a market, ladies and gentlemen. They create a market. It is a market-driven program in which competition occurs, competition between the insurance companies who have to offer quality and price.

Have you got a problem with competition? Apparently so. You want to do away with the exchanges. Apparently what you really want to do is to hand the entire game over to the insurance companies, removing all of the controls, removing all of the necessity for them to compete, and apparently create some sort of an association plan so the public can be ripped off.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to address their comments to the Chair and not to others in the second person.

Mr. REED. Mr. Speaker, I yield 1 minute to my colleague from Tennessee (Mr. ROE).

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

Mr. Speaker, in Tennessee, 17, 18 years ago now, we tried TennCare with sort of an exchange. We have had seven or eight different plans competing for your business, and in 10 years the costs tripled in our State because of the intervention of the government.

Medicare, I want to speak to that very quickly. If you're 65 years of age and you have Medicare, you keep it. If you're 55, if the Ryan plan goes through, you keep it. If you're younger and you're a more affluent senior, like I am, you're going to pay for your health insurance. Yes, you are. If you're someone like me with a higher income, you are. If you're lower income and you're sick, you're not. The Federal Government will act like your employer does if you have the employer-based insurance. That part of the premium is paid by them. You pay your part of the premium. Again, it will be means-tested for a higher-income senior.

Why do we think that will work? Because the only plan that I have seen this government ever pass that has come in under budget is Medicare part D. So I think there is a real chance for this to help hold costs down.

Mr. POLIS. I am happy to yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Let's be very, very clear about this. The Republican proposal, the Republican budget proposal that is before this Congress, terminates Medicare as we have had it since 1965. For those young men and women who are not yet 55, they will never see Medicare. It's over. And instead of having Medicare, which is a guaranteed health insurance program, when they retire at the age of 65, they will be given a voucher that will be worth a percentage of what the insurance will cost. They will be thrown into the market at an age where they have pre-existing conditions. And under the Republican proposal, there are no—there are no ways in which they are going to be protected from the insurance companies, who we know have one motive, and that is profit before people. Profit before people is the way it has been for the health insurance companies from the get-go, and that is precisely what the Republicans want to give us.

We will not have it. While they're at it, they want to take those reductions in Medicare expenditures and continue giving money to the wealthiest people in America so that the wealthiest people in America can continue to enjoy ever more wealth, while the middle class enjoys ever more poverty. It is an abomination, and there is no way this Nation should abandon a proven program that for 42 years has provided quality medical care to seniors.

Now, do you want to go after the cost in medicine? Then let's go after the overall cost of medicine, not deny tomorrow's seniors the benefit of Medicare. It is time to understand precisely what the Republican budget does. It terminates Medicare, while giving benefits to the wealthiest Americans. It should not happen.

Mr. REED. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, I want to further discuss the benefits of school-based health centers. A wide range of research and evaluations have demonstrated that school-based health centers are cost-effective investments in our Nation's health care safety net for children and adolescents and also help improve academic performance.

Now, each school-based health program is different, as they should be. Some of the services often include things like well-child and well-adolescent exams, immunizations, treatment for illness or injury, including management of chronic conditions, like obesity, diabetes and asthma; and they also frequently include services like mental health assessment and treatment, prevention programs to help reduce smoking, to help reduce teenage pregnancy rates, to help reduce violence. They frequently include substance abuse counseling and nutrition counseling, as well as dental cleaning.

These are services that prevent costly emergency services and hospitalizations later and help keep kids in school where they should be learning. Most importantly, stronger school-based health centers lead to stronger, more successful children and adolescents across the country. By bringing health care services to the children where they spend most of their day, at school, school-based health centers are a sensible and inexpensive way to deliver basic health care services to children all over the country.

This unwise legislation undermines our fiscal condition by wasting an opportunity to leverage local funding. Providing capital support to school-based health centers is a Federal investment that is a good deal for taxpayers. That is because when we provide modest Federal support to school capital projects, local and State funding, in partnership with nonprofits and community health clinics, is spent on operating activities, staffing and other equipment. What a great value for our Federal dollar.

Likewise, the value of this Federal investment is immense to local districts, many of whom are at their bonding capacity, who can't build school-based health centers on their own. However, many of these districts will benefit tremendously, and the students and families, from school-based health care clinics.

The research is clear, Mr. Speaker. Over a decade of studies consistently find positive benefits of school-based health centers. These benefits include better student academic achievement, increased school attendance and reduced tardiness among inner-city children who receive counseling in the school-based health center, fewer school discipline referrals for students who receive mental health services, and increased learning readiness and parental involvement.

As we discuss in this Congress reducing the learning gap, helping all students achieve, and ensuring that every American, regardless of where they live, has access to hope and opportunity through a quality education, school-based health care clinics are an important part of the solution.

In Colorado alone, there are 46 school-based health care clinics in 18 school districts, including one in the Summit County School District, which I represent, which is applying for funding under this program, and another applicant from Eagle County, Colorado. Eight other Colorado applications are going forward under this opportunity, as they are throughout the Nation.

This is the initiative, Mr. Speaker, that Republicans are seeking to eliminate. They say they want a fiscally responsible budget and more jobs, but what we see instead is their priority to stop programs that save money and create jobs and increase student achievement and learning, like school-based health care centers.

There can be no doubt about how the new majority is going about its business. There are no attempts to find common ground, like we have in House Resolution 9, and to work on ways to improve health care or to implement pooling mechanisms or to allow purchasing across State lines of insurance policies. Rather, we are dealing with press releases disguised as legislation that will neither pass the other body nor be signed into law.

□ 1310

That's not governance. That's immaturity. And the only Americans being

asked to sacrifice in the name of deficit reduction are those who have very little, if not nothing, left to lose and no real way to fight back. That's not leadership.

Mr. Speaker, we can and must do better. I urge my colleagues to oppose the rule and the underlying bill.

Mr. Speaker, 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 H.R. 1366, the National Manufacturing Strategy Act of 2011. This bill, introduced by Mr. LIPINSKI of Illinois, will require the President to develop a national manufacturing strategy in order to boost traditional and high-tech manufacturing, spur American job growth, and strengthen the middle class.

This bill passed the House on a bipartisan vote of 379–38 in the 111th Congress. Manufacturing is a cornerstone of our Nation's economy. The U.S. Government, through its policies and programs, has major influence on our manufacturing base, and our national security, energy, and transportation systems rely on that base. We must unify government programs, leading to increased efficiency, and promote policies to promote our domestic manufacturing base to help our competitiveness in the global market.

Mr. Speaker, 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 pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so we can debate and pass jobs legislation today, rather than legislation to increase the health care premiums that Americans pay.

I urge a ''no'' vote on the rule and the underlying bill, and I yield back the balance of my time.

Mr. REED. In closing on these two important bills that are now before this House, I say that H.R. 1213 and H.R. 1214 are dealing with an issue that the former Speaker of the House envisioned when she said during the debate on the underlying health care bill, ObamaCare, that Congress needed to pass the bill so the American public could find out what is in it. Well, we're finding out what's in it.

These two bills will address provisions that dictate and mandate billions of dollars of spending without any additional congressional oversight. To me, that is the critical piece. That is the critical piece and why I urge my colleagues to support this rule and pass this legislation, because this body must stand up and adhere to its institutional responsibilities of controlling the spending of our country because we are broke. That's what an army was sent here to do in November, and I'm proud to be part of that freshman class of 87 Republican Members of the House that are coming here and looking at every dime, every dollar that is being spent here in our Nation's capital, because our Nation cannot afford it anymore, and no longer will we pass the buck on to our children and our grandchildren so that they have to pay this bill that we are no longer taking care of here in Washington, D.C.

I would say that what we're trying to do with this health care debate is put back into the debate in front of the American public the focus of this new Republican majority, and that is we are going to deal with this problem by getting to the root of the problem. The root of this problem is increasing health care costs that are going through the roof. What we're dealing with here when we look at the underlying ObamaCare package is we're trying to minimize and mitigate health insurance costs. That's a piece of the puzzle. But the crux of the issue and the fundamental issue that we face is the increasing costs of health care, and that is what we are doing on this side of the aisle. And we are focusing day and night to make sure that we engage in responsible oversight, we strip the mandatory language of spending that is being created out of these bills, and we go forward so our children and grandchildren will have a greater future than we envisioned and enjoyed in our lifetimes.

Mr. LIPINSKI. Mr. Speaker, while today our Nation continues to confront many challenges, I persist in believing that the primary challenge we must address is job creation and economic growth. So rather than considering more bills to chip away at minor provisions of the Affordable Care Act, we should be debating bills that will stimulate our economy, improve our competitiveness, and help people get back to work. For that reason, I urge my colleagues to oppose the previous question, and allow the House of Representatives to debate the National Manufacturing Strategy Act, H.R. 1366, a bipartisan bill which I was proud to reintroduce earlier this year.

A national manufacturing strategy would help produce more private sector jobs and shore-up America's defense capabilities. My legislation would require the Administration to collaborate with the private sector to conduct a thorough analysis of the various factors that affect American manufacturing, consider the multitude of current government programs related to manufacturing, and identify goals and recommendations for federal, State, local and private sector entities to pursue in order to achieve the greatest economic opportunity for manufacturers in America. The strategy's implementation would be assessed annually and the strategy as a whole would have to be revisited every four years, so that we can reassess the global market and technological development, and plot a revised framework.

Why is a national manufacturing strategy necessary? Because the federal government has significant and broad influence on the domestic environment for manufacturing and our national security, energy, and transportation systems all rely on our manufacturing base. Yet there is little to unify the various programs and policies that exist throughout the government that impact our domestic manufacturing base and its place in world markets. Unfortunately, for too long the government's promotion of manufacturing has been ad hoc, stovepiped and too reactive to economic downturns. Instead, we need to be proactive, organized across the government, and encouraging of those who want to pursue emerging markets and competitive technologies.

Furthermore, it is a matter of international competitiveness for our Nation. A number of our economic competitors—including Brazil, Canada, China, Germany, India, Singapore, South Africa, Russia, and the United Kingdom, among others—have developed and implemented national manufacturing strategies. As a recent report from the Information Technology and Innovation Foundation, entitled ''The Case for a National Manufacturing Strategy'', stated: ''But most U.S. manufacturers, small or large, cannot thrive solely on their own; they need to operate in an environment grounded in smart economic and innovation-supporting policies . . . Unfortunately, while many other nations—and indeed many U.S. states—are taking steps to boost the competitiveness of their manufacturing industries, the United States lacks a clear, coherent strategy to bolster the competitiveness of manufacturing firms of all sizes and all sectors, a shortcoming that must be rectified if the United States hopes to 'win the future' in manufacturing.''

This legislation enjoys widespread, bipartisan support from a range of industrial sectors, labor, and the public. This bill passed the House last year by an overwhelming vote of 379–38, demonstrating that we have had the commitment to focus on the jobs and economy—a mission that we should be working to restore. This year, my legislation has also garnered the support of a bipartisan group of 26 of our colleagues who have cosponsored the bill, as well as the endorsement by the American Iron and Steel Institute, the Association of Manufacturing Technology, the AFL–CIO, the Precision Metalforming Association and the National Tooling & Machining Association. Finally, a bipartisan poll conducted last year for the Alliance for American Manufacturing found that 78 percent favor ''a national manufacturing strategy aimed at getting economic, tax, labor, and trade policies working together,'' and 90 percent want some action to revitalize manufacturing.

I urge my colleagues in the House to join me in calling for action on jobs and the economy. While we have witnessed some positive economic progress, we still have a long way to go in getting Americans back to work. We cannot continue to sit idly as our manufacturing base and quality, well-paying jobs depart for China, India or elsewhere. We must take action to provide a competitive and focused foundation for those who will continue to make it in America, and we can do so now by passing the National Manufacturing Strategy Act.

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

AN AMENDMENT TO H. RES. 236 OFFERED BY MR. POLIS OF COLORADO

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole

House on the state of the Union for consideration of the bill (H.R. 1366) to require the President to prepare a quadrennial national manufacturing strategy, 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. The bill shall be considered as read. 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. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. REED. Mr. Speaker, I urge the adoption of this rule.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of the resolution if it is ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 13, as follows:

[Roll No. 279]

YEAS—234

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
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)
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—185

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi

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

NOT VOTING—13

Bilbray
Broun (GA)
Cassidy
Emerson
Giffords
Heller
Hultgren
Johnson, Sam
Lipinski
Marchant
Rush
Stark
Young (FL)

□ 1340

Messrs. HIGGINS, CLARKE of Michigan, Mrs. MALONEY, Mr. MCINTYRE, Ms. VELÁZQUEZ and Mr. FATTAH changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HULTGREN. Mr. Speaker, on rollcall No. 279 I was unavoidably detained. Had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 185, not voting 10, as follows:

[Roll No. 280]

AYES—237

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
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)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—185

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

NOT VOTING—10

Bilbray
Broun (GA)
Cassidy
Emerson
Giffords
Heller
Johnson, Sam
Lipinski
Rush
Young (FL)

□ 1347

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.

RE-REFERRAL OF H.R. 1425, CREATING JOBS THROUGH SMALL BUSINESS INNOVATION ACT OF 2011

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that H.R. 1425 be re-referred to the Committee on Small Business and, in addition, to the Committees on Science, Space, and Technology and Armed Services.

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

There was no objection.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1213 and to insert extraneous material on the bill.

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

There was no objection.

REPEALING MANDATORY FUNDING FOR STATE HEALTH INSURANCE EXCHANGES

The SPEAKER pro tempore. Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1213.

□ 1349

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentleman from New

Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. I yield myself such time as I may consume.

Mr. Chairman, this bill is part of our effort to restore fiscal accountability to the Federal Government. In the rush to pass some kind, any kind of health care reform, the 111th Congress enacted a massive law, 2,000 and some pages, that gave the Secretary of HHS unprecedented new authority.

□ 1350

Although it got little attention at the time, one of those new powers is an unlimited tap on the Federal Treasury.

Section 1311(a) of PPACA provides the Secretary of HHS a direct appropriation of such sums as necessary for grants to states to facilitate the purchase of qualified health plans in newly created exchanges. Shockingly, the Congress gave an executive branch official the sole authority to determine the size of the appropriation. Without any further Congressional action, the Secretary can literally spend hundreds of billions of dollars at the Department's discretion. The only real restriction on this unlimited appropriation is the Secretary's imagination. Given Washington's reckless fiscal habits, Americans concerned about record spending, deficits, and debt have much to fear from section 1311(a) of PPACA.

This unprecedented tap on the Federal Treasury should never have been granted to one individual, and given the huge uncertainty regarding PPACA, it certainly should not be continued now. Two Federal district courts have struck down the law. State AGs have asked for an expedited review of the litigation, but this administration has refused to let it happen. As a result, the future of the law remains certainly murky. Both supporters and opponents should be able to agree that resolving the case expeditiously in the courts, the Supreme Court, is in the best interest of the country.

But, in the interim, we should not be spending billions of dollars, billions of dollars of taxpayers' dollars on something that might never happen. Repealing the fund will protect precious taxpayer resources at a time of record red ink. Rampant spending on the Federal credit card is unsustainable and certainly dangerous. And the Federal Government is now going to be borrowing 42 cents of every dollar for these grants, $58,000 every second. Just think about this. We're facing a $1.6 trillion deficit, and the President's budgets will nearly double the national debt from $14 trillion to $26 trillion.

This program in PPACA is a prime example of the hidden costs of the health care law. While the program itself, remember, was billed as costing taxpayers $2 billion, CBO confirmed to us last week that repealing the program will reduce the deficit by $14 billion. That's because fewer Americans will be pushed into the exchanges, and a million more Americans will retain their employer-provided health care coverage.

This bill is about accountability to taxpayers and fiscal responsibility in the Congress. I urge my colleagues to support this bill that will reduce the deficit by $14 billion.

At this point, Mr. Chairman, I would ask unanimous consent that all of my remaining time be given to Dr. BURGESS to manage the bill on the floor.

The CHAIR. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. PALLONE. I yield myself 3 minutes.

Mr. Chairman, this is just another in the Republican series of efforts to try to repeal the Affordable Care Act. I don't need to say, but I will say over and over again how effective the Affordable Care Act has been.

We have already put in place most of the anti-discriminatory aspects of the Affordable Care Act so that people now can have their children up to 26 on their insurance policy. They don't have lifetime or annual limits on care. We've ended arbitrary rescissions. We're giving patients access to preventive services without cost. We've begun the process of filling up the doughnut hole by giving seniors a $250 rebate last year, and now a 50 percent discount on the drugs. The list goes on and on. People are starting to see the benefits of the Affordable Care Act.

But as you know, over the next few years, until 2014, one of the major benefits of it is that we will now cover almost every American; 32 more million Americans that have no insurance now, with a guaranteed good benefits package, lower costs, and help in paying their premiums.

The fact of the matter is, the Republicans want to eliminate all this. And when they talk today about bringing up a bill that would eliminate the grants or the funding for the state exchanges, this is at the core of the Affordable Care Act because, without effective state exchanges, robust state exchanges that are actually tailored, if you will, to individual States, it will be more difficult to do the things that I mentioned that are the commitment and the promise of the Affordable Care Act.

Now, what I don't understand though is that my colleagues on the other side of the aisle have always been advocates for States' rights. The consequence of their legislation today if it were to become law would mean that States, and 49 States and most of the territories have asked for these grants, would be denied these grants to set up the State exchanges. Most likely, what will happen then is that, rather than have a State exchange which is tailored to their own State and their own constituents, they will end up having a Federal or national exchange.

Now frankly, I don't have a problem with that. But if you're a States rights advocate, which is what a lot of the Republicans have been saying all along, why would you want to force the States to not have their own flexibility, not set up their own State exchanges and instead set up a Federal exchange?

The exchanges aren't going to go away with this legislation. It's simply going to mean that the States can't do a good job, or that they're going to yield that power to the Federal Government and you're going to have a national exchange.

This is the worst time to do this. As we know, States are hurting. They don't have money. Most of them have a crisis in terms of balancing their budget. Why would you want to deny them the money to set up the exchange?

I'll give you an example in my own State. My own State has applied for some of these grants. They are using it to do demographics to find out what kind of people they have, what their health care needs are, so they can tailor the State exchange in a way that's most effective to cover the most Americans and provide them good quality health care at a low cost. That's what this is all about.

And for the Republicans today to bring this bill up in their effort to try to repeal the whole package, it absolutely makes no sense whatsoever. I just don't understand it.

They talk about mandatory funding. Well, we have mandatory funding for Medicare, for Medicaid, for all kind of things in this Congress. All they're going to do with this is make it more difficult for the States to establish their own exchange.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I would just remind the gentleman, the ranking member from New Jersey, in our committee hearing earlier this year we heard from the Governor of Utah who had been setting up a state exchange prior to the passage of the Patient Protection and Affordable Care Act, and now was left with an uncomfortable situation where it has been ruled unconstitutional by two district courts. He's waiting for whatever happens in the court system. But as he told us in committee, ''I'm walking on shifting sands. I no longer know where to go. Passage of the Patient Protection and Affordable Care Act has made my life infinitely harder.''

I would now yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Chairman, I rise today in support of H.R. 1213. We currently have a debt in this country of $14 trillion and it is rising rapidly. The annual deficit this year will be $1.65 trillion, the largest as a percentage of gross domestic product since 1945.

Current levels of Federal spending are simply unsustainable. We cannot continue on this fiscal path that we have been traveling.

To this end, the House Energy and Commerce Committee has spent nearly

the entire portion of its spring session identifying excess and unaccounted spending within programs, particularly the President's health care bill, in an effort to decrease Federal expenditures, in an effort to put our Nation on a path of fiscal responsibility.

This is one of the legislative fruits of the committee's efforts. According to the nonpartisan Congressional Budget Office, passage of this bill to repeal the Federal health care insurance exchange funding requirements would save American taxpayers $14 billion over the next 10 years.

I urge my colleagues here in the House to pass this fiscally responsible piece of legislation that takes an important step in defunding the health care law and reduces Federal spending and the deficit, and I hope that at an early date the Supreme Court will rule on the constitutionality of the health care law.

□ 1400

Mr. PALLONE. Mr. Chairman, I yield 4 minutes to the ranking member of our full Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, we are not focusing on the big issues that the American people care about with this bill. Instead, what we have before us is not a bill to increase jobs or to help those lives torn apart by the recent natural disaster storms or to address the country's high energy costs. Unfortunately, what the Republican leadership offers up, once again, is a debate on the Affordable Care Act. This is another piece of legislation that is going nowhere. The Senate will never pass it, and the President will never sign it. This bill, H.R. 1213, was analyzed by the Congressional Budget Office, and the budgetary estimate shows this bill diminishes coverage and raises costs. It punishes the States, and especially hurts working Americans and their families.

First, the bill will leave people uninsured. This legislation, according to the Congressional Budget Office, will result in lower enrollment by an estimated 5 percent to 10 percent below the levels expected under current law between 2014 and 2016. In other words, there would be almost 2 million fewer people enrolled in State exchanges.

Second, it will increase the costs to employers as they continue to fight off a sluggish economy.

Third, it will increase costs to consumers through increased premiums in the individual market.

Fourth, without Federal assistance, fewer States would be able to set up and operate State-run exchanges. Currently, 49 States, the District of Columbia and four territories have gotten beyond the ideological debate that we are having over and over again in this House, and they have responded by asking for funds so they can do the job of setting up a marketplace in which it would be best for families and businesses to choose their health insurance.

Fifth and notably, 85 percent of the total $14 billion in cuts comes at the expense of low- and moderate-income Americans who are not able to access health insurance through exchanges.

It is time to stop debating bills that move the country in the wrong direction for political reasons. This bill takes a direct shot at the heart of health reform and at the new marketplace that marks the end of insurance company abuses, and it puts Americans in charge of their health care.

This is the wrong bill at the wrong time. It accomplishes nothing. We still don't know what the Republican proposal would be for health care. They said they were going to repeal it and then replace it. We don't know what they would replace it with. What we do know is that, for health care like Medicare and Medicaid, which insure millions of Americans, their proposal would be to decimate those two programs. With this bill, they would like to be sure, evidently, that States and working families don't have access to private insurance and that they don't have the ability to choose the best deal for them and their families.

I urge the defeat of this bill.

Mr. BURGESS. Mr. Chairman, I yield 2 minutes to the subcommittee chairman of the Oversight and Investigations Subcommittee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, there are two points or arguments that I've heard from the other side.

One, they are talking about States' rights. It's really almost pathetic to think that they are arguing on States' rights, because the health care bill that they and the administration are advocating forces State governments to pay for existing established exchanges. No States rights there. That's part of what the Secretary of Health and Human Services will do, and she will use this money as an incentive to bribe them, which is unlimited to her, to force States to pay for existing established exchanges. But once they do it, the money will stop.

The other point is that they are saying we aren't talking about jobs and that we're focusing on this particular bill that's not really getting us jobs. Yet this bill does focus on spending. It's limiting spending. With the national debt of the United States just increased by $262 billion at the start of this year, we need to handle our debt here in this country and control spending.

So I am pleased that we are taking up H.R. 1213, which would eliminate uncapped, unlimited programs in the Patient Protection and Affordable Care Act, which is ObamaCare. This provision grants far too much in budgetary authority to the Secretary of Health and Human Services and far too few program requirements to ensure proper oversight. That's why we need to pass this bill. This is fiscal responsibility. It is fiscally irresponsible to argue, as they say, for giving any one in the Administration as an individual unlimited, mandatory spending authority, which is what is in ObamaCare.

I am glad we have an opportunity to correct this legislative error. We must gain fiscal control over our government programs, starting with these exchanges. Whether it's recapturing wasteful stimulus program dollars, eliminating fraud or using the appropriations process to set budgetary priorities rather than mandatory spending, we must all exercise fiscal restraint, and that is what this bill does. Just because we followed Greece into democracy does not mean that we should follow them into bankruptcy.

Mr. PALLONE. I now yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me, and I rise in strong opposition to this bill.

As Ronald Reagan used to say, There you go again.

And there my Republican colleagues go again.

We sat through days and days of this in the Health Subcommittee and in the Energy and Commerce full committee. This is—I don't know—the third or fourth or fifth or sixth bill on the floor which is trying to destroy the health care bill. I proudly support the health care bill, and I think it's time to stop scaring the American people. This is political theater. The Senate is not going to pass this, and the President certainly would veto it if it passes. So all we are having is, once again, another debate about health care on the House floor again and again and again.

I think my friends on the other side of the aisle have made their point. They oppose health care reform. Okay. Fine. How many times do we have to vote on it? It would repeal the Affordable Health Care Act, a bill which puts the American people back in charge of their health care by requiring insurance companies to be more transparent and accountable for their costs and actions, thus ending many of the worst abuses by the industry and improving the quality of care.

I urge my colleagues to vote against this bill.

Mr. BURGESS. Mr. Chairman, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the bill because this is the right step at the right time. If you're listening to the American people, one of the things they have said loud and clear is that they do not want the ObamaCare bill on the books. They want this repealed.

When my colleagues ask ''how many times do we have to revisit this issue?'' we are going to keep revisiting this issue until we get every single piece of this bill off the books, because it is too

expensive to afford. A great example of this is exactly what we're dealing with, which is the little slice of it that gives as much as may be needed, as much as may be consumed, as much as the HHS Secretary says they will need for this unlimited slush fund to give money to the States for these grants.

Now, I will remind my colleagues from across the aisle that our former Democrat Governor has called this program the ''mother of all unfunded mandates.'' Mr. Chairman, there is a reason he called this program such. It is because he knows that putting this burden onto the States is far too expensive for the States to afford. It doesn't make it right to set up a slush fund, which will have no congressional oversight. The HHS Secretary can spend as much as she thinks is necessary, and she does not have to come back to us in Congress for this.

We do not need legislation with this nebulous language, and we do not need to give that authority of spending taxpayer money on this to the HHS Secretary. It is important that we distinguish: Are we for reforming health care? There are portions of health care that need to be reformed; but what happened in ObamaCare? PPACA is not health care reform. It is a movement away from patient-centered health care to government control. It is time for us to get back on the right track.

□ 1410

Mr. PALLONE. Mr. Chairman, I yield myself 15 seconds.

I hold the gentlewoman in a lot of respect, but it bothers me that you say we are going to come back and keep voting and voting again on repeal, repeal, repeal. We know this isn't going to pass the Senate.

When I went home the last 2 weeks, all I heard was: What are you doing to create jobs? Deal with the economy.

When we deal with this and keep doing the same thing over and over again, we don't deal with jobs.

I yield now 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Chairman, I rise in the strongest opposition to this shortsighted legislation. We all know that the only reason this bill is before us today is to try to derail the Affordable Care Act, which is already helping so many. And the exchanges this bill targets will make a clear impact, making it easier for individuals and small businesses to shop for insurance based on quality and price. They will provide the key structure to ensure the numerous consumer protections in the law are followed, and they will make the health insurance market both more competitive and more transparent.

Furthermore, the exchange program gives States flexibility to build the best plan they can to meet the unique needs of their residents. But this bill would defund that, resulting in an unfunded mandate. Forty-nine States have already received funds to begin this process. Many States are poised to move from planning to implementation. However, repeal would stop this development in its tracks.

What is clear is that a vote for this bill does not reduce costs; it just shifts them onto the backs of already cash-strapped States. It means delays: Delays that CBO has noted will lead to increased costs for consumers; delays that will result in 2 million more Americans being uninsured through 2015 alone.

I find it ironic that my Republican colleagues, who for so long have called for increasing a State's autonomy, are here to vote down a program that does exactly that, especially when their vote will lead to increased costs and more Americans being uninsured.

I urge my colleagues on both sides of the aisle to vote against H.R. 1213.

Mr. BURGESS. Mr. Chairman, I yield 2 minutes to a valuable member of the committee, the gentleman from Kansas (Mr. POMPEO).

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

Mr. POMPEO. Mr. Chairman, I rise today in strong support of H.R. 1213, a repeal of a mandatory piece of spending inside of ObamaCare that will do a great deal to not only destroy health care in America but destroy jobs in Kansas and all across our country.

I spent the last couple weeks back in the district. I was in Greenwood and Elk and Chautauqua and Montgomery County, in Butler County and Sedgwick County. I heard the ranking member today say he wants us to do the people's work. I will tell you that every day I heard about people that were frightened by ObamaCare. I talked to business leaders that understood that the last thing they wanted to do was to hire a full-time employee because of the burdens and obligations that would come from this piece of legislation.

I was proud at the very beginning of my time in Congress to vote to repeal the entire bill, and I am equally proud today to attempt to put back in the box this mandatory spending provision. This spending provision gives, without any oversight, any restraints, the Secretary of Health and Human Services powers that are very, very large. I happen to have a special perspective on that.

Today's Secretary of HHS was my Governor for the last 8 years. The last thing that we want to do in health care is to give my former Governor an unlimited checkbook. We have seen what that has done to Kansas. I know what that will do to the United States of America.

This is very clear. When we talk about health care, what we are talking about is trying to find a way to reduce costs. The absolute worst thing you can do if you are trying to reduce costs is give the government an unlimited checkbook. They will spend it. They will spend it every day. They will spend it all the time.

I urge the strong support of H.R. 1213 so that we can stop this horrible piece of mandatory spending.

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman.

Mr. Chairman, I rise in opposition to this Republican proposal because it will not create jobs, it will not stimulate our struggling economy, and it will not put the middle class back to work. Instead, the bill that we are considering today would take away funding for States to offer new affordable insurance options for their citizens. And this bill would lead to job loss, hindering our fragile economic recovery.

Bait and switch—that is what it is called when you say one thing and do another, when you run for office promising to create jobs and bolster the economy and get elected and start doing something entirely different.

Last election was about jobs and the economy, and Congress should be at the forefront. But instead of leading and putting Americans back to work, we are considering a bill to repeal funding that will create jobs and provide families and small businesses with access to affordable health care options.

Forty-eight States, including my home State of Wisconsin, have already received up to $1 million each to get health insurance exchanges up and running, including hiring key staff for implementation. In other words, this funding is creating jobs.

This Republican bill raises a very important question: Are we going to ask cash-strapped States to return the money they have already been awarded? Are we going to prevent these States from receiving further funding that will create jobs?

I fail to see how rescinding these dollars that will be used to create jobs is the right thing to do to get our economy back on track, and I urge my colleagues to stand up for Americans looking for work and looking for affordable health care and vote against this bill.

Mr. BURGESS. Mr. Chairman, I would just point out that this bill only rescinds monies that have not been obligated. Monies that have been obligated would not be rescinded.

I now yield 2 minutes to the gentleman from Iowa, STEVE KING.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding, and I also thank Dr. BURGESS for the leadership role that he has taken nationally in opposition to ObamaCare. His voice is essential to this and putting this unconstitutional bill behind us one day, taking us down the path of liberty and freedom with a constitutional path.

I rise in strong support for H.R. 1213, Mr. Chairman.

I would point out that much has been made of $105.5 billion in automatic spending that was written into ObamaCare. That is a number that was

kind of like a mirage; it was hard to pin down. Over time and working with CRS, we produced, finally, that number: $105.5 billion in automatic spending written into a bill that I don't think any Member of Congress—in fact, I am certain not a single Member of Congress—was aware of that figure when ObamaCare was passed about 13 months ago.

However, this bill, H.R. 1213, doesn't address that $105.5 billion in automatic, irresponsible, unconstitutional spending. It addresses an open slot where the drafters of ObamaCare just simply overlooked writing a figure in when they granted, there, unlimited authority to the Secretary of Health and Human Services, Kathleen Sebelius, to spend the amount of money that she sees fit to carry out the provisions of this section that are repealed by H.R. 1213.

It wasn't just a blank check, Mr. Chairman. It is a series of blank checks—in fact, an infinite number of blank checks that an infinite amount of money could conceivably be written into. That is how bad this is. That's how unquantifiable it is. I know that CBO has attempted to put a number on it, but it requires some assumptions to even do that.

The 112th Congress has been bound by the 111th Congress by this term we call ''mandatory spending.'' I don't concede that there is anything such as mandatory spending in this Congress. No previous Congress can bind a subsequent Congress. This Congress has to approve all spending of every Federal dollar before it can be expended, and we need to stand on that principle, Mr. Chairman, this unlimited and mandatory spending that is unconstitutional.

The CHAIR. The time of the gentleman has expired.

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

Mr. KING of Iowa. I thank the gentleman from Texas.

I would make the point also that the funding that would go to set up the State exchanges, we need to be very well aware of what that can be. If the States take this free money, so to speak, from this unlimited slush fund of Kathleen Sebelius and set up the State exchanges, even though they believe they have control of these exchanges, it sets them up to be nationalized by a far more powerful Federal Government. And even though they oppose ObamaCare, they might be complicit in its implementation if they accept this money.

I urge adoption of H.R. 1213, and I thank the gentleman from Texas.

Mr. PALLONE. Mr. Chairman, I yield myself 30 seconds.

I would just like to point out to the gentleman, 49 States and the District of Columbia, along with 4 territories, have been awarded $54 million in planning grants. So all you are doing here—these exchanges are still going to exist even if this bill passed and became law. All you are doing is taking away the money, in almost every case, from your own State to try to set up these exchanges and not have it become a national exchange.

So the gentleman can talk all he wants about the funding, but the fact of the matter is it is most likely his own State is asking for this funding so they can get these exchanges established. Why do the Republicans want to take money away from their own State?

I yield now 1½ minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

□ 1420

Mrs. CHRISTENSEN. Mr. Chairman, today I rise with great disappointment to speak out against yet another attempt to repeal an Affordable Care Act provision that is at the very core of increasing access to health care for the over 30 million uninsured Americans.

As my colleague said, almost $54 million in planning grants have been awarded to help 49 States, the District of Columbia and four territories, including $1 million to the Virgin Islands, to create unique State and territorial-based solutions to improve our States' and territories' health insurance markets. We must not repeal this funding, as H.R. 1213 would do, because by placing the burden entirely on the already-overburdened States, it will make it more difficult for them to establish changes, and it will increase the costs to families who are seeking to insure themselves. This is really another effort to get rid of exchanges altogether.

In deciding how to vote today, I ask my colleagues to think about all of their constituents who suffer unduly from health conditions that could be prevented or controlled if only they had access to health insurance, preventive care, and treatment. These constituents, our fellow Americans, demand that we stand up and fight for their access to affordable health insurance, as Democrats have always done and are doing today.

I urge all of my colleagues to vote against this legislation that would undermine the ability of millions of Americans to have access to health insurance and access to needed health care services.

Mr. BURGESS. Mr. Chairman, I yield myself 1 minute.

How many times did we hear over the runup to the passage of the Patient Protection and Affordable Care Act, If you like what you have, you can keep it? It turns out nothing could be further from the truth. In fact, the real truth is they don't want you to keep your current insurance.

We have heard Members on the other side of the aisle claim that 2 million fewer people will be enrolled in the exchange and that the bill will increase costs to the employers. So here is some shocking news: These assertions that during the health care debate many people said repeatedly that under the bill you will not be able to keep your health insurance you like, in spite of promises made by the Democrats, people were concerned that the new law would encourage employers to drop health care coverage for workers.

In fact, we received some memos to that effect as part of an investigation that then-Chairman WAXMAN actually initiated right after the passage of the bill. But then when trying to pass the bill, the Democrats repeatedly denied those claims. Now they seem to relish the fact that employers will drop coverage, and they actually see it as a negative that 1 million people will continue to have employer-sponsored insurance, the coverage that they precisely wanted to keep.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, can I inquire how much time remains on both sides?

The CHAIR. The gentleman from New Jersey has 17¾ minutes remaining. The gentleman from Texas has 15 minutes.

Mr. PALLONE. I yield now 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank my colleague on the Energy and Commerce Committee for yielding to me.

To follow up what my colleague also from Texas and on Energy and Commerce talked about employers dropping insurance, that is why we need these insurance exchanges. Even before the Affordable Care Act, employers were dropping insurance for their employees or making it cost prohibitive for them to cover themselves. So that is why we need the exchanges.

Here they are defunding it today, and H.R. 1213 would repeal the section of the Affordable Care Act that provides funding for the creation and facilitation of State-based health insurance exchanges. Those are not government insurance companies. Those are private sector exchanges.

During the health reform debate, the Republicans spent most of their time saying health reform would limit the ability to tailor their own health care systems. The Affordable Care Act would ensure States would have the ability to create their own health insurance exchanges, meet the health care needs of their State, and still provide consistent basic health coverage nationally.

We provided States with planning grants to come up with proposals on how they will run their health insurance exchanges so States will run their own exchanges rather than the Federal Government doing it. Yet here we are today stripping the ability of the States to run their own health insurance exchanges by eliminating those planning grants, just another example of the hypocrisy of the Republican Party.

This is yet further political messaging by the Republican majority in an attempt to defund health reform. They are playing games with funds

dedicated to our States, forcing them to spend their own money when State budgets are already limited. The majority has the wrong priorities, and I think the American people know it.

Mr. BURGESS. I yield myself 3 minutes.

Mr. Chairman, States are coming to the realization that there is no flexibility in these grants. They are coming to understand that the mere words that a State gets to develop an exchange that fits their individual needs, in fact, just rings hollow.

The other side has used the word ''flexibility'' as a big bait-and-switch, just similar to the words ''if you like what you have, you can keep it.'' The authors of the bill praised these words, but they are simply not true. The law clearly puts Washington in control, in firm control, in absolute control, of these exchanges.

For example, section 1302, the Secretary will choose the essential benefits that must be paid for by individuals and families in the State exchange.

Section 1302 (d)(2), the Secretary will control whether an HSA can be offered.

Section 1311(h), the Secretary can by regulation select the doctors and other health professionals that are allowed to provide care in the exchange plans. As a physician, I find this one of the more chilling provisions in this legislation.

Section 1311(i), the Secretary—the Secretary—decides whether a plan provides linguistically appropriate and culturally sensitive information. If they do not meet the Secretary's approval, they cannot have that plan.

Section 1311(c)(1) and section 1311(e), the Secretary—the Secretary—determines the process and requirements for certifying whether a plan can be sold in the exchange.

Section 1311(c)(1)(I)(6), the Secretary can decide when individuals can enroll in the exchange plan.

Section 1311(d)(4), the Secretary will judge the adequacy of an exchange Internet Web site.

Section 1311(k), the Secretary will determine whether an exchange establishes rules that conflict with or prevent the application of regulations promulgated by the Secretary. In other words, not only do they get to make the rules; they get to be the referee.

Concerns were raised prior to the passage of the Patient Protection Affordable Care Act that the law was designed, designed, for employers to drop coverage so Washington would control health care through ObamaCare exchanges. Now the other side protests when 1 million people will keep their employer-sponsored insurance because they would rather have them under the direct and absolute control of Washington, D.C., rather than their State capitals.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself 30 seconds.

Again, I don't understand what Dr. BURGESS is trying to say, the point he is trying to make. If we don't have this funding under this bill, States are not going to be able to choose the type of marketplace that is best for their families and businesses. By passing this bill, you take away ultimately the States' right to make the decisions about what kind of plans they have and how they want to tailor these plans.

All he is doing with this bill is handing it over to the Federal Government, exactly the opposite of what he is saying. What he is reading is essentially what is going to happen if there is no State exchange and there is a Federal exchange. So why deny the States the money, when they can tailor the exchange with those grants?

I yield now 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member on the Labor-HHS appropriations subcommittee.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this attempt to defund one of the central cost-cutting reforms of the Affordable Care Act. Like so much in the majority's budget, this bill takes money out of families' pockets and gives it to the health insurance industry.

The exchanges will give all Americans the chance to prosper from what Members of Congress and large employers have enjoyed for years: large group rates, lower administrative costs, greater transparency. They also expand choices, giving everyone access to a much fuller range of plans. The exchanges work to create real competition in the health industry and thus drive costs down for everyone.

But my colleagues on the other side of the aisle want to place the control again in the hands of the health insurance industry and the insurance companies. Given what they are prepared to do in the Republican budget by ending Medicare and throwing seniors to the private insurance market, this is in the same vein.

□ 1430

This bill wants to eliminate this free market reform and allow insurers to continue to act as monopolies. According to the CBO, the Congressional Budget Office, which is independent and nonpartisan, it will knock 2 million people out of the exchanges, increase health insurance premiums, and leave 50,000 more Americans uninsured. In fact, 85 percent of the so-called savings here comes from cutting off Americans' access to health insurance.

This is not the direction we want to go. We want to cover more people, reduce health care costs. This bill raises premiums; it raises the number of uninsured in America. I urge my colleagues to reject it.

A final point. We in this body are very fortunate. We have health insurance. Our kids have health insurance. When we get ill, we go to the head of the line, the same as our families. Every single time we take to this floor, the majority in this body wants to repeal health care reform, wants to take away the opportunity from millions of Americans to have the same kind of health care coverage that Members of Congress and their families have.

Mr. BURGESS. I yield myself 1 minute, Mr. Chairman.

I would remind my colleagues on the other side of the aisle that the Governor of Utah coming to our committee hearing said that he was setting up exchanges prior to the passage of the Patient Protection and Affordable Care Act. The passage of the Patient Protection and Affordable Care Act has limited his ability to provide those exchanges. In fact, he went so far as to say now, with the nebulous future surrounding the Patient Protection and Affordable Care Act, because of activity in the courts—not in the United States House of Representatives, but in the courts—remember them, the third branch of government that gets to decide if something is constitutional or not—because of the ambiguity surrounding the cases in the courts, the Governor of Utah felt that he could not go forward with the plan that he was implementing, and he worried that the money he had already spent, his own State's money on developing State exchanges, would now be for naught. He does not know what the rules will be going forward if the Patient Protection and Affordable Care Act is allowed to stand because those rules have yet to be written. Those rules have yet to be interpreted.

So in a very perverse way, we have made it harder for a State to provide exchanges by passing the Patient Protection and Affordable Care Act.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself 1 minute.

I have heard Dr. BURGESS talk about Governors. I just want to give you some quotes from some Governors—Republican Governors. Nathan Deal, a former member of the Energy and Commerce Committee, former chairman of the Health Subcommittee, this is what he said with regard to the State exchanges and the grants. He says: ''One of the real problems that some of us as Governors foresee is if the mandates on States remain in place, the funding from the Federal level to carry out those mandates is withheld. That's the worst possible condition that States could be left in.''

That is exactly what my colleague from Texas is proposing. The States will continue to have the mandate to set up the exchange or, without money and therefore not be able to tailor to exchange to the State or alternatively letting it go to the Federal Government, having the Federal Government run a Federal exchange.

Nathan Deal, one of our own Members, chairman of the subcommittee, said, Worst possible scenario. I don't understand. Again, I keep saying the same thing, but I have to repeat it, Mr. Chairman. To say that we're going to have State exchanges without having

the funding means the State exchange will either be lousy, or it simply won't exist and the Federal Government takes over.

I yield now 2 minutes to the gentleman from Michigan (Mr. LEVIN), the ranking member on the Ways and Means Committee.

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

Mr. LEVIN. Thank you, Mr. PALLONE. Thank you for your efforts.

I have been listening to the debate here, and the majority, I would describe it this way: You're so single-minded about the health care reform that you really have become mindless. You come here and talk about Federal control, but essentially what this bill would do would be to increase it. CBO says, Pass this bill and you will have more Federal control—not less—and less State control. It makes no sense. It's mindless. And you come here and say there's one governor who says something about his exchange. But every State but one has applied for and received a grant for their exchange. It's mindless, your position.

My State has already received the grant, the State of Michigan; and they have used it to bring everybody to the table, including private industry, including consumers, hospitals, et cetera, to develop a plan that's right for our State. It's mindless for you to come here and say you want to pass a bill that withdraws from our States the ability to plan for the health care for our citizens in a way that is helpful to our State. So maybe there will be a mindless ''yes'' vote here. It's happened before. Where are the jobs bills?

Mr. BURGESS. I yield myself such time as I may consume.

Mr. Chairman, I would not presume to put words into the mouth of the Governor of Georgia, but I do know from a long association with him that he was very abhorrent of any mandates that were placed on the States. So I do not doubt the fact that he said the worst of all possible worlds would be to get the mandate and not get anything else to help him back that mandate. But to be very clear, the mandates themselves are the anathema.

Why would those mandates be a problem for the Governor of Georgia or the Governor of any other State? Because now the decisionmaking does not rest with the State. The State is mandated. The State is mandated to set up these changes. And yet the Health and Human Services Secretary will choose the essential benefits that must be paid for by individuals and their families.

That's no longer a State decision. That's no longer a gubernatorial directive. That is now a directive from the Secretary of Health and Human Services. They would also decide whether their planned provider network is adequate, regardless of whether or not it covers the doctor that you use and you like. The Secretary—not the Governor, not the Governor's chief of staff, not someone in the State legislature—the Secretary of the Department of Health and Human Services, who has that now unprecedented power and is only limited by her own imagination.

The Secretary would impose price controls on health coverage. The Secretary would pick who gets a waiver from the annual limit requirements. The Secretary would establish cost-sharing requirements regardless of their effects on premiums, not a gubernatorial directive, not something established by the State Commission of Insurance, not something contributed to by the Governor's chief of staff, not something decided by any State legislature, but by the Secretary of the Department of Health and Human Service.

Again, Chairman UPTON in his opening remarks said the spending would only be limited by the imagination, by the limits of the imagination of the Secretary of the Department of Health and Human Services. We know who that is this year. We don't know who that is next year. We certainly do not know who that is in 2 years' time.

It is the responsibility of this Congress to exercise the due oversight over these programs. We abnegated that authority by the forward funding of these programs. As Mr. KING pointed out in his remarks, we abnegated that authority. It's now time for Congress to claim that back. That's not mindless. The mindlessness, I might remind the Chair, was when this bill was passed a year ago without due proper authorization and oversight.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself 1 minute.

Again, I listened to the gentlewoman from Tennessee (Mrs. BLACKBURN) before, and basically she said we're just going to keep repealing and repealing and repealing. I understand that you want to get rid of the whole bill. But why do you bring up legislation today that, again, I guess you're doing it because you don't want to keep repealing the whole bill over and over again because it becomes ludicrous. So instead you take pieces out—in this case, the State exchanges—and you say we're not going to give States the grants to actually follow up.

It's obvious, when we talked about Nathan Deal, he doesn't like the law. He'd like to see it repealed. But he's saying if you're not going to repeal it, then don't defund it because then the States can't carry out their functions in an effective way.

So all I'm saying to my colleague from Texas is if you just want to keep repealing and repealing, like Mrs. BLACKBURN said, go ahead and do it. We'll waste time, which doesn't make sense. But if you're going to then take pieces out, then don't say to the States, We're going to defund you and not allow you to do what you're already required to do or set this over to the Federal Government.

You see, this is the absurdity of what the other side of the aisle is trying to do. It's just a complete waste of time.

I yield now 2 minutes to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

What is it about the Republican Party that insists that its mandate in Washington, D.C. is to keep the American public away from affordable health care? First, they start by ending Medicare so that senior citizens who retire will have to pay much more for their health care than they would otherwise. Those on Medicare, because they'll be closed in, an aging population, their health care costs will continue to go up in the future far beyond their ability to pay.

They have decided that they're going to raise the price of prescription drugs to senior citizens. They have decided that they're going to decrease the access of young people to health care by not providing for school-based clinics, health care clinics. They've decided they'll roll back preexisting conditions to prevent women from getting coverage of health care, young children from getting coverage of health care from life-threatening diseases that they were born with.

What is it about the Republican Party that they don't want people to have access to health care in this country that's affordable? They don't mind them being in the lottery. If they can find it and afford it, maybe they can have it. But if they can't, it's tough.

So now we come to a time when they said they don't want one-size-fits-all in Washington. The States should have a right to set up the exchanges. The States have an option: they can set up an exchange or not set up an exchange. Some 49 States have stepped forward and said, We want a right to customize the exchange for the purposes of the people we represent, the nature of our State, the economy of our State, the age of our State. We want to do this.

□ 1440

And now they're saying, well, that's good, but we're not going to give you any money to plan to do that. So what are they doing, according to CBO? They're now threatening, once again, the access to affordable health care for 50,000 or more Americans.

So they've threatened the access to health care for women. They've threatened the access to health care for children. They've threatened the access to health care for seniors. They've threatened the access to health care for those who are about to become seniors. They just can't stop doing this.

The CHAIR. The time of the gentleman has expired.

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

Mr. GEORGE MILLER of California. They want to say they're just repealing the health care bill that was passed. They're just repealing that.

No, what they are doing is they're standing in the way, the very same

rights that they have as Members of Congress to have a federally setup exchange for Federal employees where policies pass muster, that you get real value if you buy one. Whether you buy a health savings account or whether you buy a plan for your family or for an individual, you get real value. You get access. The rights they have as Members of Congress, once again they're stepping into the breach to make sure that their constituents won't have that right at the State level because when there are no State exchanges, they won't have that right.

It's a really strange view of their obligations to the American public, to working families, to children, and to seniors. And it's a real strange view about their position of privilege that they would have all of this for themselves but not for their constituents.

The CHAIR. The time of the gentleman has again expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would ask all Members to heed the gavel.

Mr. BURGESS. Mr. Chairman, I will direct my remarks to the Chair and not to anyone in particular, which I believe is one of the habits of the House; and I yield myself 1 minute for this purpose.

I was always taught growing up that if you're going to tell a story, you ought to begin it with ''once upon a time.'' I think I should have heard a few ''once upon a times'' in that last tirade that was just leveled upon the House.

Their hypocrisy knows no bounds, Mr. Chairman. The other side claims that the health care law is about State flexibility, but they oppose H.R. 1213 because some States might assess a health plan fee to fund the operation of exchanges that the State wants to set up. If you're for flexibility, then eliminate complete control that the Secretary has over the State exchanges. Let States establish exchanges without onerous and costly Federal mandates and finance them according to how each State feels is appropriate.

Now, to talk about hypocrisy, what the other side fails to mention is that the Patient Protection and Affordable Care Act advocates taxing health care plans that sell insurance in the exchanges. Rather than being silent on how States should fund their exchanges once the grant money runs out, the Democrat health care bill actually spells out that the States should consider charging taxes on health insurance premiums for plans sold in the exchange.

The CHAIR. The time of the gentleman has expired.

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

The hypocrisy could be tolerable if it just simply ended there. However, the other side also fails to mention that the Patient Protection and Affordable Care Act directly charges a $60 billion tax on Americans' health insurance premiums, in section 9010, or that imposes tens of billions of dollars in direct taxes on medical devices and drugs that people will use that will increase their health care premiums, according to the CMS actuary.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank my friend from New Jersey.

Mr. Chairman, this is all about creating a mechanism for competition—fair, open, fully disclosed competition.

The exchanges actually come from maybe 20 years ago. I know that in California when I was elected insurance commissioner in 1991, we established an exchange program. It passed the legislature. Unfortunately, Governor Wilson vetoed that legislation. Had it gone into place, there would have been a marketplace for insurance consumers. Right now consumers are at the whims of the market. They have no power.

An exchange is simply a way to accumulate the purchasing power of thousands or hundreds of thousands of individuals and small businesses so that their risk is spread out over that large population. Right now small businesses and individuals simply are at the mercy of the insurance companies. They have no way to spread their risk, and, therefore, their rates are exceedingly high, and in many cases it's impossible to get insurance.

For the life of me, I don't understand why the Republicans want to repeal the exchanges. I always hear from them competition and free market. This is exactly that. This is competition, in which the health insurance companies have to compete with a similar policy, four different kinds of policies, a very rich one and a very basic one, and they have to compete on quality. What's the problem with that? And they'll be able to get insurance. Right now they can't. So they're going to repeal it. It makes no sense.

It also makes no sense that the Republicans would go out and terminate Medicare. Hello? You're going to terminate Medicare, a guaranteed insurance policy for everyone over 65? Oh, I know, only those who are below 55 years of age will never see Medicare. It's gone. It's history. Oh, you're going to give them a voucher, a small percentage of the total cost 10 years out? Good luck. And you throw them to the whims of the insurance companies without an exchange.

What's this all about? I think Congressman MILLER may have had it right. How do you view the world? People need health care. Insurance is a way to get health care. An exchange is a way to spread the risk for a large pool of people so the risk isn't there and access to the market.

California has an exchange. California last year established a law to put in place an exchange. It was signed by a Republican Governor, folks. Are you listening? Governor Schwarzenegger signed the exchange program. It's going into operation in a year and a half so that people in California can get insurance. Two million people will not be able to get insurance if this bill were to pass. And the only thing you offer is the termination of Medicare? Oh, and by the way, you're going to reduce Medicaid by $700 billion.

Mr. BURGESS. Mr. Chairman, I yield myself 1 minute.

Although the issue of Medicare is not the subject of this debate today, I can recall a time about 20 years ago when Paul Tsongas, a former Senator, came to Dallas to talk to a group called the Dallas Business Group on Health. It was the day after President Clinton had come to this House and addressed a joint session of the House and Senate and unveiled his health care plan in September of 1993. Senator Tsongas came to talk to us in Dallas, and he said, ''It was a beautiful speech. There wasn't a dry eye in the house. The only problem was that the President proposed five new entitlement programs, and we cannot pay for the ones that we have.''

□ 1450

Former Senator Tsongas then went on to articulate how the rate of rise of entitlement spending was going to cripple this country in the future such that by at some point between 2015 and 2020 this country would see intergenerational conflict the likes of which it had never seen before.

Yes, it is incumbent upon us to recognize that train wreck that is coming and deal with it. Representative RYAN put forward a very thoughtful plan 2 weeks ago. Let's see the plan from the other side. So far that's been lacking.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentleman from New Jersey has 4¼ minutes remaining. The gentleman from Texas has 6½ minutes remaining.

Mr. PALLONE. I yield myself the balance of my time.

Mr. Chairman, I am pleased that my colleague on the other side, Dr. BURGESS, got up and talked about the Ryan budget, or the Republican budget, I should say, because as far as I know every Republican voted for it, and most Democrats voted against it, and he also mentioned, I think, President Clinton's efforts to achieve health care reform.

The Democrats over the years—Harry Truman, President Clinton, President Obama—have all been reaching out to try to achieve health care reform and find a low-cost way of providing a good benefit package to all Americans, and it's sad to think that on the other side of the aisle, when they became the majority, the first thing they did was to pass this Republican budget that actually puts an end to Medicare and really jeopardizes the future of Medicaid as well.

I think it says a lot about the fact that the Democrats are trying to expand health care choices and options

and provide low-cost health care with a good benefit package. The Republicans are taking the plans that exist now like Medicare and Medicaid and either ending them in the case of Medicare or in the case of Medicaid really making it so it's going to be very difficult for Medicaid to continue.

We already have in place, as I mentioned in the beginning of this debate, many of the positive aspects of the Affordable Care Act, all those things that eliminate discrimination, let you put your children on your policy, start to plug up the donut hole for prescription drugs for seniors. This is working. This is legislation that's working and making a difference for the American people and making it possible now with these State exchanges, once they're up and running with the tax credits that are available, for even those other 32 or 30 to 40 million Americans who don't have health insurance insurance now to finally have it.

Now, why do the Republicans want to eliminate this? I listened to Dr. BURGESS. He says it costs too much. The fact of the matter is the CBO said the Affordable Care Act was going to save money, reduce the deficit over 10 years. I know they only like to look at the CBO numbers when they think they're beneficial to their point of view, but the fact of the matter is the CBO is a nonpartisan arm of this Congress and they say that the Affordable Care Act reduces the deficit over 10 years. At the same time, we're covering everyone and we're providing a good benefit package just like, say, Blue Cross or Blue Shield does today.

What this bill does is to eliminate choices, because if the States are allowed to tailor a program in exchange for their own constituents in their State, I believe it will be more robust, it will be a better plan tailored to those people from New Jersey, in my case, or Texas, in the case of Dr. BURGESS. By taking away the money for the exchanges, all you're going to do is make that more and more difficult. States will still have to do it, but they won't have a good plan. They may limit their choices. They may not have a lot of choices which they would have if they have some money to plan and be rational about how this works.

Of course, the more likely scenario is that we will simply have a Federal exchange and a lot of States will opt out and not even have their own State exchange. I think that would be a mistake to do. I really do. As much as I'd rather have a Federal exchange than no exchange, I do think it makes sense to have State exchanges.

So, again, I think that what the Republicans are doing now, and I think that Mrs. BLACKBURN said it earlier—she said we're just going to repeal this, and we're going to take a piece of it and repeal something else until we get rid of the whole thing. Well, don't waste the time of the Congress on doing the same thing over and over again. I was home for the last 2 weeks. We all had a break. We're at home for 2 weeks. All I heard, I didn't hear about health care. I heard about jobs and how the economy was starting to sputter again.

You know, the last quarter was not as good as it could have been, and the fact of the matter is that since the Republicans have come into the majority here they're not doing anything to create jobs. We don't have a bill to create jobs. We keep doing the same thing every day. Today, it's going to be defund health care; tomorrow it's going to be abortion again. I don't know how many times we're going to have these same bills that come out of our Health Subcommittee and the Energy and Commerce Committee.

It is unfortunate. I urge my colleagues to vote ''no'' on this bill.

The CHAIR. The time of the gentleman has expired.

Mr. BURGESS. Mr. Chairman, at this point, I would like to yield 4 minutes to the chairman emeritus of the full committee, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Thank you, Congressman BURGESS, and it's good to see you in the Chair there, Mr. Chairman. I feel empowered and confident that you're going to make the right rulings as the day goes on.

We're going to have more amendments offered on this small part of the repeal effort of the new health care law than the Democratic majority allowed in the last Congress on all the health care legislation they brought to the floor. After general debate, we're going to have at least five amendments that were made in order under the rule. That's five more than Speaker PELOSI and then-Rules Committee Chairwoman Slaughter made in order in the last Congress when we were debating these issues.

Republicans are not necessarily opposed to the concept of these exchanges, Mr. Speaker. What we are opposed to is the process in the last Congress where the actual bill that became law was dumped in the dead of night, with no amendments made in order, little debate, in an up-or-down vote as soon the Speaker twisted enough arms on the then-majority side of the Democratic party to move the bill.

So we're trying to repeal it piece by piece; once that's done, then to replace it. This particular bill that's before us is pretty straightforward. It repeals the authority of the Secretary of Health and Human Services to obligate such sums as necessary to fund these exchanges. This ''such sums as necessary'' could be $50 million, could be $100 million, could be $200 million, could be a half a billion dollars. We just don't know. Those of us on the now-majority side, the Republican side, think that's bad management: such sums as necessary.

So we're not really having a debate on whether exchanges are good or bad. I can agree with my friend from New Jersey that, in concept, exchanges are good. Now, I could have a debate that if you are going to have exchanges you ought to let the market operate and determine what's offered in the exchanges and not mandate what has to be qualified in order to be a part of the exchange. And we could have a debate on what the premiums are and what the coverage is and whether you allow flexibility or whether you put these Federal mandates on what has to be in the health care plan to be part of the exchange, but that's a different debate.

The debate today, Mr. Chairman, is should the Secretary of Health and Human Services have the ability to obligate, without any constraints by the Congress, such sums as necessary to empower and fund these health exchanges. We say ''no.'' So we're going to urge a ''yes'' vote at the appropriate time so that we can take away that authority, send this bill to the other body, and hopefully have that pass, and then at some point in the future bring back a reform bill where we have the policy debate which, again, I think you can say that there will be some agreement between the majority and the minority side on the underlying policy. But on the fact that the Secretary of Health and Human Services shouldn't be able to just obligate with no oversight by the Congress how much money goes into the creation and maintenance of these exchanges, we think the answer to that is, the current Secretary or any future Secretary should not have that authority, and that is why we have put forward the bill.

□ 1500

Mr. BURGESS. I urge an ''aye'' vote on the measure.

Mr. BLUMENAUER. Mr. Chair, I rise in opposition to H.R. 1213, which repeals grant programs established in the Affordable Care Act to support State efforts to set up health insurance marketplaces. The Affordable Care Act calls for these ''exchanges'' to be established by January 1, 2014. Under H.R. 1213, fewer States will have the resources necessary to create these marketplaces, and in the wake of this legislation, fewer people will get help buying insurance. As a result, 500,000 more people will be uninsured in 2015.

These exchanges are designed to allow Americans to compare prices and health insurance plans and decide which option is right for them. These grants are critical to help States develop and begin operation of exchanges able to perform these functions. In fact, nearly all States have already received grant funding to begin establishing their own marketplaces, including my State of Oregon, which will receive $48 million. The Affordable Care Act establishes these exchanges to negotiate prices for a large volume of individuals, securing the kind of group discounts that large employers now enjoy. In addition to providing consumer protections, the exchanges actually provide for a robust private insurance market. This price competition plays a critical role in reducing health care costs.

Rather than making refinements to improve the law, H.R. 1213 simply proposes to eliminate funding. It would not advance the key objectives of the Affordable Care Act or offer alternative solutions for meeting these important objectives, and this legislation makes it more difficult to achieve better and more affordable care.

Many of the ill-founded criticisms of the Affordable Care Act stem from concerns about the country's burden of public debt. While I share many of these concerns about our public debt, I cannot condone this approach to balancing the nation's books. The Congressional Budget Office finds that the vast majority of the bill's $14 billion in savings results from reduced spending on premium and cost-sharing for low-income people to buy insurance, not from the elimination of the $1.9 billion in grants to help set up the exchanges. This legislation continues the Republican effort to balance our nation's books on the backs of the poor and I oppose this legislation.

Mr. DINGELL. Mr. Chair, I rise in opposition today to H.R. 1213, which would repeal funding available to States to establish health insurance Exchanges. Repealing this funding will dramatically hamper States' efforts to provide critical access to affordable and high quality insurance for the uninsured or underinsured.

The Exchanges are a vital component to the Affordable Care access in that they will help simplify the process of purchasing insurance for American families and small businesses.

For the first time, individuals, families and small business alike will be able to shop for their coverage like they would for any other product—comparing the benefits, the services and prices side-by-side so that they can make a decision about what coverage will best fit their needs and their budget. These marketplaces will be transparent and competitive.

It is ironic that my colleagues across the aisle continually claim that the States best know the needs and challenges facing their population, yet today's legislation would hamstring the ability of States to plan and prepare their own exchanges.

HHS has already made available more than $296 million to 48 States, the District of Columbia and four territories to begin this work, and my home State of Michigan received more than $999,000 to begin their planning.

This funding will help Michigan determine who will be eligible for the Exchange, review the technical components needed to run the Exchange, develop a model and structure, as well as begin stakeholder discussions on implementation.

Repealing this funding will not only hurt Michigan's efforts, but also the efforts of the other States and territories that have already begun planning and building their own marketplace and delaying implementation.

According to CBO, such a delay would prevent almost two million people from enrolling in state exchanges, and increase the number of uninsured by 500,000 in 2015. Further, CBO found that 85 percent of the cuts in H.R. 1213 will come on the backs of low and moderate income families through subsidy reductions for the purchase of health coverage.

More importantly, the successes of critical consumer protections that make up the Patients Bill of Rights in the Affordable Care Act depend on working Exchanges by 2014.

These reforms will end the worst abuses in the insurance industry:

Ending discrimination for pre-existing conditions, gender, health status or family history;

Requiring coverage of preventative care services;

Protecting the patients' choice of doctors;

Preventing rescissions of coverage as a patient is being wheeled into the operating room; and

Prohibiting arbitrary limits on coverage, among other things.

If we want the States to be able to pave their own path forward in creating a robust and successful exchange designed to help employers and consumers to navigate the purchase of health coverage, than we cannot vote in favor of defunding these critical grants.

I urge my colleagues to vote against this attempt to defund the Affordable Care Act.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 1213, legislation being brought forth by my Republican colleagues in the House as another step in their ongoing march to undo health reform. Like those that have come before it, this bill is going nowhere in the U.S. Senate. Yet, we are here wasting taxpayer dollars and government resources debating it.

This bill would repeal health reform's mandatory funding to states to help them establish health insurance exchanges. Exchanges are the new, fair marketplaces established in health reform to ensure that people have access to quality, affordable health insurance. The law provides grants to states to help them develop these new marketplaces which are to begin operating on January 1, 2014. CBO estimates that HHS will spend $1.9 billion on these grants between 2012 and 2015, after which grant monies are no longer available.

This legislation is the strangest of the repeal bills they've brought up so far. In fact, it is downright comical. If this bill were to be enacted into law, it would actually create a federal takeover of the American health care system—the very thing Republicans campaigned against in the last election cycle!

That's right. This bill would cause states to lose funding to create health insurance exchanges. However, a key fact that Republicans fail to highlight is that if States don't establish them, the law requires the Federal Government to do so. As most States are facing budget crises, a lack of Federal funds to develop exchanges would lessen the chance that many States move forward with such plans. Therefore, it would fall to the Federal Government to take over. That's what CBO presumes in their analysis as well.

So, we have before us today a bill that I predict all House Republicans will support that would actually mandate a Federal takeover of health care and it's being considered as part of their effort to repeal health reform.

Are you confused? I am too. With this bill before us today, House Republicans have officially ''jumped the shark'' with their health reform repeal efforts.

It is disgraceful that we are wasting taxpayer dollars and precious time we could use tackling the real issues facing America—like creating jobs, withdrawing our troops from Afghanistan, or addressing rising gas costs by reducing corporate welfare for the oil industry—in order for House Republicans to continue paying lip service to their repeal efforts.

I urge my colleagues to join with me and oppose this Republican bill to repeal funding for health insurance exchanges.

Mr. VAN HOLLEN. Mr. Chair, today we are considering yet another bill in the Republican majority's efforts to repeal the Affordable Care Act. H.R. 1213 would repeal the funding from the Affordable Care Act for States to establish competitive and transparent insurance exchanges.

This legislation will gut meaningful health insurance reform. A critical piece of the Affordable Care Act was to allow States to create insurance exchanges that will allow individuals and small businesses to comparison shop for affordable and quality health insurance coverage, just like what Members of Congress can currently do through the Federal Employees Health Benefits Program.

Many states—including Maryland—have already used Federal funding to set up these exchanges. Repealing this funding would have negative consequences for States and consumers. According to the non-partisan Congressional Budget Office, without Federal assistance, fewer States will be able to establish an insurance exchange, and the establishment of the exchange, enrollment and operations will be significantly delayed.

Mr. Chair, I urge my colleagues to oppose this misguided legislation.

Mr. GUTIERREZ. Mr. Chair, this bill would increase both health care costs and the number of American families who would be unable to purchase health insurance.

A central pillar of the Patient Protection and Affordable Care Act are the flexible, state-based health insurance exchanges that will bring greater competition, consumer protection and choice into the health insurance marketplace. Exchanges drive down premium costs for consumers and small business owners, and will empower all Americans to shop for the best available health insurance plan for their families. If repealed, half a million Americans who would be covered under the current law will find themselves unable to purchase insurance.

For the record, I strongly oppose H.R. 1213 and any effort to de-fund the Health Benefit Exchanges or the Patient Protection and Affordable Care Act.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and shall be considered read.

The text of the bill is as follows:

H.R. 1213

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

SECTION 1. REPEALING MANDATORY FUNDING TO STATES TO ESTABLISH AMERICAN HEALTH BENEFIT EXCHANGES.

(a) IN GENERAL.—Section 1311(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 13031(a)) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available under such section 1311(a), the unobligated balance is rescinded.

The CHAIR. No amendment to the bill is in order except those printed in House Report 112–70. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment,

shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–70.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, add at the end the following:

(c) NOTICE OF RESCISSION OF UNOBLIGATED FUNDS.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall post on the public website of the Department of Health and Human Services a notice of—

(1) the rescission, pursuant to subsection (b), of the unobligated balance of funds made available by section 1311(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(a)); and

(2) the amount of such funds so rescinded.

The CHAIR. Pursuant to House Resolution 236, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, listening to the general debate, I would have to say that I am concerned and not supportive of this legislation and would hope that we would vote against the underlying bill.

But I have an amendment that I believe my colleagues on both sides of the aisle would appreciate, and it's very simple. This amendment will provide the public with important information about mandatory funding to States for health benefit exchanges that will no longer be available for the public and small businesses to use in order to obtain competitive health coverage for their necessary health care, post the moneys that are rescinded, and let the public judge for themselves: Good health care or not.

This particular amendment deals directly with the concern that we don't have the ability to move forward on health exchanges that will help the vast numbers of Americans. For example, the American health benefit exchanges make it easier for small businesses and the public to obtain competitive health insurance on the basis of price quality rather than to be subject to the abuses of insurance companies who would charge exorbitant, prohibitive rates. The health care exchange program is a key element of the Affordable Care Act, aimed at providing coverage to the uninsured.

There are 6.2 million residents in my home State of Texas that do not have health care insurance. Of the 26 percent of the Texas population that is uninsured, 18 percent are children. Insurance exchanges would also be available to small businesses with fewer than 100 employees. Texas is home to nearly 400,000 small businesses employing less than 500 people and nearly 2 million self-employed entrepreneurs. Letting everyone know that we are making a good dent in the deficit, which we can do in many, many other ways, will also show them why I don't have good health care. Meaning, why don't small businesses and farmers?

So at this time, Mr. Chairman, I would ask that my colleagues support an amendment that is transparent to let you know what the savings are. But what's the question? What's happening to the accelerating rate of health care and the sick people who are getting sicker?

With that, I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. I supported a seemingly similar amendment 3 weeks ago when the House considered H.R. 1217, a bill related to the public health slush fund in the Patient Protection and Affordable Care Act. However, I have to oppose this amendment because, despite the seeming similarity of the two amendments, this really is an apples-to-oranges comparison. The public health slush fund considered under H.R. 1217 provided a specified amount in mandatory funding for the Secretary in fiscal year 2011 and each year thereafter. In Ms. JACKSON LEE's amendment 3 weeks ago, it would be possible to determine the amount of funds that would be rescinded in fiscal year 2011 if H.R. 1217 had been enacted into law. But the amendment offered today by Ms. JACKSON LEE actually strengthens the arguments in favor of passing H.R. 1213, the bill before us today.

Section 1311 of the Patient Protection and Affordable Care Act provided the Secretary with an unlimited amount of money with virtually limitless discretion to spend on establishing exchanges or what activities could facilitate enrollment in what are known as qualified health plans. Giving the Secretary a blank check to spend is an abdication of our responsibility here in the House of Representatives. This blank check also makes it impossible to implement the Jackson Lee amendment. There is no dollar figure for how much the Secretary can spend on this program. It is simply an unknown unknown. The Secretary could decide tomorrow to spend another $100 million or another $100 billion. In 2013 the Secretary could take the advice of CMS and funnel money into any amount of activities. Congress and, for that matter, the general public won't know that until the money is spent.

I think the gentlelady from Texas has good intentions with her amendment. Unfortunately, because Congress decided to leave it entirely up to the Secretary of Health and Human Services and the Secretary alone to determine the amounts of money that can be spent, the amendment does not work in this circumstance. I urge my colleagues to oppose the amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman from Texas. But he well knows that we have had mandatory appropriations, and it is not difficult to indicate what money you are allegedly saving. So if the American public can juxtapose those so-called savings on the backs of the elderly, losing Medicare of course, on the backs of sick families and sick children, and to see how we can stop the normal primary medical care that you would get for children that are in need that these health exchanges would provide, and as well neonatal care for children who are born prematurely, this is what the Republicans would like us to do as we eliminate our health exchanges.

Frankly, he should look at what has already happened. Forty-nine States, including the State of Dr. BURGESS and myself, the State of Texas, have applied for funding for health exchanges. And so to stop in the middle and suggest that you are now impacting the deficit—no, you are killing and losing and indicating that you want to close down the good health care that we are trying to promote. Insurance exchanges would also be available again to small businesses, and Texas is home to nearly 400,000 of them. The Kaiser Foundation says 23 percent of the Texas population lives in poverty. They would be able to participate in these exchanges. I would make the argument that it's good to put how much money you are allegedly saving so you can see how much you are losing by all the sick people who would not have care.

I reserve the balance of my time.

Mr. BURGESS. Again, I would just simply point out that the gentlelady's amendment under the legislation that was considered previously was appropriate because there were actually funding levels that were mentioned in the legislation.

Now, reading from the Patient Protection and Affordable Care Act here in section 4002, under the Prevention and Public Health Fund, in paragraph B, which discusses funding: There are hereby authorized to be appropriated and appropriated to the fund out of any moneys in the Treasury not otherwise appropriated, one, for fiscal year 2010 $500 million; two, for fiscal year 2011 $750,000, and so on and so forth. In other words, the funding is explicit under the previously considered legislation.

Under the legislation today, which is the health benefits exchange, here is how the funding language reads: For each fiscal year, the Secretary shall determine the total amount that the Secretary will make available for each State for grants under this subsection. Well, we have no earthly idea. Is that $10, $100, $100 million, $100 billion, $13 trillion? We have no earthly idea.

So while the intent of this amendment in previous legislation was one which the majority could accept, in this case, it actually becomes meaningless because there is no dollar figure

specified as the upper limit as to what the Secretary can spend.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I thank my good friend from Texas, and he has made my argument because the Secretary of Health and Human Services can explicitly state the funding that might be used. In addition, isn't it interesting that this is being repealed on the basis of savings, and yet the Republicans can't explain whether there are going to be any savings or not.

At the same time, sick people are going to get sicker. And in my State, 444 people out of every 100,000 have cancer. Of the population, 9.3 percent are diabetic, 32 percent are overweight; and they will not be able to have the coverage. I am going to ask my colleagues to vote on a sensible amendment. Show us what you are going to save. Let it be put on the Web site. Let the American people see it. And explain why you would rather put these dollars on while you raise the cost in an unbelievable way. And because of the fact that people will not have insurance, they will get sicker and sicker and sicker and sicker. God forbid if we take out Medicare and all the seniors will wind up being sick and lose their lives as well.

I reserve the balance of my time.

□ 1510

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

Ms. JACKSON LEE of Texas. Mr. Chairman, let me just say that, if H.R. 1213 passes, it will severely harm cash-strapped States who cannot afford to establish the health benefit exchanges which, by the way, will help people of all backgrounds, and particularly our small businesses, our farmers and, yes, the children that you've seen on these posters.

I ask my colleagues to support this important amendment. Show your cards. If we're saving money, let it be on the Web site, and let us compare those savings against the thousands and millions of individuals who will be blocked from having health exchange opportunities. While some of us will have savings accounts, others will have nothing, absolutely zero.

Vote for the Jackson Lee amendment to really show the cards of what happens when you cut out and repeal health care coverage for America.

Mr. Chairman, I would first like to state my clear position that I am adamantly opposed to H.R. 1213 and its Repeal of the Mandatory Funding Provided to States to Establish American Health Benefit Exchanges under the Affordable Care Act. The funding for American health benefit exchanges curbs insurance company abuses, saves lives and saves money.

If H.R. 1213 to Repeal Mandatory Funding Provided to States to Establish American Health Benefit Exchanges Provided under Section 1311(a) of the Patient Protection and Affordable Care Act is enacted into law:

I. WHAT MY AMENDMENT DOES IS

Requires the Department of Health and Human Services to post public notice on its official website that the funds from Section 1311(a) of the Patient Protection and Affordable Care Act that will be rescinded including the amount of the funds rescinded.

This amendment will provide the public with important information about mandatory funding to States for health benefit exchanges that will no longer be available for the public and small businesses to use in order to obtain competitive health coverage for their necessary health care.

This amendment also assists my Republican colleagues by permitting them to easily and transparently show the American public that they are cutting government spending, by how much they are cutting spending, and where they are cutting government spending. So I expect that my Republican colleagues will fully support this amendment.

II. PURPOSE OF THE MANDATORY FUNDING TO STATES FOR AMERICAN HEALTH BENEFIT EXCHANGES CREATED UNDER THE AFFORDABLE CARE ACT (SECTION 1311(A) OF THE AFFORDABLE CARE ACT)

When Congress passed the Affordable Care Act in 2010 and the President signed it into law, the Department of Health and Human Services was mandated to provide funding by making Grants to States for the purpose of establishing "American Health Benefit Exchanges," so to make it easier for small businesses and the public to obtain competitive health insurance on the basis of "Price & Quality" rather than be subject to the abuses of insurance companies who would charge exorbitant, prohibitive rates for coverage. This was already a cost cutting measure. This is sorely needed insurance reform.

The health insurance exchange program is a key element of the Affordable Care Act aimed at providing coverage to the uninsured. Six million two hundred thousand residents in my home state of Texas do not have health care coverage. Of the 26 percent of the Texan population that is uninsured, 18 percent are children.

Insurance exchanges would also be available to small businesses with fewer than 100 employees. Texas is home to nearly 400,000 small businesses employing less than 500 people, and nearly 2 million self-employed entrepreneurs who would certainly benefit from a health insurance exchange.

According to the Kaiser Family Foundation, 23 percent of Texas' population lives in poverty. Health insurance exchange programs would provide relief to those living at less than 133 percent of the poverty level, about $14,484 dollars annually, by making them eligible for Medicaid in all states. More than 30 percent of impoverished Texans would be eligible for Medicaid under this provision.

The Health Benefit Exchange Programs were championed as a means for people to get affordable health care and now they are opposing that very principle in H.R. 1213.

If H.R. 1213 passes, it will severely harm cash-strapped states who cannot afford to establish the health benefit exchanges on their own.

The Affordable Care Act requires all State Health Benefit Exchanges to be self-sustaining by Year 2015 and no further Federal grants will be made to states for health benefit exchanges after January 1, 2015. This sounds like the State's rights that my Republican colleagues have been championing on this Floor for a very long time in the course of debating health care reform. Now, they are opposed to the very State's rights contained in the Affordable Care Act that pertain to health benefit exchanges.

This bill takes away the ability of States to provide cost-saving health coverage through Health Benefit Exchanges.

This bill deals a severe blow to America's middle class and small businesses who simply seek to obtain affordable health insurance so they can do their part to help keep America healthy and contribute to our continued national economic growth.

I urge all of my colleagues to support my amendment to H.R. 1213 to facilitate transparency in government spending cuts and notice of funding that will no longer be available to them.

The CHAIR. The time of the gentlewoman has expired.

The gentleman from Texas has 1½ minutes remaining.

Mr. BURGESS. Mr. Chairman, the real travesty here is the fact that there is no upper limit on what the Secretary of Health and Human Services can spend on the exchanges. It is pointless to put up on the Web site how much money has been saved when the actual amount of money to be spent equals infinity.

We are borrowing 42 cents out of every dollar that we spend at the Federal level from the Chinese and handing the bill to our children and grandchildren. That has to stop. That's what this legislation is about today. That is why I urge my colleagues to vote against the Jackson Lee amendment and vote for the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–70.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 1, add the following new subsection:

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the extent to which States are expected to have difficulties establishing Health Benefit Exchanges without Federal assistance repealed and rescinded under subsections (a) and (b).

The CHAIR. Pursuant to House Resolution 236, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my amendment requires the Secretary of Health and Human Services to submit to Congress a report on the extent to which States are expected to have difficulties establishing health benefit exchanges without the Federal assistance repealed by this bill.

The Affordable Care Act requires the establishment of health benefit exchanges in every State. These exchanges will be a marketplace where individuals, families, and small businesses can purchase health insurance. The exchanges will feature a variety of health plans offered by different insurance companies, all of which must offer a comprehensive set of essential health benefits at affordable prices. The purpose of these exchanges is to enable American consumers to compare premiums, out-of-pocket expenses and benefits, and make informed choices among competing health plans.

The Affordable Care Act places an emphasis on State-based health reform. The Affordable Care Act allows States to set up their own health benefit exchanges and offers grants to States to assist them in doing so. A total of 49 States, the District of Columbia, and four territories have already applied for these exchange grants. These States and territories are working hard to determine what type of health insurance marketplace will be best for their families and businesses.

Without Federal funding, some States could have difficulty establishing exchanges in a timely manner. This could lead to poor management of the exchanges, fewer health plans included on the exchanges, and years of delay in getting the exchanges up and running.

Some States might simply refuse to establish exchanges at all in the absence of Federal assistance. This would result in greater costs for the Federal Government because the Affordable Care Act requires the Federal Government to set up health exchanges in those States that do not set up their own exchanges.

According to the Congressional Budget Office, States that attempt to set up health exchanges without Federal funding may face challenges in making their exchanges fully operational by 2014, as the law requires. These challenges could limit the desirability of the exchanges for consumers and reduce the capacity of some exchanges to process enrollment. As a result, CBO estimates that by 2015, there will be almost 2 million fewer people enrolled in State exchanges.

Many States are already facing declining revenues and budget pressures as a result of the Great Recession. Some States were forced to make painful choices, increasing taxes or cutting spending in order to make ends meet. Budget pressures have forced States to consider closing public health facilities, postpone transportation and infrastructure projects, and lay off teachers, law enforcement officers and other public employees. If the Federal Government expects States to set up health exchanges without any assistance, it will only compound their budgetary problems.

My amendment requires the Secretary of Health and Human Services to report to Congress, within 6 months of enactment, on the difficulties States will encounter while trying to set up these exchanges without Federal help. If Congress is going to deny States the funding that was mandated for them to set up their health exchanges, Congress needs to know the extent of the difficulties States will face without these funds.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. I stand in opposition to the Waters amendment because it does perpetuate the fallacy that the Patient Protection and Affordable Care Act will actually provide affordable health care options.

We've had this debate for some time, and my colleagues on the other side of the aisle have argued that the way to provide an affordable coverage option to the uninsured is through a massive 2,700-page law authorizing thousands of pages of new regulations. Yet we've learned that merely one costly requirement of the many contained in the Patient Protection Affordable Care Act has forced the Secretary to issue over 1,200 waivers.

Now, Mr. Chairman, I want you to take a minute with me and to envision in your mind's eye, I want you to visualize a central planner, maybe a very benevolent central planner, but a central planner nevertheless, moving data points around on a spreadsheet. That's what we're going to have under this.

Washington will literally impose thousands of new requirements on plans that kindly bureaucrats are kind enough to allow poor Americans to buy in the Patient Protection and Affordable Care Act's exchanges. The only way to make these federally controlled health plans affordable is through the massive subsidy contained in the Patient Protection and Affordable Care Act. Yet every Member of this body should know that we can no longer afford the ''business as usual'' spending binge to which my Democrat friends are clearly affixed.

I also reject the premise of this amendment. Remember, a few moments ago when debating the baseline bill, I said, you know, we've given the Secretary of Health and Human Services the ability to write all the rules of the game and then to function as the referee to interpret the rules. That's what we're furthering with this amendment.

The underlying assumption of this amendment is that the Secretary of Health and Human Services should issue a report to judge the benefits of the regulations. Oh, by the way, regulations that her own department writes. Given the politically charged reports being issued by the Department of Health and Human Services since the passage of the Patient Protection and Affordable Care Act, we shouldn't pay for another taxpayer-financed advertisement for their health care law.

I urge my colleagues to oppose the Waters amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

□ 1520

AMENDMENT NO. 3 OFFERED BY MR. ELLISON

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–70.

Mr. ELLISON. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of section 1 the following new subsection:

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains the results of a study on the possible delays and potential enrollment reductions into Health Benefit Exchanges as a result of the repeal and rescission of funds under subsections (a) and (b).

The CHAIR. Pursuant to House Resolution 236, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, today I rise to offer an amendment to H.R. 1213, and I rise in opposition to the underlying bill.

My amendment is very simple. It directs the Secretary of Health and Human Services to submit a report to Congress 6 months after the enactment of the bill, a report which examines the possible delays and potential enrollment reductions in the health care exchanges that will result from this bill. Yet, before I dive into my amendment, Mr. Chair, let's review just for a moment.

From the year 2000 to the year 2006, the Republicans controlled the House, the Senate and the White House. They controlled all three of those institutions at a time when Americans were literally going bankrupt because of medical debt. The fact is that the Republicans refused to do anything at all to try to help Americans within our

health care system, which was dysfunctional and broken.

They did nothing.

They stood back and watched 60 percent of all bankruptcy filings happen as a result of medical debt. They sat back and watched 47 million uninsured Americans as they faced nothing more than emergency rooms as relief. They sat back and watched small businesses either have to offer no health care insurance at all or have to stomach enormous health care burdens as premiums just galloped along day after day. They sat back and watched while auto companies produced vehicles where as much as $2,100 per car went to nothing but health care costs.

This is the Republican Conference that now seeks to try to take away what the Democratic Caucus and the United States Congress passed the last time. Instead of trying to say ''we're here to do something; we're here to offer some solutions,'' all they want to do is to strip away from Americans that little bit of protection from the vicissitudes of the health care insurance industry that they have been subjected to for so many years. Instead of saying ''we're here to help,'' they're here to help the insurance companies. That's whose side they're on. It is a shame and a disgrace, and I am very, very sad to see this bill on the floor today. So what I'd like to do is to offer an amendment, Mr. Chairman.

I offer an amendment to say, if we're going to do this, if we're going to take away from the American people these exchanges that are going to give them a little bit of relief, let's at least know what we're doing. Let's at least figure out what the effects are going to be on the American people instead of just snatching out of their hands these exchanges that are designed to give them a little bit of relief from the health care insurance companies. Let's find out who is going to be delayed and what potential enrollment reductions are going to exist. Let's figure it out.

This is an important and a meritorious amendment, and I think the least the Republican Conference can do is to say, You know what? If we are going to go back to the bad old days, which was before the Affordable Care Act was passed, at least we ought to know what harm we are going to be doing to the American people.

So I urge support of this amendment.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the Ellison amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, I do feel obligated to point out that the insurance companies of this country love the Patient Protection and Affordable Care Act. Look what happened to their stock on March 24 of 2010. It went through the roof. The reason is that they got individual mandates, not supported by any Republican I'm aware of. They got individual mandates that every man, woman and child in this country now has to purchase their products. They were suddenly released from creating products that people might actually want, and now you have to buy their products because the Federal Government tells you you must, and the Internal Revenue Service is going to be the enforcer; but let's confine our remarks to the business at hand, which is the Ellison amendment.

The amendment would require the Secretary of Health and Human Services to submit a report on the possible delays and potential enrollment reductions in health benefit exchanges. Now, here is a bit of irony. The reason we need this bill is that the authors were either inadvertently providing the Secretary of HHS an unprecedented unlimited tap on the Federal Treasury for these grants or they meant to provide this blank check to the Secretary. Now the amendment would ask the same Secretary to evaluate the impact of taking away their authority to spend unlimited money.

I wonder how they're going to rule on that?

Not one amendment has been offered this afternoon that would actually ask the Secretary to report on how the Secretary is going to spend these funds or provide information regarding how much money the Secretary actually intends to spend in this section. People should be aware that the amendment does not ask for a report on the benefit of health insurance exchanges. Rather, the amendment asks the Secretary to evaluate only the exchanges contemplated under the Patient Protection and Affordable Care Act, which gives the Secretary the authority to determine what plans can be sold and what benefits must be offered.

The Secretary is even given the authority to limit your choices of doctors. That's not rhetoric. That's in section 1311(h) of the Patient Protection and Affordable Care Act. Some States may want to create exchanges that look nothing like the centrally controlled exchanges called for in PPACA. Yet this amendment only wants the Secretary to report on exchanges that the Secretary is charged with creating. Some States may want to create exchanges that actually provide people real choices and that actually let people keep their doctors. Some States may feel that reforms other than exchanges fit their States better.

I also oppose the amendment because it is a conflict of interest to ask the Secretary to report on whether the Secretary believes that unlimited funding and numerous authorities to control the exchanges are a bad or a good thing. I also reject the notion that only an exchange designed and controlled by Washington, D.C., can reduce the number of uninsured.

I reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. ELLISON. Mr. Chair, why all the attacks on the Secretary of Health and Human Services? I believe our Secretary of Health and Human Services is an honorable person, and there is no basis to attack her integrity on the House floor. That again is a disgrace and a very sad occasion. This Secretary of Health and Human Services was appointed by a duly-elected President, and was confirmed by the Senate. Yet the Secretary has to withstand all of these attacks on her integrity.

The fact is that this is still nothing but a diversion and a distraction. This is an attack on the American people's legislation to fix this health care system. As the gentleman goes on and on about government, look, health insurance companies, which have absolutely no accountability except to their stockholders and their highly paid CEOs, are denying care, denying treatment, denying doctors. This is the tragedy that Americans are living through every single day.

By the way, to the tune of as many as 52 million people, Americans have gone bankrupt, have lost their livelihoods, and have been uninsured. What is the gentleman's answer to that? We've heard nothing about this—only what's wrong, only blaming government. In this democratic Nation, which I am proud of, he attacks our government, the American people's government. This again is an abomination and a sad thing.

Let me just say, if the insurance companies love the bill so much, why have they lobbied against it to the tune of $14 million a day? I remember standing on this House floor, seeing the insurance company lobbyists here every day. They spent as much as $14 million a day to defeat the Affordable Care Act. This is the bill that, according to the gentleman, they love so much. The fact is that that, again, is not accurate. It's untrue.

This is a good amendment. It just adds a little bit of sunshine which will help people get into exchanges to get affordable health care insurance policies. As that is stripped away and snatched out of their hands, Americans will at least know why and the impact of it.

I yield back the balance of my time.

The CHAIR. The gentleman from Texas also has 2 minutes remaining.

Mr. BURGESS. Mr. Chairman, I will direct my remarks to you and will try not to make them personal, but I am offended that the previous speaker would say that I am attacking the Secretary of Health and Human Services. Nothing could be further from the truth.

The fact of the matter is, Mr. Chairman, that the Patient Protection and Affordable Care Act that was pushed through this Congress by then-Speaker PELOSI and members of the Democratic Caucus gave the Secretary of Health and Human Services unprecedented power. With regard to every man, woman and child in this country, the most intimate aspects of their lives are now controlled by the Secretary of

Health and Human Services. Further, every time in this law where it reads ''and the Secretary shall—'' and I believe there are almost 2,000 of those phrases—there is a new episode of a Federal rulemaking. There are thousands of pages that go in the Federal Register.

□ 1530

Now, I know most people spend part of their nights reading the Federal Register every evening; but for those who don't, these regulations are coming at you at an alarming rate.

Let's be honest about the insurance companies. The insurance companies love this bill. They get an individual mandate: you've got to buy their product. You have no choice. It is a mandate enforced by the Secretary and, oh, by the way, by the Internal Revenue Service.

Look, this is a bad amendment. Let us defeat this amendment. Support the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PALLONE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–70.

Mr. PALLONE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, add at the end the following:

(c) GAO REPORT ON IMPACTS THAT FUNDING WOULD HAVE ON STATES ESTABLISHING EXCHANGES, IF NOT REPEALED AND RESCINDED.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the impacts that expenditures by States, using the funding made available under subsection (a) of section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031), would have in establishing State-run American Health Benefit Exchanges (as described in subsection (b) of such section) that reflect the marketplace of the specific State (as opposed to State exchanges established and operated by the Federal Government), if such funding were not repealed and rescinded under subsections (a) and (b) of this section. In determining such impacts, the Comptroller General shall at a minimum address—

(A) whether employers with over 50 employees are permitted in such Exchanges to purchase insurance over time;

(B) what type financing mechanisms will be used to operate such Exchanges;

(C) whether such Exchanges will be active negotiators in selecting health plans to obtain the best price and quality for citizens;

(D) whether States will operate such Exchanges together with one or more other States; and

(E) whether there will be more than one such Exchange (subsidiary exchanges), each serving a geographically distinct area, in some States.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the results and conclusions of the study under paragraph (1).

The CHAIR. Pursuant to House Resolution 236, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. I yield myself 3 minutes.

Mr. Chairman, my amendment requires the Comptroller General of the Government Accountability Office to study the impacts of the exchange grants on allowing States to set up State-run exchanges, as opposed to having the Federal Government establish and operate the States' exchanges.

Dr. BURGESS and I have had a colloquy on this back and forth all afternoon, and I know he just mentioned it again. My whole point today has been that if we are going to have exchanges, which I know many of my Republican colleagues would not want to do, but they are not repealing the State exchanges. They are simply saying that they are not going to give them any money to proceed.

I think that is a very shortsighted plan because the fact of the matter is that the State exchanges would work best if they had the flexibility and they had the money so that they could figure out what was the best way to tailor the health care exchange program to their needs in their State. My view is that by denying them that money through the State grants, we are simply letting the Federal Government come in and essentially run the exchange.

My colleague Mr. BURGESS keeps mentioning over and over again, well, the Health and Human Services Secretary is going to do this and is going to do that. Well, if he doesn't like that, then why in the world would he let her do it by saying they are not giving the States the money to do their own thing? I mean, if you believe in States' rights, if you don't want the Health and Human Services Secretary to control the process, then let the States do their thing, and the only way they are going to be able to do that is if they get some money to accomplish that goal.

I mentioned my home State of New Jersey has already received some money through these grants. They are doing demographic surveys. They are trying to find out who the clientele are, what the health concerns are of the clientele so that they can make decisions about what kinds of plans they would have on the exchanges, what they would offer on the exchanges. This is the type of thing that is allowed and encouraged if you have State grants. Without the State grants, that won't be possible.

All I'm saying with my amendment is to let us see what the GAO says would happen if the Federal Government comes in and runs these exchanges rather than the States. I don't think it is going to be a good thing by comparison, but I would like the GAO to certainly study it.

I would point out, 49 States, the District of Columbia, and four territories have gotten beyond the ideology and have applied for these exchange grants. There is almost nobody on either side of the aisle that doesn't have their State applying for these grants, because the States know that if they are going to set up these exchanges, they might as well have the money so they can have the flexibility to do it the right way. So all you are doing by repealing these grants is pulling the rug out from the States, your own State in almost every case, whether you are a Democrat or a Republican.

I don't want to repeat what Mr. Deal said, now the Governor of Georgia, but my colleague from Texas often mentions the Governor of Utah, and I just wanted to read a quote from the Governor of Utah.

The CHAIR. The time of the gentleman has expired.

Mr. PALLONE. I yield myself an additional 30 seconds, Mr. Chairman.

Governor Herbert of Utah stated at a recent hearing in the Energy and Commerce Committee on March 1—and he was commenting on Governor Barbour, who also appeared before the committee—he said: I am not saying it is the approach. It is an approach. And I would just echo what Governor Barbour said. You know, all States ought to have the opportunities to find the solutions to the problem.

So again, even the Governor of Utah, which Dr. BURGESS has mentioned many times, has said: I may not like the Affordable Care Act; I may not even like exchanges. But if you are going to have exchanges, it certainly makes sense for States to operate them and have the money to do it in a right way.

That is what this bill would stop. That is why we need the GAO report.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the Pallone amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, I yield myself 4 minutes.

The description provided by the author to the Rules Committee states that the amendment ''would require the Government Accountability Office to report on benefits of funding in setting up State-run exchanges that reflect the State's marketplace, as opposed to State exchanges established and operated by the Federal Government.''

That description sounds appealing enough in its own right; but sort of like the health care reform law of last year, you have to read the amendment to find out what is in it.

The amendment does not ask the Government Accountability Office to examine the benefits of State-run health insurance exchanges. Rather, the amendment asks the GAO to report only the exchanges called for in the Patient Protection Affordable Care Act, whose rules and structure are dominated by Washington rather than States or individuals.

The amendment description speaks to ''setting up State-run exchanges that reflect the State's marketplace.'' However, talk about State flexibility in the Patient Protection and Affordable Care Act is just that: it is merely talk.

I would remind my colleagues about the Golden Rule: He with the gold makes the rules.

So let's once again look at just a few areas where Washington will dictate operation and structures of the exchanges.

For the purposes of comparison, let me use Washington versus Austin, the capital of my State.

So will Washington or Austin choose the essential benefits that must be paid for by the individuals and families? Section 1302 of the Patient Protection Affordable Care Act says that responsibility is Washington's.

Will Washington or Austin control whether health savings accounts and other consumer-driven plans can be offered? Section 1302(d)(2) says Washington wins that round.

What about, will it be Washington or Austin that will select the doctors and other health care professionals that are allowed to provide care in the exchange plans? Well, section 1311(h) gives that authority to Washington, not Austin.

Washington or Austin to decide if your plan's provider network is adequate regardless of whether or not it covers your doctor? Section 1311(c)(1)(B) gives that authority to Washington, DC.

Will it be Washington or Austin to decide whether a plan provides linguistically appropriate and culturally sensitive information? Section 1311(i) gives the nod to Washington.

Will it be Washington or Austin that determines whether a State plan is properly accredited? Well, once again, section 1311(c)(1)(B), Washington wins that round also.

Washington or Austin, who do you think is going to win this one, can decide when individuals can enroll in an exchange plan? Section 1113(c)(1)(I)(6), Washington, DC wins that one.

Washington or Austin, impose certification and decertification plan requirements written by the Department of Health and Human Services? Well, that's hardly fair because HHS is in Washington, and, you guessed it, Washington wins that round.

Washington or Austin, who do you think is going to win this one: judge the adequacy of an exchange Internet Web site? That's something that the States should be able to decide. After all, who knows the residents of the State better than Austin in the State of Texas? Well, Washington actually wins that round.

How about this one: Washington or Austin, force State government to pay for existing benefit requirements? Well, guess what, Washington, not the State. Washington will be the one making that determination.

□ 1540

Then under section 1321, If the Secretary determines a State has not taken the necessary steps, as determined by the Secretary, to meet all the requirements set forth by the Secretary, then the Secretary will take over the State exchange.

I think, Mr. Chair, you begin to get the impression that this is not State flexibility; this is of and run by Washington, DC.

I reserve the balance of my time.

The CHAIR. The gentleman from New Jersey has 1½ minutes remaining.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

My colleague on the other side, I don't understand. You are saying that you want Austin to do it, you want Austin to have the flexibility to frame a program that is done best because you think that Austin and the State are going to do it best. Well, if that is the case, why in the world are you putting this bill on the floor? Because my whole point in this amendment is that, by passing this bill, you are simply abdicating the right of the State to make a decision and to have the flexibility to set up a good program that is tailored to the State. It is the exact opposite of what you are saying you want to do.

If you believe that the Secretary of Health and Human Services in Washington is going to make the wrong decision, I don't think she would, but if you believe that, then you shouldn't be offering this bill, because this bill takes away the flexibility and the power of Austin or the States to make the right decisions. It is totally contrary to the purpose of what you are trying to accomplish. To me, it is mind-boggling.

Now, I think what you are really trying to do, of course, is just say let's forget about the exchanges, let's defund the exchanges, let's get rid of the whole Affordable Care Act. Obviously, that would be very unfortunate because so many more people are going to be covered at a low cost with a good benefit package and all the benefits and the antidiscriminatory practices that have already been in place would be gotten rid of.

I would say again, if you are totally opposed to the bill, that is one thing. But if you feel strongly that the State exchanges should be run by the States, then your legislation today is totally misplaced.

The CHAIR. The time of the gentleman has expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would remind all Members to address their remarks to the Chair.

The gentleman from Texas has 1 minute remaining.

Mr. BURGESS. I yield myself the balance of my time.

The Patient Protection and Affordable Care Act, as seductive as the title sounds, does not empower the States. In fact, it does just the opposite.

Some States have created or are in the process of creating State exchanges that would not meet the requirements set forth by Washington. For these and other States that don't believe that Washington knows best, I oppose this amendment. I urge my colleagues to oppose the amendment. I urge my colleagues to support the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. WELCH

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–70.

Mr. WELCH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PRESERVING EXCHANGE GRANTS FOR STATES THAT APPLY FOR EARLY INNOVATOR GRANTS BEFORE 2012, SUBJECT TO AVAILABILITY OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1311(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''shall be appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated'' and inserting ''is authorized to be appropriated'';

(B) by inserting ''(not to exceed $1,900,000,000)'' after ''an amount''; and

(C) by inserting ''that apply for an early innovator grant (as described in the January 20, 2011, Department of Health and Human Services funding opportunity announcement) before December 31, 2011,'' after ''States'';

(2) in paragraph (2), by striking ''available to each State'' inserting ''available, subject to the amounts made available by an appropriations Act pursuant to paragraph (1), to each State described in paragraph (1)'';

(3) in paragraph (4)(A), by inserting '', subject to the amounts made available by an appropriations Act pursuant to such paragraph,'' after ''under paragraph (1)''; and

(4) in paragraph (5), by striking ''provide technical assistance to States'' and inserting '', subject to the amounts made available by an appropriations Act pursuant to paragraph (1), provide technical assistance to States described in paragraph (1)''.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds appropriated under such section 1311(a) before the date of the enactment of this Act, the unobligated balance is rescinded.

The CHAIR. Pursuant to House Resolution 236, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, this Congress and the last Congress are at odds

about health care. It is a fundamental question of fundamental importance to the people of this country.

The last Congress passed the Patient Protection and Affordability Act. The first act of this Congress, of the House of Representatives, was to repeal that act. We have got disagreement about what should be done. The House legislation is pending in the Senate, likely to go nowhere. This legislation before us today is a further effort to unravel the law that was passed by the House, the Senate, and signed by the President last year.

Acknowledging that there is a serious debate within this body about the future direction of health care, this amendment would allow for the State health exchanges, where there have been applications by 13 States for early innovator grants, to go forward. It would exempt from the defunding $1.9 billion that would be then subject to appropriations up to that amount. It wouldn't guarantee it. It would be subject to appropriations. My preference, quite frankly, was to make that mandatory, as it was in the original bill, but that was not permitted under the rules in order to make this amendment in order.

The advantage to doing this is it does, and I speak to my friend the gentleman from Texas, it allows the local States to be making decisions about how best to design their health care. Just to go through some of the recitation by the gentleman from Texas, the early innovator grants have been awarded to 11 States. Again, it allows them to decide what is the best design of these health exchanges. And these States include what we might call red States and blue States. It is Kansas and Wisconsin. It is Maryland and Massachusetts. It does include Vermont, my State, that has taken on responsibility to try to move forward to design a health care system that is good for business, good for consumers, and good for taxpayers.

So the fundamental question here is: Do you think that States can be a laboratory of experimentation and policy? The States take action. They implement a plan according to the design in Boston if it is Massachusetts, or Hartford if it is Connecticut, or Tulsa if it is Oklahoma, or Montpelier if it is Vermont; and the folks in that State, where they have fundamental responsibility for the citizens of that State, will be making the decision.

This allows us to be partners with the States where they take on this responsibility. They get some help from the Federal Government to implement these health benefit exchanges, and we are allowed, then, to basically get the benefit of the Federal system where States make decisions and the Federal Government is a partner.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. I yield myself 4 minutes.

My colleagues on the other side of the aisle have argued that these grants encourage flexibility by promoting State control of the exchanges. Yet this argument is based on the premise that States can actually design the right health care plan for their citizens under the Patient Protection and Affordable Care Act. But when you look at the law, you understand that this concept is actually not true.

In reality, the relationship between the States and Washington, the States are the servant, not a partner of Washington under this health care law. The Secretary of Health and Human Services will control what benefits must be bought, must be bought, in an exchange.

A benevolent central planner, and I underscore the word ''benevolent,'' but a benevolent central planner will decide whether you, your doctor, your nurse, your clinic, your hospital can provide care to you through an exchange plan. A regulation writer at the Department of Health and Human Services will decide whether or not your health savings account complies with their rules.

Rather than promote local control, the Patient Protection and Affordable Care Act's exchanges have only the veneer of providing States flexibility, and they certainly rob an individual and they rob families of health care choice, even if they are happy with the coverage that they currently have.

The Welch amendment does not authorize a grant program for States to establish exchanges, that is exchanges written with a lower case E, but, rather, Health Benefit Exchanges, all caps, that are contemplated in the Patient Protection and Affordable Care Act.

Section 1321 of the bill has the title ''State Flexibility in Operation and Enforcement of Exchanges,'' but a reading of that section shows the title could not be anymore misleading. The section is littered with phrases such as ''other requirements the Secretary determines appropriate,'' or words such as ''the Secretary determines that an electing State has not taken the actions the Secretary determines necessary.''

Section 1311(k), I have referenced that previously, section 1311(k) states that ''an exchange may not establish rules that conflict with or prevent the application of regulations issued by the Secretary.''

□ 1550

Mr. Chairman, I am encouraged that the supporter of the amendment believes that we should not provide the Secretary with a blank check. However, I oppose this amendment because it perpetuates the idea that the Federal Government should dictate how States establish exchanges.

Last year, we were told we need to read the bill to know what is in it. Today, I ask those here in this body to ignore the rhetoric and actually read the bill. Those who do will clearly see that any suggestion that the Patient Protection and Affordable Care Act provides States flexibility does not hold up to the words in this 2,700-page bill.

I reserve the balance of my time.

Mr. WELCH. How much time do I have remaining?

The CHAIR. The gentleman has 2 minutes remaining.

Mr. WELCH. Thank you.

I want to talk a minute about Social Security. You have access to Social Security whether you live in Texas or you live in Vermont. It's a program that benefits every single citizen of this country. The underlying premise of Social Security is that we're all in it together. We all pay into the benefit program and we all benefit, whether you're rich or whether you're poor. We're all in it together.

Our amendment acknowledges that this is a stronger and better country if all of us have access to affordable health care, whether you live in Texas or you live in Vermont. So, yes, it is true that in the Welch amendment we maintain that national commitment to all Americans being covered and all Americans benefiting by access to health care, which we know they need. But what it also does is say that in the implementation and in the delivery of health care, driving decisions and authority down to the local level will help us be successful. It will allow States to show that maybe they have the better way of achieving this goal of access to health care for every citizen in the country.

So, yes, I say to the gentleman from Texas, we do embrace in my amendment the concept that every American should have access to affordable health care. But what we also do, I say to the gentleman from Texas, is acknowledge that States can experiment; that folks at the local level may have a better way to make decisions and actually to deliver care. And if they design a plan in Texas to do it one way and we design a plan to do it in Vermont another way, why not? Why not let the States figure out how to make good on this promise to America that every one of us can have access to the health care that we need.

I yield back the balance of my time.

The CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. BURGESS. I thank the chairman.

I would just say, once again, the flexibility does not exist. It's a veneer, it's a falsehood that under this plan the States would maintain flexibility. The Secretary determines whether or not the States are complying. The Secretary determines whether or not the plans are in compliance with what the Secretary thinks is a reasonable plan to be offered. If we want to talk about the ability of people to buy insurance across State lines, that's an argument that we can and should have. I don't

know why your side rejected that in the debates over the Patient Protection and Affordable Care Act. The fact of the matter is, they didn't. We are where are. Let's defeat this amendment and support the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was rejected.

Mr. BURGESS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. LATOURETTE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, had come to no resolution thereon.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

The SPEAKER pro tempore. Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1214.

□ 1555

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I yield myself such time as I may consume.

The Patient Protection and Affordable Care Act included $105 billion of directly appropriated mandatory funding of numerous programs and provisions included in the law. For example, section 4101(a) of the Patient Protection and Affordable Care Act provides $50 million in mandatory spending for construction and expansion of school-based health centers every year, from the inception through 2013, for a total of $150 million. In our current financial situation, it is not only necessary but it is our responsibility that we examine all of our spending and make all necessary adjustments.

H.R. 1214 is a simple bill aimed at a simple goal—to get some of the spending that the Patient Protection and Affordable Care Act advanced inappropriately. Section 4101(a) of the Patient Protection and Affordable Care Act funds only the construction of school-based health centers. The $50 million in grants are for construction only and there is an express prohibition on these funds being used to provide health services. No such provision was in the bill passed by the House. You will recall H.R. 3200 was the Health Care Reform Act that the House of Representatives worked through its committees of jurisdiction, on which we held hearings, on which we had debate on the floor of the House, and which passed the House in November of last year. It had no such provision in the House Democrats'-passed bill. Since no such provision was included in the health bill, and if the Senate Democrats considered the school-based health centers important enough to receive mandatory funding, why was the mandatory funding strictly limited to the construction of the buildings? Not one cent is guaranteed to see a child, but automatic checks out of the Treasury to build these centers.

I will point out that section 4101(b) of the Patient Protection and Affordable Care Act created a new discretionary grant program for school-based health centers. But this grant program requires them to use the funding to provide health care services. However, the President's budget did not fund section 4101(b), failing to provide school-based health centers money expressly for the purpose of actually providing the service.

Fundamentally, we might even have some agreement on school-based health centers. I am on record of having supported them in the past, and I believe opening health care points of access is important. I want to do more in this realm. But providing mandatory spending, forced spending to construct facilities without adequate safeguards if they will provide care is irresponsible and it certainly abdicates the pursestring nature of the House of Representatives. We are the people's House. It is our obligation to oversee the money that is spent on behalf of the people of the United States.

Not one guarantee of a doctor, not one cent of payment for an immunization, not once ounce of common sense is included in the policy. I will note that this bill does not touch the discretionary program to provide care. I urge my colleagues to support restoring a little fiscal restraint and a little responsible policy to a small part of the law which will destroy the practice of medicine as we know it in the Nation and put the taxpayer on the hook for trillions of dollars in spending.

I reserve the balance of my time.

□ 1600

Mr. PALLONE. I yield myself 3 minutes.

Mr. Chairman, once again I'm listening to my colleague Dr. BURGESS, whom I respect, and he's talking about the common sense being lacking on the Democratic side. After listening to him, I think the rationale and the common sense is lacking on the Republican side.

My colleague from Texas has said over and over again he supports school-based clinics. He even supports Federal funding for school-based clinics. Then what is the possible rationale for posting this bill?

Many of my colleagues on the other side have said today they're opposed to the entire Affordable Care Act. They're opposed to funding the entire Affordable Care Act. Yet somehow today they're taking little pieces of the Affordable Care Act that they even agree with, from my understanding in listening to my colleague from Texas, and still saying we're going to defund them. I defy my colleague to really understand why.

School-based health clinics are a tremendous success story. These programs provide primary care, mental health, dental health services to vulnerable children across the country in every State. Multiple studies have found that these programs are cost-effective investments. They result in lower emergency room usage, hospitalizations, and Medicaid costs. In fact, patients seen at school-based health centers cost Medicaid on average $30.40 less than comparable non-school-based health center patients.

This is saving the Federal Government money. That's the bottom line. And what we're trying to do here is to basically provide for construction, renovation, and equipment for these centers. Now, in order to get the grant for that, you have to show that you have the funds to operate the center. So when Dr. BURGESS says, why are you paying for construction, why are you paying for renovation, but you're not paying or you're not providing for operations? Every one of these has to show that they have the money to do the operations before they get the money for construction. What does construction and renovation mean? It means jobs.

I repeat again, when I was home for the last 2 weeks, all I heard from my constituents is, When are you going to improve the economy more? When are you going to create more jobs? This is a program that creates jobs, helps kids, provides for their well-being and their health, and it's all preventative. These projects have to be shovel ready in order to be funded. So we're talking about money that's going to be immediately spent to put these centers together and to renovate them.

I keep hearing my colleagues say repeal and replace. That's the mantra with the health care bill: We want to repeal it and replace it. But I never hear anything about replace. All I hear about is repeal, and in this case repealing a program that is a proven success.

It makes absolutely no sense to pass this bill. I hear my colleagues on the other side say over and over again

they're for these clinics, they're for these centers. Then why in the world do you bring this bill to the floor?

I urge my colleagues to oppose this legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I yield myself 1 minute.

This mandatory spending was not in H.R. 3200, the House-passed health care reform bill. Make no mistake, I voted against 3200 just as I voted against 3590. But, nevertheless, the bill that subcommittee Chairman Pallone last Congress brought through did not have mandatory spending for school-based health centers in his bill.

Some of us get up today and act as if mandatory spending for this program is imperative, that it's the only way to go, that we can't provide care if we don't have mandatory spending for building the exam room. But, again, I remind my colleagues on the other side that simply an exam room with an exam table, a thermometer and a sphygmomanometer does not provide 1 ounce of care to a child. It does not save any money in an emergency room visit. It is simply an exam room sitting unutilized because the President of the United States said, I'm going to zero out the discretionary funding for staffing these clinics. That's why this makes no sense.

I urge, again, support for the underlying bill. It is important to bring this back into the authorization process so our appropriate committees can have the oversight over the expenditure of these funds.

I reserve the balance of my time.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Chairman, again, Dr. BURGESS talks about how we're spending money on construction, renovation, but we don't provide mandatory spending for operations. As I said, in order to get the grant under the Affordable Care Act for construction of a school-based health center, you have to show that you have the money to operate.

So what does that mean? That means that we are using some Federal dollars to attract either State or in many cases private dollars to set up these centers. What is wrong with that? They are guaranteed that once the money is spent on construction and creating the jobs that come from the construction or renovation that the money is available to operate the centers. There's nothing wrong with that. It's actually a good thing. It promotes a Federal-State cooperation, and it brings in some private dollars as well.

The other thing I would point out is my colleague from Texas keeps talking about mandatory appropriations. The fact of the matter is that health care initiatives over the years, Democrat and Republican, have provided some mandatory, some discretionary. The same thing we're doing here. The fact of the matter is that Medicare, Medicaid, and a lot of other Federal health programs pay for health care services with mandatory expenditures. And a lot of that is for acute care, acute illness, injury, or chronic diseases. Now, there's no similar approach when it comes to promoting wellness, preventing disease, and protecting against health emergencies. So here for the first time now we're going to have a combination of some mandatory and some discretionary spending for a preventative program, a clinic, a center for kids in their schools that actually helps and prevents them from going to a hospital, to an emergency room, to be institutionalized. So I just think this is false, this notion of mandatory versus discretionary.

The bottom line is if you care about school-based centers and you want to have them, then I think you should oppose this bill because the legislation that this bill is seeking to kill, the Affordable Care Act, for the first time provides funding to put up a lot of these school-based centers. And this is what we need as a preventative measure to prevent these kids from having more serious problems, going to the emergency room. Let's give them primary care up front so they can stay well.

I reserve the balance of my time.

Mr. BURGESS. I yield myself 1 minute.

Mr. Chairman, this language was put in the Senate's health care bill when the Senate was giving out favors, and there really was no rhyme or reason to put this program in as a program under mandatory funding.

Congress has traditionally provided funds to health centers, including school-based health centers, to provide for care, not for construction. To do it the other way around would lead to situations where a center is built but no care is delivered. Both policy choices require local funds to be spent, but only the policy for paying for services, not construction, guarantees that money won't be wasted or, worse yet, never used to deliver 1 ounce of care.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise again in opposition to this bill.

I do so with somewhat of a personal angle on this. My wife, Audrey, is a pediatric nurse practitioner. At one time she worked in a school-based health center. She doesn't today, presently. But I certainly, through her, have gotten a chance to be exposed to the benefit of school-based health centers.

There is no more efficient delivery system. It makes sure that kids get good, high-quality care at school, gets them back on their feet, back in class where they belong, rather than going to emergency rooms and spending hours waiting for care or being sent home many times in an unsupervised situation out of class. Again, the beauty of a school-based health clinic is that it obviously is in a setting where children are located. Again, the turnaround in terms of making sure that they're back doing what's good for them and good for their future is just smart investment.

I would also just give a small example in my district. I represent southeastern Connecticut. We're the proud location of the Groton sub base, the oldest sub base in America, 8,000 sailors, a lot of families with kids who are located at the base. And at Fitch High School in Groton, there's a school-based health center, which is the primary caregiver for many military families' children. Again, these are kids who move around the country. Oftentimes their care is disrupted from one place to the other. Having a school-based center ensures that these kids are going to have access to health care, that they're going to have their checkups to make sure that they can enter school, that they can enter school athletic programs. Again, in many instances for these military families, it is the primary health caregiver.

□ 1610

Two hundred twenty-seven families—I checked this morning with the center in Groton—get their care through the center. This program is going to be used to ensure that Fitch High School's footprint in terms of the school building will be expanded. It will be an investment in information technology.

The Acting CHAIR (Mr. YODER). The time of the gentleman has expired.

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

Mr. COURTNEY. They will invest in information technology to, again, make sure that this terrific, efficient, cost-effective, high-quality program is, in fact, going to be there for, again, families who were serving in Libya, in the Mediterranean. Their parents were part of the USS *Providence*, the *Florida*, the *Scranton*, which were part of the initial attack in Libya.

Again, this is a program which works not only for those kids, for the community, but also for our Nation; and I would, again, respectfully rise in opposition to this measure which, again, I think really heads us in the wrong direction in terms of high-quality care for America's kids.

Mr. BURGESS. I yield myself such time as I may consume.

And nothing in the bill under consideration, H.R. 1214, would change anything about what was just relayed to us about the school-based clinics in the gentleman's district.

Can I just point out, again, that the discussion that we're having today revolves around the use of advance appropriations in the Patient Protection and Affordable Care Act, thereby making that spending mandatory.

Now, just a brief civics lesson. Medicare is mandatory spending. We have no discretion on that. We must fund Medicare to the extent of the number of dollars that are going to be drawn on the Federal Treasury. Same for Medicaid. We have other health care programs that are, in fact, discretionary.

Our veterans, who I'm sure the gentleman would argue are no less worthy, are funded under a discretionary program.

The difference between a mandatory and a discretionary program is that the authorizing committee, in this case the Committee on Energy and Commerce of which I am a member, of which the gentleman from New Jersey is a member, the authorizing committee sits down and decides whether or not the spending is useful. If it is, we authorize the expenditure. We send it over to the appropriations committee who, if they agree, writes a check for the amount of money that we have authorized and not one bit more.

But the key here is it goes through a regular order process; and one of the things, I don't know about the gentleman from New Jersey, but what I heard when I went home is the Federal spending is out of control; you've got to get a handle on Federal spending. Well, here's a point where we can get a handle on some Federal spending. It should never have been an advance appropriation in the Patient Protection and Affordable Care Act.

I don't know whether that was carelessness or Machiavellian, but it doesn't matter. It's got to be fixed. The American people want us to fix that. That was one of the reasons they voted en masse against the Patient Protection and Affordable Care Act November 2, 2010. That is one of the reasons that the gentleman is sitting in the Speaker's chair today is the public revulsion to how last Congress conducted its business.

We have a chance now to reclaim a little of our honor, a little of our integrity. Let's bring that funding back into the authorization realm in which it belonged and not simply pass it off to the administration. It's mandatory funding. It has to be done. Whether or not the administration is going to fund a doctor or nurse to work in that clinic, you've got an exam bed, you've got a thermometer, you've got a sphygmomanometer, but you don't have one ounce of care delivered to the people who actually need it. Therefore, you are not saving money. You are only spending money. The American people have asked us to be wiser stewards with their cash.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS) who is probably the most knowledgeable person in this House on this subject of school-based care.

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Chairman, I rise in very strong opposition to H.R. 1214. As a school nurse who worked in our schools for very many years, it's been 100 days now of Republican rule, and we have not seen a jobs bill yet. Unlike previous efforts that just ignore job creation all together, today's debate is on a bill that will flat out hurt our economy and will keep people out of the workforce.

You know, there are children in each of our States who will, if this bill passes, be deprived of having access to quality health care when they need it most. School-based health centers provide comprehensive and easily accessible preventive and primary health care services for millions of our students nationwide. Services that keep students healthy, in school, and learning almost always these are children who have no other source of care.

And the need is clear: 350 centers from 46 States including many in my Republican colleagues' districts have already applied for these funds. They've taken the time and the resources to compile their applications. They are excited. They are expecting to hear in just a few weeks if their projects can move forward. To pull the rug out from under them now is simply a disgrace.

The centers have long garnered bipartisan support, worked with many of my Republican colleagues on their behalf; and, yes, the majority is now using this as a political football in their obsession to repeal the Affordable Care Act. This is a true disservice to our children and also to our communities.

No matter what my colleagues on the other side of the aisle say, today's vote isn't about types of funding or process. We don't need a civics class about it. H.R. 1214 is just another attempt by them to dismantle the Affordable Care Act.

I encourage my colleagues to stop taking health care away from children to fulfill their political promises.

Vote ''no'' on this misguided bill.

Mr. BURGESS. I yield myself such time as I may consume.

Mr. Chairman, here is the simple truth. What takes health care away from children is sending checks to localities for land acquisition when you've got no intention of staffing the clinic that is going to be built.

Let me just remind people what the argument is about, and I will stipulate that we are not talking about a vast sum of money here like we were in the previous bill. But every instance of advance appropriation in the Patient Protection and Affordable Care Act represents an opportunity for this Congress to reclaim some of its function as the people's House in being in control of Federal spending.

But here's what the argument is about. Section 4101(a) of the Patient Protection and Affordable Care Act under subtitle B, increasing access to clinical preventive services, paragraph 5 of 4101(a), appropriations: out of any funds in the Treasury, not otherwise appropriated, there is appropriated for each of the fiscal years 2010 through 2013 $50 million for the purpose of carrying out this subsection. Funds appropriated under this paragraph shall remain available until expended. No funds provided under a grant awarded in this section shall be used for expenditures for personnel or to provide health services.

It could not be clearer. Now, nothing in the bill that we have under consideration today actually does anything to the provision of services because, after all, those are under an authorization. Section 4101(b), authorization of appropriations: for purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

But the operative words here—''there are authorized to be appropriated''—not that there are appropriated from the Treasury. It's okay for us to authorize that appropriation. Our committee is an authorizing committee. We are not an appropriating committee.

Mr. Chairman, I understand the difference between an authorizing committee and an appropriating committee. I take an annual field trip to the National Institutes of Health. At the National Institutes of Health you see all these beautiful buildings. They are all built, and they're named after very famous men who served in the United States Congress. Every one of those men is an appropriator. There is no building named after an authorizer.

Still, the work we do is important—I submit it is vital—to the American people that we do our work to evaluate whether or not the expenditures are indeed in the best interest of the American people; and, further, if we're really doing our job, we'll come back and do oversight over those authorizations to make sure those funds are expended in the manner in which they were intended. That's the way you guarantee that that care gets to the child that will ultimately save money to keep the child out of the emergency room, not just by sending checks to localities to purchase land.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, can I inquire of the time on both sides?

The Acting CHAIR. The gentleman from New Jersey has 20 minutes remaining. The gentleman from Texas has 18½ minutes remaining.

Mr. PALLONE. I yield 2 minutes to our distinguished ranking member emeritus, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my friend.

I rise today in vigorous opposition to H.R. 1214. This bill is not only going to cut access to health care for American children, but it's going to kill jobs in the construction industry and construction projects around the country. More than 1,900 school-based health centers across the country provide access for health care services to over 2 million people right now. For the first time, the Affordable Care Act authorized these centers and also offered a dedicated source of funding for construction, renovation, and equipment.

□ 1620

Three hundred fifty applicants, many of whom are currently running centers

at this time, in 46 States and the District of Columbia have applied for the first round of competitive grants, including the Young Adults Health Center located in my 15th District of Michigan. These grants will be used to enhance the capabilities of these centers and will jump-start shovel-ready projects that will create immediate construction jobs and allow for the purchase of necessary supplies and equipment, boosting local businesses, but providing health care for our kids. Until more operating funds are available—and I would hope my colleagues on the other side will support such funding—we need to ensure that at least the facilities that are ready to apply for this kind of grant will be able to do so in order to better serve our children and the communities.

I think that this would be an extremely unwise bill. It's a part of an announced plan by my Republican colleagues to first of all attack the whole of the health care reform bill over the last Congress and then to attack it piece by piece. What they seek to do here today is just a part of another step towards the gutting of the health care bill which will make things better for our people and which is paid for, which is not going to add to the deficit but which, in fact, is going to save better than $140 billion this 10 years and in the next 10 years $1.4 trillion.

This is penny wise and pound foolish. Reject the bill.

Mr. BURGESS. Mr. Chairman, let me respond to something that was just said by the chairman emeritus of the Democratic side of the Committee on Energy and Commerce. Of course I have all respect for the chairman emeritus and certainly treasure every day that I served under his direction as chairman in two Congresses.

But the statement that I cannot let stand is that the Patient Protection and Affordable Care Act saves anyone in any universe, in any dimension, any money at all. This was refuted by the chief actuary for the Centers for Medicare & Medicaid Services less than a month after the President signed the Patient Protection and Affordable Care Act. I do not know why we have to continue to hear this fairy tale about $142 billion being saved under PPACA.

At this point, I would like to yield 2 minutes to the gentleman from Louisiana, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman.

I appreciate Dr. BURGESS allowing me to speak on this specific bill, but let's just talk about the elephant that's in the room here this afternoon, and that is the so-called Affordability Act, the so-called Patients Affordability Act, PPACA. We call it ObamaCare affectionately.

Folks, we've got a bill here which is now law that is, at best, questionably constitutional. We have a bill that is going to add another trillion dollars, ultimately, to our deficit. It's full of smoke and mirrors. We have got $500 billion that's going to be taken out of Medicare and then put on both Medicare extension and then on subsidy of the private health plans. Even if we ever saved that $500 billion, this whole law has questionable financing. And then today we're talking about construction money that may or may not exist.

So, Mr. Chair, I just have to say, as a physician with 30 years of practice, I was here during the health care debate of 2009 where this body has come up with and the President has signed into law something that is really a disgrace. The American people are not behind it. PPACA is, in some surveys, opposed by the American public two to one. It is a complete government takeover of our health care system.

Just the other day, I got questioned from my constituents, physicians, who asked me: What about this IPAB? What is that? What is this board? And I had to explain to them that now when you are not sure how much you are going to be reimbursed for the health care that you provide, you can at least go to Congress and petition Congress.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. FLEMING. But under ObamaCare, we now have IPAB, which is a special board of unelected, unaccountable, unnamed bureaucrats that serve at the pleasure of the President who will then decide these things, creating a nonmarket responsive health care body out there that will then—we'll see much worse shortages than what we have today.

I stand in support of Congressman BURGESS and his bill and certainly, ultimately, the repeal of ObamaCare.

Mr. PALLONE. I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the full committee.

Mr. WAXMAN. Thank you very much for yielding to me.

I rise in strong opposition to H.R. 1214, and I urge my colleagues to join me in voting against this very shortsighted and misguided piece of legislation. This bill, of course, is part of a broader Republican strategy to tear down the new health reform law piece by piece. I will also note that they want to tear down the existing health care laws of Medicare and Medicaid in their budget.

Well, I think that's all very disturbing. But what's especially troublesome is that our colleagues on the other side of the aisle are now going after programs where we all agree, Democrats and Republicans agree, that actually work, that actually do a good job and make a difference.

Numerous studies have shown that school-based health centers are enormously successful in helping to improve students' access to care, promote healthy behaviors among children and adolescents, improve students' academic performance, decrease school absenteeism, and reduce health care expenditures. With a report card like that, why wouldn't we want to build or renovate more of these centers?

We should not end the school-based center construction and renovation program before it even has a chance to make its mark. I urge a ''no'' vote on H.R. 1214.

Mr. BURGESS. Mr. Chairman, I would just point out to the gentleman how shortsighted and misguided that is, that this language was put in by the Senate when they were giving out favors. Sending checks to localities without guaranteeing the actual coverage, without guaranteeing the actual doctor or nurse be there, does not do anything as far as furthering care.

I would now yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Texas for yielding time.

Mr. Chair, the American people know that we are borrowing 43 cents for every dollar we spend these days. We do not need to be giving grants of dollars that we have collected from hard-working taxpayers to local entities to build or renovate school-based health centers. This is not a core function of the Federal Government. It is not a core function of our taxpayers. We do not need to be spending this money like the minority wanted to spend it when they were in the majority.

It is also very duplicative, Mr. Chair. Between the stimulus bill and what we affectionately call ObamaCare, $3 billion in funds have been made available to Health Resources and Services Administration at the Department of HHS for facility improvements at community health centers. Providing an additional $50 million a year for construction is duplicative and unwarranted.

This bill deserves the support of every Member here. We are soon going to have to have a vote to raise our debt limit. People say over and over again on both sides of the aisle, We have to cut spending. We have to cut spending. What better place to start than in these funds that are going out for a function that is not appropriate for the Federal Government to be involved in so that we don't have to continue to borrow 43 cents for every dollar that we spend. So I think we should cut out duplicative programs.

This bill definitely needs to pass, and I give it my full support.

□ 1630

Mr. PALLONE. I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, here we go again, this time attacking a provision in the Affordable Care Act that would help to reach children and especially teens who otherwise might not have access to important health care services.

And so, Mr. Chairman, today I join my Democratic colleagues to speak on

behalf of our children and against H.R. 1214. Our future depends on the development of healthy, well-educated children. Unfortunately, often our children miss school, or sit in class too distracted to pay attention because of preventable and treatable health conditions that, if caught early and treated as these school-based health centers would do, would enable them to better learn and to reach higher levels of achievement.

I've heard a lot of talk about protecting our children from future debt, something all of us are working to prevent. But if we really care about our children, why are we now considering this legislation that will harm them, not in the future, but today?

Eliminating funding for school-based health centers would not just prevent a building from being built, but would eliminate the creation of the only medical home that many underserved students know and which creates access to needed mental, physical and dental care, centers that provide services that many students cannot or would not access anywhere else. And these services provide a support to the teachers so that they can focus on teaching these students.

Taking away this funding for school-based health centers, as H.R. 1214 would do, would be a step in the wrong direction, not just for the health and well-being of our children, but for our country's ability to win the future.

Before I close, I want to just say that we did not pass any bill that is unaffectionately known as ObamaCare. The Affordable Care Act is about your, the American people's, care; and this provision is about our children's care.

I urge my colleagues to vote for our children and vote ''no'' on H.R. 1214.

Mr. BURGESS. Mr. Chairman, I yield 3 minutes to the chairman emeritus of the full Committee of Energy and Commerce, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I want to read the section of the law that we're trying to repeal today. It says, subparagraph 5: Appropriations. Out of any funds in the Treasury not otherwise appropriated, there is to be appropriated for each fiscal year 2010 through 2013, $50 million for the purpose of carrying out this subsection. Funds appropriated under this paragraph shall remain available until expended.

And then in this subsection: Definitions. ''School-based health center'' and ''sponsoring facility'' have the meanings given those terms under such and such and such and such.

We're trying to repeal $50 million a year for 4 fiscal years, 2010, '11, '12 and '13, for these school-based health clinics. I support school-based health clinics. Dr. BURGESS supports school-based health clinics. We both represent parts of Tarrant County. The public hospital in Tarrant County, Texas, is John Peter Smith. There are a number—I don't know the exact number, but I believe in the neighborhood of a dozen school-based health clinics in his district, in my district, Congresswoman GRANGER's district, Congressman MARCHANT's district. We support those health clinics. But we believe that the State and county should provide the facility, and the Federal Government should provide the funds to staff it. We don't believe, when we have a $1.5 trillion budget deficit each year, that we need to be spending another $50 million or $200 million over 4 years to actually provide the facility, to provide construction. So it's not an opposition to the health clinic itself, school-based. I've gone to openings; I support them. I think they do excellent work.

But until we get our budget balanced, Mr. Chairman, I think it's prudent to not require the Federal Government to not only fund the operation and the staffing, but also fund the construction and the facility itself. So this is a case where we're specifically repealing a specific appropriation, in this case $50 million a year for the years 2010 through 2013, the fiscal years. And I think that is something that, with a $1.5 trillion budget deficit, is a prudent thing to do.

So I rise in strong support of the bill and, at the appropriate time, would urge a ''yes'' vote.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, as my friends from Texas well know, the potential recipients of this money have already shown that they have the operations and maintenance money available, but they can't establish a school-based health clinic without this funding.

The other thing that I'm sure they are well aware of, is that the need is many times more than the money that is being made available.

25 years ago, when I set up a school-based health clinic across the river in Alexandria, Virginia, people said that it's not needed and we can't afford it. But we now have 25 years' experience throughout the country, and we've found just the opposite. It's absolutely needed, and we can't afford not to have school-based health clinics.

Adolescents have to have accessible, affordable health care. Otherwise, they don't go to hospitals or doctors until it's too late. In fact, we have more than 1,000 students who use our Alexandria school-based clinic. And we're told by the nurses, 80 to 90 percent of them would have to be going to the emergency room if that clinic were not available, at far greater cost.

This saves money, but it also saves lives. Like the young woman who convinced her friend whose leg kept bothering her to have the leg checked, since the clinic was so close. Turned out she had bone cancer. It would have gotten through her whole body. She wouldn't have gone to a doctor. She would have put it aside. That's what adolescents do. That's what we did when were adolescents.

They go in for the flu. While they're in for the flu, they get checked for sexually transmitted infections. They oftentimes get their physicals. There are hundreds of students, well, actually around the country there are hundreds of thousands who don't have the opportunity to play athletics because they have to have a physical fitness exam, and it's 75 bucks normally to go to a doctor to have a physical exam. They don't get it. But they can afford to go to a school-based health clinic where they get the exam free and then they can fully participate.

A lot of children tell the doctors and nurses in these school clinics things that they couldn't tell their parents. We're saving lives with this. We're saving money. We're preventing diseases from spreading. We're doing the right thing by the American people, particularly adolescents. They need accessible and affordable health care. This provides it. Let's defeat this amendment.

Mr. BURGESS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Chairman, I guess I'd start off by saying only in Washington can spending money lead to saving money. That's what we just heard. But that's not the case.

I think about what the impact that ObamaCare is having on the State of Georgia. This year alone hundreds of millions of dollars it's cost the taxpayers of Georgia, projected to be over $1 billion here in subsequent years.

While I support full repeal of the program, I've already demonstrated that through my votes, this is specifically getting rid of a slush fund that's in place eliminating funding for the construction of facilities in local communities.

I'm sure this is a laudable program in many areas, and there's probably a lot of laudable programs that folks want to fund. But the fact is we just can't do it. We don't have the resources to do it anymore.

Number one, we need to find out what is the true role and function of this Federal Government. I do not believe this is it. We should allow the States and empower the States who are best equipped to handle the needs of the local community.

So I certainly support this measure and urge my colleagues to vote ''yes'' on H.R. 1214, and let's move on to repealing the full measure of ObamaCare.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me.

You know, give me a break. I hear speaker after speaker on the Republican side saying we don't have the resources to do these things. It seems that we always have the resources to

give tax breaks for the rich. We don't worry so much about the budget deficit when it comes to protecting our rich friends.

The Republicans, 2 weeks ago, spent time passing bills putting Medicare and Medicaid in jeopardy, and now they would deny these community health centers.

□ 1640

The majority doesn't bring bills to help create jobs in this country. So, once again, here we are—God knows how many times—with a bill that's trying to kill the Affordable Health Care Act. Again, it's political theater. It's not going to pass the Senate. The President would veto it. Let's put our heads together and do something constructive instead of saying ''no'' to health care.

The value of school-based health centers is well-known. There are 1,900 in the country. They provide access to high-quality, comprehensive medical care to nearly 2 million children and adolescents. Services are provided regardless of a student's ability to pay, and are provided right where they are at school. In my district, these are very important. Even the high school from which I graduated has a wonderful center. It's the kind of program that we should be promoting and replicating; but instead, we are considering a bill that would repeal the funding for the construction of these centers.

The agency monitoring it is concerned about the sustainability of the health center. The Health Resources and Services Administration, or HRSA, is thinking of the sustained success of these programs, and it will only support those school-based health centers that are going to have long-term success.

So, Mr. Chairman, let's be honest. Today's debate is not on the sustainability of these centers or on mandatory spending. Today's theatrics are simply one more attempt by the Republicans to undermine the Affordable Health Care Act. We are wasting time in doing this again and again, and we should stop. The Affordable Health Care Act makes health care affordable for the middle class, and it helps prevent the steady rise in health costs that has led to much of our budgetary woes over the years.

I am for quality health care. We should vote ''no'' on H.R. 1214.

Mr. BURGESS. I would agree that it is going to be an uphill battle in the Senate, but I believe we can be successful. I would just point out to the gentleman that the President has not issued a veto threat against this legislation.

At this point, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman, and wanted to speak in support of H.R. 1214 for three reasons.

Number one, we have got to remember that we are now in our third year of a $1.6 trillion deficit. That's right. The Obama administration has now put us in our third year of a deficit of $1.6 trillion. For every dollar we spend, 40 cents is borrowed.

At what point will that mean anything to our Democrat colleagues? I don't understand it. At what point will it mean anything to the administration? Do you really believe you can defy gravity over and over again and expect that it's not going to come back to haunt you? I don't understand it. I'm baffled by this.

So, number one, we've got to impact the deficit as we've got to consider future generations.

Number two is duplication. The stimulus bill and ObamaCare had $3 billion that went to the Health Resources and Services Administration at the Department of Health and Human Services for improvements in community health centers that many of the school-based health care clinics are eligible for. This is strictly a duplication of $50 million on top of $3 billion.

Number three, as an appropriator, I believe we have to be very careful about advanced appropriations. This goes to the year 2014. If it is so good, as we have heard—and certainly there is a level at which you can argue the effectiveness of this—why not let them get in line as soldiers have to? as educators have to? as hospitals have to? as researchers have to? As everybody else who gets Federal Government money, let them get in line each and every year, and let them justify their budgets. Then Congress, in weighing it out, will say, Okay. Let's fund it again this year.

But what the Democrats are asking us to do is to obligate future Congresses on money to the year 2014 and to put it on automatic pilot. That's not fair. That's not right. In these budgetary times—again, when we are borrowing 40 cents for every dollar we spend—we do not need to be advance appropriating anything or any entity.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. KINGSTON. The point is, if it's a good program, then certainly they can justify their budgets each and every year just like the soldiers have to and just like everybody else has to. For those three reasons, I strongly support H.R. 1214.

Mr. PALLONE. Mr. Chairman, I yield myself 30 seconds.

I have listened to my colleague from Georgia (Mr. KINGSTON), and I can't believe he is blaming the deficit on President Obama. We had 8 years and two wars under Bush, all of the giveaways to millionaires and the special interests, and now, all of a sudden, it's Obama who is responsible for the deficit. We are talking about $50 million a year for probably some of the best schools you could ever imagine with these school-based clinics, and the gentleman is talking about the deficit.

I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to H.R. 1214 and its impact on our Nation's schoolchildren.

School-based health centers have enjoyed wide bipartisan support because they ensure students are healthy. Healthy students are ready to learn, and in these centers, children can get health services when they need them. Children can't learn when they're chronically sick, when they have a toothache, when they suffer from other dental diseases or when they suffer from chronic health problems. For too many children, a school-based health center may be the only opportunity to receive needed care. This is particularly the case with oral health. Tooth decay is the most common disease among schoolchildren, and 80 percent of the time this disease occurs in children who have problems accessing care. That's why school-based health programs are so important, and that's why the American Dental Association is a strong supporter of this program.

States also believe that these centers are critically needed. Indiana's Republican Superintendent of Public Instruction recently testified before the Education and the Workforce Committee that districts are prioritizing school-based health centers because ''they have made a difference in the lives of those children.'' Schools in Indiana are not alone in realizing the need and value of school-based health centers.

In my district, West Contra Costa Unified has two operational school-based health centers and four in development. The legislation before us today could essentially halt the development of these health centers by repealing the critical construction and renovation funding made available by the Affordable Health Care Act. This funding is critically important to these schools so that they can provide these centers. The Federal Government shouldn't randomly yank the support for school-based health centers. It should be letting the school districts make the decisions based upon their identified needs.

This bill is nothing more than a continuation of the attack against the beneficiaries of the Affordable Health Care Act. Whether the beneficiaries are senior citizens or whether they're young children, we ought not to support this legislation.

Mr. BURGESS. Mr. Chairman, may I inquire as to the amount of time that is left?

The Acting CHAIR. The gentleman from Texas has 6½ minutes remaining. The gentleman from New Jersey has 8 minutes remaining.

Mr. BURGESS. I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I want to respond to my friend from New Jersey. This is very important. If we added up the Bush deficits in those

years, certainly the Bush administration overspent. There is absolutely no question about it that the Republican Party overspent. Yet not to be outdone, in 1 year, the Obama administration ran up the deficit numbers higher than the Bush folks did in 8 years. It's outrageous. The year that the Democrats won the majority, the Bush deficit was $160 billion. I agree that it was way too high. But what did they do? $1.6 trillion. That's a lot of money, and that's all the more reason that we need to eliminate duplicative spending, which is what this is.

Support H.R. 1214.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, this bill will not create one job or help one American family cope with high gas or grocery prices, but I'll tell you what it will do. It will make it more difficult for over 1 million children to see a doctor or a nurse.

In December, Central Elementary School in San Diego opened a school-based clinic to give access to 860 children; 25 percent of those children are uninsured. Now Central students will get care when they need it, and they won't have to miss school for an appointment.

''This clinic is a dream come true,'' said Central's principal, Cindy Marten.

Any principal knows that unaddressed health or mental health problems are enormous obstacles to student learning and student attendance. Many children have ongoing health problems, such as diabetes, causing chronic absenteeism, and they are health problems that you can treat right at a school clinic; and every child will need care for colds, the flu, strep throat, ear infections, and other illnesses that can spread through an entire classroom. My colleagues clearly didn't consult too many school principals while writing this misguided bill.

Please vote against taking health clinics away from kids.

□ 1650

Mr. BURGESS. Mr. Chairman, I yield myself 1 minute.

The Federal deficit is now the biggest concern of business economists and, indeed, the American people at large. Job creators are sitting on the sidelines while Washington continues to spend more money that it doesn't have.

Despite the sobering facts, my colleagues on the other side of the dais in the Energy and Commerce Committee have not proposed a single cut, not one single spending cut under our committee's jurisdiction.

Now, sure I can be criticized today for only trying to save, what, $200 million? I don't know about New Jersey, but in my district back in Texas, $200 million is still real money.

When challenged at last week's subcommittee markup, all Mr. WAXMAN could come up with were tax increases and cuts to the farm program. We can and should do more to get our spending under control. Our committee, the Committee on Energy and Commerce, has an obligation to be front and center in that fight.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself 30 seconds.

From the very beginning today, Dr. BURGESS, I have said, and many of us have said, the Affordable Care Act saves money and that school-based centers save money. The CBO estimates over $1 trillion in savings from the Affordable Care Act; $30.40 less than Medicaid costs for a kid that goes to a school-based clinic. By repealing this funding for school-based clinics, you are going to cost the Federal Government more money.

So don't talk to us about the deficit. We save money with our legislation, and you are spending more money by proposing this bill.

I yield 2 minutes now to my colleague from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

There are nearly 15 million unemployed people in America, and I think most of them and those who are employed would tell us that what they want the Congress to be doing is finding ways to work together so that businesses and entrepreneurs can create jobs for the American people.

Here we are again arguing about the health care bill or another piece of it. And this legislation has behind it the novel idea that if children get immunizations and well visits and get to see a nurse or a doctor when they are not feeling well, that somehow is not a wise use of the public's money.

Now, let's put aside for the moment the idea of whether it is right or wrong to deny health care coverage for children in school—I think it is very wrong—and let's look at the balance sheet. Which is more expensive: a child who is hospitalized with pneumonia or 25 or 30 children who get a checkup? Which is more expensive: the outbreak of a flu that affects the entire school or the entire town or the early diagnosis and treatment with antibiotics of a kid with the flu?

Common sense says that primary care for children saves money for everyone. Common sense says that children without insurance can most easily be reached in the school where, hopefully, they already are. Voluntary participation by children in a school with their parents' consent makes perfect sense.

This legislation makes no sense to consider it now; it makes even less sense to pass it. I would urge a ''no'' vote on this legislation and urge the House to get back to the business of working together to help entrepreneurs create jobs for the American people.

Mr. BURGESS. I yield myself 30 seconds.

Again, let me remind people what we are talking about today. We are talking about taking away advance appropriations in the Patient Protection and Affordable Care Act for construction purposes—not for running the darned clinic but for construction purposes.

An eligible entity shall use funds provided under a grant ordered under this subsection only for expenditures for facilities. No funds provided under a grant ordered in this section shall be used for expenditures for personnel or to provide for health services.

I yield 1 minute to the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in support of H.R. 1214.

This is just another section of the ObamaCare bill, which, of course, I proposed and promoted the repeal of the entire bill.

This is another slush fund of mandatory spending in the bill, $200 million, with no congressional oversight over the next 4 years; where the Secretary of Health and Human Services can grant construction and renovation for school-based health centers, again, at their own discretion.

Again, as was just stated, none of this money can go to actually providing health care.

It is deceptive to say that this section of the ObamaCare bill is to promote health for our students and others at schools. This is another indication of uncontrolled Federal Government spending with no congressional oversight, and I speak today on behalf of the bill to rescind that.

The Acting CHAIR. The gentleman from New Jersey has 4 minutes remaining. The gentleman from Texas has 3½ minutes remaining.

Mr. PALLONE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. BURGESS. I yield myself 30 seconds.

Mr. Chairman, we just heard a moment ago from the gentleman from New Jersey perpetuation of the fantasy that the Patient Protection and Affordable Care Act is going to save anyone in this universe or a parallel universe or a parallel dimension any money.

Make no mistake: This law costs vast sums of money. When the subsidies and the exchanges hit, the tap on the Federal Treasury is going to be unlike anything this country has ever seen.

Congressional Budget Office talk about saving money was pure fantasy. The chief actuary for the Centers for Medicare & Medicaid Services exposed that fantasy for what it was less than 1 month after Congress voted on this bill. We voted on this law without actually having correct information because I believe the Secretary withheld the information from us.

I reserve the balance of my time.

Mr. PALLONE. I will yield myself 2 of the 4 minutes and go back and forth with Dr. BURGESS here.

The fact of the matter is that the Congress uses the CBO as the official statement, if you will, of our budget and the cost of legislation. That is what we have all agreed on a bipartisan basis we are going to use. I don't always agree with CBO. You have heard me many times say that they don't score prevention enough. The fact of the matter is that is what we are going to use. We have all agreed. And the CBO says that the Affordable Care Act saves over $1 trillion over the life of the bill.

Everyone knows, and I know that Dr. BURGESS, even himself, believes in preventative care. That is what these school-based health clinics are all about. They work. They get kids into the clinic or the center, they get primary care. They prevent having to go to an emergency room, to a hospital, or any other kind of institutionalization.

This is what we are trying to do with the Affordable Care Act. We are trying to save money by guaranteeing people get to see a doctor when they need one so they don't get sick. It is all about wellness. That is what it is about. And wellness saves money. The Federal Government doesn't have to spend the money when the person goes to the emergency room and doesn't have any insurance coverage. It is that simple.

I have had this argument many times with Dr. BURGESS. I think that, for the most part, he agrees with me, and he has even said today that he thinks the school-based centers are a good thing.

So I really don't understand the basis of this legislation that is being proposed this evening, and I certainly would urge my colleagues to vote against it.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, how much time is left?

The Acting CHAIR. The gentleman from New Jersey has 2½ minutes. The gentleman from Texas has 3 minutes.

Mr. PALLONE. I yield myself the remainder of my time.

Mr. Chairman, I have said over and over again, I don't understand what the Republicans are up to today. They keep saying that they want to repeal the Affordable Care Act, the health care reform. They keep bringing bills to the floor on a regular basis that would either in a piecemeal or in a large fashion repeal the Affordable Care Act. But the arguments make less and less sense every day as they start to take the pieces of the legislation that they even agree with themselves.

Today, we have been here for many hours. My colleague from Texas and others said that they support school-based clinics. They even went so far to say they wouldn't even have a problem with the Federal Government paying for it.

□ 1700

Support the Federal dollar. Support the concept. Agree that it is a preventative measure.

Then they went on to say that maybe we shouldn't pay for construction; we should only pay for operations. Well, the fact of the matter is that when you submit an application for construction or renovation of the clinic, under this law you have to show that you have the money to operate, and it is pretty clear that if you don't have the building, you are not going to be able to operate.

So, again, I don't understand what they are trying to accomplish here. We all know that these centers make sense. They bring kids who would otherwise not see a doctor to have that opportunity.

I thought my colleague from Virginia (Mr. MORAN) really brought home the point when he said that a lot of kids don't even participate in athletics unless they have a school-based clinic because they have to be certified that they are healthy in order to participate in athletics in the school. Well, doesn't that make sense, because then they don't sit around and become obese. They actually exercise. They participate in team sports. They get to the whole collegiality of being involved in a team sport and the exercise and the health benefits of that.

This is a win-win situation. I wish you had picked something else today to bring to this floor to repeal, because this is the worst thing you could have brought to the floor. No one, including yourself, argues that these school-based centers are not valuable, so stop trying to cut them. Stop trying to come up with some fantasy about how you are going to fund some part of it and not fund the other part of it. It is a good thing. It is probably one of the best things we have in this legislation, the Affordable Care Act. I think it is not rational and makes no common sense to pick this out as something to spend two or three hours on to say that this is something we shouldn't do. We should do it. Oppose this legislation.

Mr. BURGESS. I yield myself the balance of my time.

Mr. Chairman, I'll tell you what's not rational. It's not rational to spend this money and say you're prohibited from providing care. Let's be honest. The money for construction is duplicative. It was offered up in the stimulus bill previously. So we're duplicating a previous Federal expenditure in forward funding, advance funding the Patient Protection and Affordable Care Act. That's what doesn't make sense.

A previous speaker on the Democratic side called me mindless. That is mindless. It was mindless to pass this bill over the objections of the American people, to never listen to the voices of the people that were literally ringed around this Capitol a year ago who said kill this bill. Well, now we have a chance to bring back a little bit of that spending, to bring it back into the arena in which it belongs, which is the United States House of Representatives, the people's House.

The mandatory spending was not in the bill that passed this House in November of 2009. This language was put in by the United States Senate. And why was it put in by the United States Senate? Because they were playing ''Let's Make a Deal.'' They had to get to 60 votes. They didn't know how to get there. They got there by buying votes, and this small provision, someone must have sold out pretty cheaply, this small provision was one of the provisions that allowed them to do that.

Again, I would remind my colleagues that you cannot use the money that is provided in 4101(a), you cannot use that money to have a doctor or a nurse in the clinic. In fact, you are expressly prohibited from that. I suspect that is why the President has not issued a veto threat on this particular piece of legislation, because he himself included no money on the discretionary side that is actually going to provide the services of a doctor or a nurse.

Look, we've got one small chance to reclaim some small part of our sanity in the United States House of Representatives, in the people's House. The forward funding, the advance funding, the direct appropriations that were contained within the Patient Protection and Affordable Care Act were an anathema to everything that people in this country understand about what is the role of their Federal Government. After all, they willingly give up a little bit of their rights in order to have their lives run more orderly. But they don't ask us to run roughshod over Federal spending and then claim a greater and greater share of their lives.

Yes, it is unfortunate that we have had to spend all day here debating this bill. I don't dispute that fact. We should never have been here in the first place. The advance funding should never have been included in the Patient Protection and Affordable Care Act. And why was it? Because the Democrats knew last year they never intended to do a single appropriations bill, so the only way to get this dog up and running after its passage last year was to push the appropriations out the door in the language of the bill. That's what we've got to correct right now. That's what these arguments are all about.

Yes, it's going to be tough sledding in the Senate. Yes, we don't have an ally down at the White House. But the American people expect us to do this work and they want to see us do that work. I urge an ''aye'' vote on the underlying bill.

Mr. STARK. Mr. Chair, I rise in strong opposition to H.R. 1214, yet another time-wasting attempt to defund part of health care reform. This bill would deny funding enacted as part of health reform for the construction of school-based health centers. It would effectively deny our most vulnerable kids their best option for getting critical health, mental health, and dental services. While claiming to save money, its effect would be the opposite. Eliminating preventive services and options for primary care only means that when kids do get sick, they will need Medicaid benefits to pay for far more expensive services that could have been

avoided through early intervention at a school-based health clinic.

School-based health centers (SBHCs) are considered one of the most effective strategies for delivering high quality, comprehensive, and culturally-competent primary and preventive health care to adolescents—a population that can be difficult to reach. They remove the barriers that most commonly keep young people away from health services. They are located where students spend most of their waking hours—at school—making them much more accessible than doctor's offices or a clinic. They provide services regardless of a child's ability to pay, eliminating discrimination caused by wealth or the lack thereof. SBHCs reduce absenteeism, tardiness, dropouts, and discipline referrals by helping youth remain in school and engaged in learning.

SBHCs are also vital mental health providers for children and adolescents. Today, May 3rd, is National Children's Mental Health Awareness Day. I cannot think of a more destructive way to mark this day than by passing a bill that eliminates access to mental health services that children desperately need. Bullying, violence, depression and stress are rampant in our school classrooms and playgrounds. SBHC staff are on the scene with the time and resources to address these challenges. More importantly, evidence shows that young people are willing to go to a SBHC for counseling, while the stigma of mental health issues is often enough to keep them from seeking help from other providers. Research shows that students who report depression and past suicide attempts demonstrate greater willingness to seek counseling in a SBHC. Students with perceived weight problems report more willingness to use a school clinic for nutrition information. Sexually active students are more willing to seek information on pregnancy prevention and to have general disease screenings at a SBHC.

More than 350 applications to build school-based health centers have already been received by the Department of Health and Human Services, from 46 states and the District of Columbia, in response to this new funding opportunity enacted as part of health reform. All of these projects are ready to go—which means immediate jobs for construction workers and others involved in building the centers. Defunding this provision is another example of the Republican disconnect from the real issues people care about—creating jobs and protecting children.

Healthy students are better students. Why the Republicans want to eliminate a program that helps kids stay in school and provides opportunities for future success—and creates jobs in the present—is simply beyond my imagination. I urge my colleagues to vote against this bill and give our young people the chance they deserve to succeed.

Mr. LEVIN. Mr. Chair, I rise in strong opposition to this legislation.

This bill is a retreat from a core value: to care for our children. Instead of cutting construction for these school-based health centers, we should be building more clinics to help those in need.

These centers work. They keep our children healthy. I see it at the two school-based clinics in my district in the Hazel Park and the Fitzgerald Public School systems.

For instance, Melissa, the nurse practitioner at the Fitzgerald Clinic, helps those who can't get care in any other place because their families can't afford insurance or can't afford doctor's fees.

Just this past Friday, she saw a 16-year-old boy who didn't have any insurance because his parents' employer doesn't offer a plan, they can't afford private premiums but earn too much for CHIP or Medicaid. He was desperately ill, with a high fever and nausea. Melissa was able to diagnose and treat his strep throat on the spot. He asked her, ''How much do I owe you?'' Melissa responded ''Nothing.'' The young man burst into tears because he had been so worried that his family wouldn't be able to pay her.

Another boy couldn't afford to go to an emergency room, but Melissa was able to treat a foot infection that could have resulted in an amputation.

I could give you example after example because the team at the Fitzgerald school does it all. She makes sure that students have the vaccinations they need to stay healthy—300 visits this year—and provides the physicals 200 children will need to play sports. They provide counseling for teens coping with their parents' unemployment and groups for those dealing with alcoholism and family violence.

The bottom line is that these clinics work and we need more of them.

I urge Members to vote no on these irresponsible cuts.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to this legislation that would eliminate funding for school-based health centers.

School-based health centers provide much-needed health care services to vulnerable children and adolescents, including primary care, mental health, dental, vision, and nutrition services. They not only help improve children's health, but also help improve the academic performance of students. School-based health centers are a win-win for the student, but also for parents and the community.

By repealing funding for school-based health centers, we will be taking away a health care option—and perhaps the only health care option—for low income children and their families. Without these centers, we will not be building a foundation to promote and advance preventive and wellness-based care that will help save health care costs over time.

Mr. Chair, I urge my colleagues to oppose this misguided bill.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to H.R. 1214, which repeals a provision in the Affordable Care Act that provides funding for the construction of school health centers. It also rescinds any unobligated funds that have already been appropriated to this program.

The Majority has said their top priority is job creation and getting our economy back on track. This legislation is yet another example of the Republicans' misplaced priorities.

If the Republicans cared about job creation, they would support school based health centers.

School-based health centers started in the 1970s with the first centers opening in Dallas, Texas, and St. Paul, Minnesota. Today, there are approximately 1,700 centers across the country located in 45 states plus the District of Columbia.

In Texas, there are approximately 85 school-based health centers. Most of these centers are located in a permanent facility on a school campus. The centers provide primary care, mental health care, and dental care.

The reason these school-based health centers are so important to working families is because they support families. They allow parents to stay at work while attending to their child's routine health care needs and they save money for our economy as a whole by keeping children out of hospitals and emergency rooms.

Once again, the Republicans are claiming they support helping our working families and yet again we are cutting another service that helps keep parents at work and children healthy.

I strongly oppose this legislation.

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

The Acting CHAIR. All time for general debate has expired.

Mr. BURGESS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, had come to no resolution thereon.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1214 and to insert extraneous material into the RECORD.

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

There was no objection.

REPEALING MANDATORY FUNDING FOR STATE HEALTH INSURANCE EXCHANGES

The SPEAKER pro tempore. Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1213.

□ 1706

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 112–70 offered by the gentleman from Vermont (Mr. WELCH) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments printed in House Report 112–70 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Ms. WATERS of California.

Amendment No. 3 by Mr. ELLISON of Minnesota.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 239, not voting 16, as follows:

[Roll No. 281]

AYES—177

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

NOES—239

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

NOT VOTING—16

Bilbray
Broun (GA)
Cassidy
Conyers
Costa
Diaz-Balart
Emerson
Giffords
Johnson (GA)
Johnson, Sam
Jones
Larson (CT)
Meeks
Pascrell
Rush
Schock

□ 1731

Messrs. SMITH of Nebraska, COFFMAN of Colorado, DUFFY, ROSKAM, MEEHAN, and MULVANEY changed their vote from ''aye'' to ''no.''

Ms. WILSON of Florida, Messrs. KUCINICH, PERLMUTTER, WU, Ms. PINGREE of Maine, and Mr. CUMMINGS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 12, as follows:

[Roll No. 282]

AYES—178

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell

Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
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
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bilbray
Bonner
Broun (GA)
Cassidy
Cole
Emerson
Farr
Giffords
Gutierrez
Johnson, Sam
Sullivan
Walden

□ 1738

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WALDEN. Mr. Chairman, on rollcall No. 282, I was inadvertantly detained. Had I been present, I would have voted "no."

(By unanimous consent, Mr. BACHUS was allowed to speak out of order.)

MOMENT OF SILENCE IN REMEMBRANCE OF THE FAMILIES AND VICTIMS OF THE RECENT TORNADOES IN THE SOUTHERN STATES

Mr. BACHUS. Mr. Chairman, I'm joined on the floor today by my colleagues from the southern States. We have Members from Alabama, Mississippi, Tennessee, Georgia, North Carolina, and Virginia together. Families in our States have lost over 300 of their loved ones, and I ask that the House at this time join my colleagues and me in a moment of silence for these families and victims. Our thoughts and prayers go with them.

The Acting CHAIR. The Chair would ask all present to rise for the purpose of a moment of silence.

AMENDMENT NO. 3 OFFERED BY MR. ELLISON

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 10, as follows:

[Roll No. 283]

AYES—180

Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
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
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
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
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci

Ribble	Schock	Tipton
Rigell	Schweikert	Turner
Rivera	Scott (SC)	Upton
Roby	Scott, Austin	Walberg
Roe (TN)	Sensenbrenner	Walden
Rogers (AL)	Sessions	Walsh (IL)
Rogers (KY)	Shimkus	Webster
Rogers (MI)	Shuster	West
Rohrabacher	Simpson	Westmoreland
Rokita	Smith (NE)	Whitfield
Rooney	Smith (NJ)	Wilson (SC)
Ros-Lehtinen	Smith (TX)	Wittman
Roskam	Southerland	Wolf
Ross (AR)	Stearns	Womack
Ross (FL)	Stivers	Woodall
Royce	Stutzman	Yoder
Runyan	Sullivan	Young (AK)
Ryan (WI)	Terry	Young (FL)
Scalise	Thompson (PA)	Young (IN)
Schilling	Thornberry	
Schmidt	Tiberi	

NOT VOTING—10

Bass (CA)	Cassidy	Hoyer
Bilbray	Emerson	Johnson, Sam
Broun (GA)	Foxx	
Butterfield	Giffords	

□ 1746

Mr. ROYCE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. SMITH of Nebraska). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. SMITH of Nebraska, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, and, pursuant to House Resolution 236, reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOSWELL. In its present form, I am opposed.

Mr. BURGESS. Mr. Speaker, I would like to reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 1213 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

In section 1, add at the end the following:

(c) CANCER OR OTHER PREEXISTING CONDITION NON-DISCRIMINATION DISCLOSURE CONDITION.—Section 1311 of the Patient Protection and Affordable Care Act, as amended by subsection (a), is amended by inserting before subsection (b) the following new subsection:

''(a) CANCER OR OTHER PREEXISTING CONDITION NON-DISCRIMINATION DISCLOSURE CONDITION.—As a condition for receipt of assistance under this section and in addition to any other requirements for an Exchange, an Exchange may not offer a qualified health plan of a health insurance issuer if that issuer—

''(1) does not agree to publicly disclose the extent to which coverage under such plan has been denied for any individual (including an individual who is a senior or future recipient of Medicare), and the extent to which there has been any increase in the amount of premiums for coverage under such plan for such an individual, based on the individual having cancer or another preexisting condition; or

''(2) has at least one such disclosure demonstrating an instance of such a denial or premium increase on such basis.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa is recognized for 5 minutes in support of his motion.

□ 1750

Mr. BOSWELL. Mr. Speaker, this motion is very simple. It serves as a final amendment to the underlying legislation and would not kill the bill. What it does do is prohibit insurance companies from participating in health insurance exchanges if they deny coverage for cancer or other preexisting conditions, especially for seniors and future Medicare recipients.

My recommit motion is an opportunity for everyone in this Chamber to put the angry rhetoric surrounding health care reform aside and stand up for seniors and future Medicare recipients and every American who has been diagnosed with cancer and other preexisting conditions.

This recommit motion holds special meaning for me because I am a cancer survivor. I was diagnosed with prostate cancer that was most likely caused by my service in the Vietnam War and exposure to Agent Orange. Fortunately, as a career soldier, I had access to affordable, quality public health insurance to help me beat that nasty disease. Many other Americans are not so lucky.

With this in mind, this final amendment is more important than ever. Medicare accepts all seniors; private insurance companies do not. This must change, and requiring these companies to prove that they do not charge more or deny coverage to seniors and the 129 million people under 65 who have a preexisting condition is an important first step.

I would submit that probably every one of us in this Chamber have received calls from some of our constituents who have been paying for insurance for years and years, they got a malady, they got cancer, they're in the hospital, they're getting treatment, insurance comes due and they can't renew it because they've got a preexisting condition. That's got to stop.

Health insurance exchanges will be a one-stop shop for tens of millions of Americans who purchase individual policies. This market must be open only to the companies that provide affordable insurance to all Americans, young, old, sick and well, male and female. My recommit motion, this final amendment, would require just that.

Our role as a government is to protect the well-being of our citizens, not the bottom line of insurance companies, which are doing just fine by the way.

America's health insurance companies increased their profits by 56 percent in 2009, while 2.7 million people lost their private coverage. The Nation's five largest for-profit insurers reported a combined profit of $12.2 billion the same year, according to a report by Health Care for America Now.

I support American companies making profits. However, these numbers indicate there is no reason why private insurance companies should deny coverage to seniors or Americans struggling with cancer and other preexisting conditions.

My amendment would ensure that if they want to expand their insurance pool to include Americans purchasing through health care exchanges and grow their customer base even more, then they must cover everyone fairly—seniors, future Medicare recipients, and cancer patients included.

Let's be clear. The passage of this amendment will not prevent the passage of the underlying bill. If the amendment is adopted, it will be incorporated into the bill, and the bill will be immediately voted upon.

So, even though we may disagree on the bill today, we have the opportunity to stand together for those afflicted with cancer and other preexisting conditions and our Nation's future Medicare recipients who would lose guaranteed health care benefits under the Ryan plan.

It's up to us. I urge everyone to vote ''yes'' on this final amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Texas have a point of order?

Mr. BURGESS. Mr. Chairman, I will withdraw the point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

The gentleman from Texas is recognized for 5 minutes in opposition.

Mr. BURGESS. Mr. Speaker, H.R. 1213 that we've had under discussion all day does nothing about preexisting conditions; therefore, this motion to recommit is irrelevant and unnecessary.

Members were brought here to get runaway spending under control. Rather than help us avoid a fiscal crisis, House Democrats have brought forward a motion to recommit that is irrelevant to the points that have been made on the floor of this House today.

As has been pointed out, Section 1113(a) of the Patient Protection and Affordable Care Act gives the Secretary of Health and Human Services an unlimited appropriation to facilitate enrollment in State health exchanges. We simply do not know how

the Secretary of Health and Human Services will spend these dollars.

The Center for Medicare and Medicaid Services has indicated that States should look to this fund to plug State budget shortfalls.

Section 1311(h) of the Patient Protection and Affordable Care Act gives the Secretary the ability to regulate which doctors can provide care through exchange plans. This fund can be used to federalize how doctors can practice medicine.

Grants under 1113(a) could also be used to provide a 100 percent subsidy for premiums, driving patients out of employer-sponsored insurance.

Under Section 2705, it is already prohibited for a qualified plan to discriminate, and, thus, the motion to recommit attempts to keep the spending going. Continuing to fund State-based exchanges would jeopardize taxpayer resources.

Given the huge uncertainty regarding the Patient Protection and Affordable Care Act, two Federal District Courts have struck down the law. State attorney generals have asked for an expedited review of the litigation, but the Obama administration has refused to allow that to happen. In the interim, repealing this fund is the best thing we can do to protect taxpayer resources at a time of record red ink.

I urge my colleagues to vote ''no'' on the motion to recommit.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. BOSWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 190, noes 233, not voting 9, as follows:

[Roll No. 284]

AYES—190

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

NOES—233

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
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
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bilbray
Broun (GA)
Cassidy
Emerson
Giffords
Gohmert
Johnson, Sam
Waxman
Woodall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1815

Mr. BECERRA changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BURGESS. 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 238, noes 183, not voting 11, as follows:

[Roll No. 285]

AYES—238

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
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
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
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
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

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

NOT VOTING—11

Bilbray
Broun (GA)
Cassidy
Emerson
Giffords
Johnson, Sam
Lynch
Schock
Shuler
Waxman
Woodall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1822

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GUTIERREZ. Mr. Speaker, due to an error, I incorrectly voted for final passage of H.R. 1213 (rollcall 285), legislation that seeks to repeal mandatory funding provided to states under the Patient Protection and Affordable Care Act to establish Health Benefit Exchanges. My intention was to vote against this bill.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX

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

Mr. ROGERS of Michigan. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 754, the Intelligence Authorization Act for Fiscal Year 2011, reported favorably to the House with an amendment. The committee's report will be filed today.

Mr. Speaker, the classified Schedule of Authorizations and the classified Annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC–304 of the Capitol Visitors Center beginning any time after this report is filed. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 754 will be considered in the House in the near future, perhaps as early as next week.

I recommend that Members wishing to review the classified Annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The classified Annex to the committee's report contains the committee's recommendations on the intelligence budget for fiscal year 2011 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule.

If a Member has not yet signed that oath but wishes to review the classified Annex and Schedule of Authorizations, the committee staff can administer the oath and see that the executed form is sent to the Clerk's office. In addition, the committee's rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has been granted access to the classified Annex and that they are familiar with the rules of the House and the committee with respect to the classified nature of the information and the limitations on the disclosure of that information.

I thank the Speaker.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 754, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

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

Mr. BISHOP of Utah. Mr. Speaker, the Committee on Rules may meet the week of May 9 to grant a rule that could limit the amendment process for floor consideration of H.R. 754, the Intelligence Authorization Act for Fiscal Year 2011.

Any Member wishing to offer an amendment to the bill must submit an electronic copy of the amendment and description via the Rules Committee Web site. Members must also submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment log in form to the Rules Committee in room H–312 of the Capitol by 12 p.m. on Tuesday, May 10, 2011. Both electronic and hard copies must be received by the date and time specified. Members should draft their amendments to the text of the bill as ordered reported by the Permanent Select Committee on Intelligence, which is available on the Rules Committee Web site.

Members should also use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Office of the

Parliamentarian, the Committee on the Budget, and the Congressional Budget Office to be certain their amendments comply with the rules of the House and the Congressional Budget Act.

If you have any questions, please contact Chairman DREIER or the Rules Committee staff.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1081

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1081.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

The SPEAKER pro tempore. Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1214.

□ 1825

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and shall be considered read.

The text of the bill is as follows:

H.R. 1214

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

SECTION 1. REPEALING MANDATORY FUNDING FOR SCHOOL-BASED HEALTH CENTER CONSTRUCTION.

(a) IN GENERAL.—Subsection (a) of section 4101 of the Patient Protection and Affordable Care Act (42 U.S.C. 280h–4) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by section 4101(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 280h–4(a)), the unobligated balance is rescinded.

The Acting CHAIR. No amendment to the bill shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated May 2, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered read.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, add at the end the following:

(c) NOTICE OF RESCISSION OF UNOBLIGATED FUNDS.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall post on the public website of the Department of Health and Human Services a notice of—

(1) the rescission, pursuant to subsection (b), of the unobligated balance of funds made available by section 4101(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 280h-4(a)); and

(2) the amount of such funds so rescinded.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, I ask my colleagues to join me in supporting this amendment. I appreciate very much my friend and colleague from Texas, and I believe that this is an amendment that Republicans and Democrats can join on, maybe for different reasons.

I have indicated that I believe the repealing of the support for school-based health clinics and construction thereof is an unfortunate act on behalf of America's children.

My amendment is very simple. It requires the Department of Health and Human Services to post public notice on its official Web site that the mandated funds from Section 410(1)(a) of the Patient Protection and Affordable Care Act, including the amounts of the funds, will be rescinded. It explains to the American public just what we are doing and it gives them a line-by-line, dollar-by-dollar impact of what happens when they take money away that is already being invested, that will be invested, to help build a health care infrastructure in their neighborhood, so that children like this young man and many others who may not have access to health care can have a school-based clinic. The amendment will provide the public with important information about mandatory school-based health center funding that will no longer be available for them to receive these preventative care services.

This amendment also assists my good friends on the other side of the aisle by permitting them to easily show the American public that they are cutting public spending. But yet we must weigh the balance—cutting spending, or alleging that you are going to benefit from these cut funds, and undermining the health care system of America.

□ 1830

When the Congress passed the Affordable Care Act in 2010, and the President signed it into law, the Department of Health and Human Services was given a mandate to provide funding for expanded and sustained national health investment in school-based health center construction programs to improve clinical preventive services and help restrain the growth in private and public health costs. Nearly every State has school-based health centers. There are about 2,000. It provides mandatory funds for building and improving school-based health centers. There are now 350 applications for 46 States with shovel-ready projects. It couldn't be all bad.

If H.R. 1214 is passed, it will kill those funds. It will repeal it. And yet this particular amendment will point out Sophie's choices—not really good choices—to take away from our children good health care under the pretense of cutting the deficit. The majority of the funding that is being cut by my friends is from discretionary services, few dollars that represent only a small portion of the Nation's budget, appropriations, and deficit.

And so I ask that we support this amendment because truth is in the pudding. Let's see what they're doing and how you can get good health care and cut school-based clinics.

Let me quickly say this. We're trying to make sure that we have places in neighborhoods for people to evacuate to—schools that are secure enough and strong enough that you could run or you could evacuate or you could be safe in place. School-based clinics, health clinics, provide places to take the wounded from a hurricane or tornado or a disaster unforeseen—or a man-made disaster.

So I would ask my colleagues to vote for this amendment, to support this amendment, because it shows the light of what we should and should not be doing.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentlewoman may not reserve her time. The Committee is operating under the 5-minute rule, in which case the gentlewoman is recognized for 5 minutes.

The gentlewoman still has 1 minute and 10 seconds remaining.

Ms. JACKSON LEE of Texas. And I am trying to reserve my time.

The Acting CHAIR. The gentlewoman cannot reserve her time.

Ms. JACKSON LEE of Texas. Let me make the point that in earlier debate today, the Chair allowed me to reserve, and so I take issue with the ruling. And what is the basis of the ruling?

The Acting CHAIR. Under the 5-minute rule, the gentlewoman has to use her time or yield back her time. She may not reserve her time.

Ms. JACKSON LEE of Texas. Can I have an explanation as to why I was allowed to do so previously?

The Acting CHAIR. The Chair would tell the gentlewoman that the Committee is operating under the 5-minute rule and the time is not controlled.

Ms. JACKSON LEE of Texas. So to my parliamentary inquiry, the answer is that we're under the 5-minute rule?

The Acting CHAIR. That is right.

Ms. JACKSON LEE of Texas. Let me just indicate that school-based clinics

represent a source of homeland security, and in fact what we will find is we will stop States in their tracks for trying to provide the kind of health care not only for the children going to school every day to be able to protect them, but also in a long-range effort.

Does anyone remember H1N1? I do, because I went to my schools where there was an epidemic of H1N1. And we had it all across the Nation. We were panicked. I will tell you that school-based clinics can be a source of relief for children either coming to school with infections or some devastation coming about.

I would ask my colleagues to support this very simple amendment which gives to the American public the reason why we shouldn't cut these funds. Cutting funds, killing health care. Cutting funds, killing health care. Support this very thoughtful amendment that provides you with the reason for us being able to support school-based health clinics, for homeland security, for the ability to evacuate and be secure in times of disaster and, yes, to take care of the millions of children and respond to the States that are not Democratic or Republican who have 350 applications on the record. I ask my colleagues to support the amendment.

Mr. Chairman, I would first like to state my clear position that I am adamantly opposed to H.R. 1214 and its repeal of the important mandatory funding for School-Based Health Center Construction Prevention and Public Health Fund created under the Affordable Care Act. The funding saves lives and saves money.

If H.R. 1214 to repeal mandatory funding for School-Based Health Center Construction provided under Section 4101(a) of the Patient Protection and Affordable Care Act is enacted into law:

WHAT MY AMENDMENT DOES

Requires the Department of Health and Human Services to post public notice on its official web site that the Mandated Funds from Section 4101(a) of the Patient Protection and Affordable Care Act including the amount of the funds that will be rescinded.

This Amendment will provide the public with important information about Mandatory School-Based Health Center Funding that will no longer be available for them to receive necessary preventive health care services.

This Amendment also assists my Republican Colleagues by permitting them to easily show the American Public that they are cutting government spending, by how much they are cutting spending, and where they are cutting government spending. So I expect that my Republican Colleagues will fully support this Amendment.

Purpose of the Mandatory Funding for School-Based Health Center Construction Prevention and Public Health Fund Created under the Affordable Care Act. (Section 4101 of the Affordable Care Act)

When Congress passed the Affordable Care Act in 2010 and the President signed it into law, the Department of Health of Human Services was given the mandate to provide funding for expanded and sustained national health investment in School-based Health Center construction programs to improve access to Clinical Preventive Services and help restrain the growth in private and public health costs. This was already a cost cutting measure.

Nearly every State has School-based health centers (there are about 2,000 of these)

Provides mandatory funds for building and improving school-based health centers.

There are 350 Applications for 46 States with shovel—ready projects.

If H.R. 1214 is passed it will repeal these funds and kill jobs.

According to the Texas Department of Health Services there are approximately 8 to 10 people employed at the 85 existing health centers. More than 20 of these health centers are currently in Houston.

A study conducted by John Hopkins University found that school-based health centers reduced inappropriate emergency room use among regular users or school-based health centers

A national multi-site study conducted by Mathmatica Policy Research Institute found a significant increase in health care access by students who used school-based health centers: 71 percent of students reported having a health care visit in past year compared to 59 percent of students who did not have access to a school-based health center.

This program has been attributed to a reduction in Medicaid expenditures related to inpatient, drug and emergency department use to use of school-based health centers.

FUNDING PROVIDED

Section 4101(a) the Affordable Care Act mandates the Department of Health and Human Services to use any Funds from the Treasury in the following amounts for School-based health center construction and improvement projects:

Fiscal Years 2010 2013—$50,000,000 per year for a total of $200,000,000.

USE OF FUNDS

The mandatory funds appropriated for School-based Health Centers are a cornerstone of the Affordable Care Act.

Section 4101 provides grants to establish school-based health centers. Eligible entities must be a school-based health center or a sponsoring facility of a school-based health center. They must assure that the funds awarded under the grant will only be used for services authorized or allowed by Federal, State, or local law.

Preference is given to school-based health centers that serve a large population of children eligible for medical assistance under the State Medicaid plan.

Further the funds can only be used only for expenditures for facilities, equipment, or similar acquisitions. No funds will be used for expenditures of Personnel or to provide health services.

Appropriations. The funds have already been appropriated for fiscal years 2010 through 2013. $50,000,000 a year for a total of $200,000,000.

Grants support the core services offered by school-based health centers includes comprehensive primary health services from health assessments, and treatment of minor, acute, and chronic medical conditions to mental health and substance use disorder assessment including crisis intervention, counseling and treatment.

They do not provide abortion services.

The program is designed to aid children residing in areas designated as medically underserved or has a shortage of health professionals.

Additional factors indicative of the health status of a child living in a medically underserved area include the ability of residents to pay for health services, accessibility of such services, and availability of health professionals.

Children in our proud nation should have access to health services. This is a reasonable solution to a serious problem.

Right now there are children who do not have the financial resources to receive adequate care. Even with the necessary financial resources they would not have adequate access to medical services in their area. Providing grants to build or renovate school-based health centers to protect the health of our children, create jobs and increase access to medical services in underserved areas should be our priority.

Mr. Chairman, my amendment is essential to provide greater consideration to this sensitive issue by affording an opportunity for the public to review the Department of Health and Human Services Web site information about mandatory school-based health center funding. This public notice will include information about rescinded mandatory funds from Section 4101(a) as well as the amount of funds that will be rescinded. This amendment will once again allow the American people to have accurate information about the impact this cut in government spending will have on our Nation's medically underserved children and jobs created as a result of this program. I urge my colleagues to join me in supporting my amendment.

I yield back the balance of my time.

Mr. BURGESS. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, the Jackson Lee amendment would require the Secretary of Health and Human Services to post on the HHS public Web site a notice of the rescission of unobligated balances from the mandatory funding for school health center construction provided under section 4101(a) of the Patient Protection and Affordable Care Act, and the amount of that rescission.

Mr. Chairman, I support transparency in government. I actually wish there was more transparency, especially when the last Congress was putting together this new health care law. We still do not know why it is certain projects were given mandatory funding and others were determined to be discretionary programs. No explanation has been given as to why construction of these facilities is mandatory and yet the staffing remains discretionary. Paying for construction of health centers has always been the responsibility of States and localities and the Federal Government would help with the staffing. The Patient Protection and Affordable Health Care Act turned that long-term policy on its head.

I recognize that the Democrats in the House of Representatives, now the House minority, did not write the bill. In fact, the bill was written behind closed doors in the Senate and probably at a coffee shop down by the White House. Yet no one who was in

the room or at the coffee shop will explain how the bill came to be.

If the author of this amendment feels that this would increase transparency, then I will support the amendment. I would hope that all Members would take the opportunity to increase transparency and demand transparency on how the backroom deals that sealed the fate of our health care system in the hands of Washington bureaucrats came to pass.

Mr. Chairman, I urge an ''aye'' vote on the amendment, and yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I just rise to thank the gentleman from Texas for accepting this amendment. I think it shows that though we may have positions that differ on the underlying legislation, this is an initiative for transparency, and it will help explain to the American people.

Let me also conclude by saying that it should be very clear that this funding is not used for health care, in particular, on personnel. But it is to build the structures that will provide and protect children to be able to have these clinics, more access to health care for communities, and a source and site to be able to protect people who are impacted by natural or manmade disaster.

With that, I would ask my colleagues to support this legislation.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I have an amendment preprinted in the RECORD as amendment No. 2 to H.R. 1214, as the designee of Representative CAPPS.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, add at the end the following:

(c) GAO STUDY TO DETERMINE SCHOOL DISTRICTS MOST IN NEED OF CONSTRUCTING OR RENOVATING SCHOOL-BASED HEALTH CENTERS.—The Comptroller General of the United States shall conduct a study to determine the school districts in the United States most in need of constructing or renovating school-based health centers (as defined in section 2110(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)). Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the results and conclusions of the study under this subsection.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Thank you, Mr. Chairman.

This amendment provides for a GAO study to determine school districts most in need of constructing or renovating school-based health centers. Basically, it asks the Controller—or I should say mandates the Controller—to conduct a study to determine the school districts most in need of construction and renovation, and not later than 1 year after the date of the enactment, the Controller has to submit to the Congress a report setting forth the results and conclusions of the study under this subsection.

Mr. Chairman, I know we've had a lot of debate today about money, but the fact of the matter is that the $50 million per year doesn't actually cover the costs of all of the schools that have requested and applied for construction or renovation funds. That's why I would like to have this amendment passed and hopefully accepted by the other side so that we can find out exactly how many more of these clinics, or centers, are in need of funding.

I yield back the balance of my time.

Mr. BURGESS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, I rise in support of the amendment. The amendment requires the Government Accountability Office to conduct a study to determine the school districts in the United States most in need of constructing or renovating school-based health centers.

Actually, the amendment is refreshing. I only wish we would have had an opportunity to have this discussion in our committee a year and a half ago before the Patient Protection and Affordable Care Act passed. This amendment underscores one of the major flaws in the Patient Protection and Affordable Care Act.

□ 1840

Rather than conduct hearings and markups on this specific program, the school-based health center construction fund was lumped in with hundreds of other programs in a 2,700-page bill. I think the amendment will help the Congress determine whether the need exists and to quantify the target dollars in a careful manner.

My only regret—my only regret—is that in the last Congress the then Democratic majority did not request this study before providing $200 million in mandatory funding for the school-based health center construction under the Patient Protection and Affordable Care Act.

Congress should determine the need before authorizing and appropriating dollars. That's, after all, regular order. That's the way we are supposed to do it; not simply throw the money out after a program because we feel that it may be a good program or we believe that it may be a good program, no. We're dealing with taxpayer dollars. It is our obligation to show those dollars are going to be wisely spent and then proceed with the authorization and then the appropriation.

I believe this amendment will help in that process, and I urge support of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Mr. BURGESS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DUFFY) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, had come to no resolution thereon.

HONORING THE RECENTLY FALLEN SOLDIERS IN AFGHANISTAN

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Mr. Speaker, I am delighted to have the opportunity to be on the floor for such an important issue and joined by my colleagues.

I am holding the time until the distinguished gentleman from Louisiana (Mr. RICHMOND) arrives. But let me just indicate that this is an enormous crisis when nine of our soldiers are killed in the way that they were killed in Afghanistan. And for many of us who are concerned about the continuing conflict and the next steps, it is important to be able to offer our sympathy to their families and, as well, to be able to ask for an investigation as to the basis of their loss.

So it is important tonight that we educate our colleagues about the challenges that those brave soldiers faced, the conditions under which they lost their lives, and to say to their families that we will not rest until we have the opportunity to secure all of the facts

and to be able to establish a reaction or a basis on seeking a response from the Afghan Government and certainly from those who are in supervision of the Armed Forces in the region, in the theater.

With that in mind, as we offer our sympathy and express our desire for a full understanding and story as to what happened, Mr. Chairman, let me just say I look forward to a full airing of this unfortunate circumstance, and I hope that we will continue to seek information for these families and on behalf of these brave soldiers.

I yield back the balance of my time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. RICHMOND) is recognized for the remainder of the minority leader's hour.

Mr. RICHMOND. Mr. Speaker, I want to first, before I start, thank the gentlewoman from Texas, Congresswoman SHEILA JACKSON LEE, not only for introducing this segment tonight but for the work that she has done for people all across the country, and especially when you talk about disasters. She was there for the city of New Orleans in the metropolitan region after Hurricanes Katrina and Rita to make sure that everyone was included in the rebuilding and the reconstruction, and it was a lot of her effort that made sure that we could rebuild the city of New Orleans. And as we have just suffered losses around the country with the tornadoes that hit, I'm reminded of Hurricanes Katrina and Rita, but more importantly, Mr. Speaker, I am reminded of the people in this Congress who go above and beyond to make sure that we take care of everyone in this country. And for that I want to thank Congresswoman SHEILA JACKSON LEE.

Mr. Speaker, tonight I want to focus on our brave soldiers who recently fell in Afghanistan. We want to focus on their sacrifice. We want to focus on their bravery. We want to focus on their legacy.

Last week, on a diplomatic military congressional delegation which was headed up by and whose idea was Congressman BILL SHUSTER's, he also went the extra mile to make sure that he included freshmen Members in that so that we would get a chance to see what's going on over there. So last week while on a diplomatic and military delegation in Europe and Afghanistan, I attended a memorial service for the following heroes on this board. They are:

Lieutenant Colonel Frank Bryant, Jr.; Major David Brodeur; Major Phillip Ambard; Major Raymond Estelle; Major Jeffrey Ausborn; Captain Charles Ransom; Captain Nathan Nylander; Retired Lieutenant Colonel James A. McLaughlin; Technical Sergeant Tara Brown; Private First Class Jonathan Villanueva; and Staff Sergeant Matthew Hermanson. These are just some of the faces of those who have made the ultimate sacrifice while protecting America's interests abroad and helping to keep our country safe from threats far and wide.

I am joined by a couple of my colleagues who were with me on a fact-finding trip.

□ 1850

We will focus on the sacrifice made by these brave men and women, as well as the sacrifices being made by all of our brave men and women on a daily basis.

With that, Mr. Speaker, I want to yield to Congressman BILL SHUSTER, who will have the opportunity to not only talk about one or two or three of the individuals who gave the ultimate sacrifice but just on the experience in Afghanistan, where we are, the progress we're making.

Mr. SHUSTER. I thank the gentleman from Louisiana for yielding and thank the gentleman for traveling with us on our codel, which was a bipartisan codel made of up six Members—2 Democrats, 4 Republicans—and we traveled to, obviously as the gentleman from Louisiana said, to Afghanistan. It was, I think, an eye-opening experience for all of us getting to see and hear firsthand from not only our military leaders but also soldiers who were in the field and traveling out to Herat Province and be able to go to a village and talk to the village elders, the people that 18 months ago in this village it was controlled by the Taliban. Today, with the help of the U.S. Special Forces, the Taliban is gone and the people of this community, the people of this village and region are setting up their own police force.

The village elder committed to us that he would never allow the Taliban to come back and how much he appreciated the support of U.S. Special Forces and their training and the fact that they were living with them in the community, 30 of our Special Forces in two different compounds, again offering training and guidance to these folks that live out in a very, very rural part of Afghanistan and actually 50 to 60 miles from the Iranian border. And they're doing good work. So we saw those kinds of positive developments.

Of course, we all know what happened at the end of this weekend. Our Special Forces were able to go in and kill Osama bin Laden and bring justice to him, and America's grateful for their efforts.

As my colleague said, we were also able to participate in two ceremonies. One was a ramp ceremony of one of our fallen heroes. They actually put the coffin on the plane to bring it back to Dover Air Force Base to meet its final destination, and then also a ceremony to honor the nine fallen Americans that were killed by an Afghan pilot, somebody they had been working with for 9 months, somebody they trusted, who came in during a meeting last week, and brought in a weapon and killed nine people. They were not all military. There were eight people that serve in our military and one civilian, a civilian contractor, A retired lieutenant colonel. So there were also officers and enlisted people, and all of them gave the ultimate sacrifice serving for us in Afghanistan, and it was also the largest loss of life for the U.S. Air Force since the Khobar Towers were bombed by Osama bin Laden some 12 or 13 years ago.

Tonight, we are joining here—and I think we are going to be joined by others that were on the trip—to talk about these individuals and honor these individuals.

With that, the first person that we want to honor is Major Jeffrey O. Ausborn. He was in the NATO Air Training Command in Afghanistan. Major Ausborn was born in August 1969 in Hokes Bluff, Alabama. His military career began on August 9, 1991, after being commissioned as a second lieutenant from the Troy State University Reserve Officer Training Corps. After completing basic communications officer training at Keesler Air Force Base, he remained as an instructor for nearly 4 years, and in 1996, Major Ausborn was selected for undergraduate pilot training and proceeded to Columbus Air Force Base where, as a pilot trainee, he went on to earn the coveted wings of silver.

Major Ausborn went on to fly the C–130, eventually completing two flying tours in the mighty Herk. In 2001, he joined the air education and training command as an instructor pilot. Major Ausborn spent 9 years of that command transitioning through the T–37, the T–6, and T–1 aircraft at Laughlin and Randolph Air Force Bases.

In November of 2010, Major Ausborn joined the NATO Air Training Command in Afghanistan as a C–27 evaluator pilot and the chief of current operations with the 538th Air Expeditionary Advisory Squadron. His awards include the Bronze Star Medal, the Meritorious Service Medal, and the Aerial Achievement Medal.

Major Ausborn is survived by his wife, Suzanna; daughters, Emily and Shelby; son, Eric; and stepchildren, Summer and Mitchell.

Our hearts and prayers go out to that family, for their loved one who gave the ultimate sacrifice. It is with that tonight that we remember Major Jeffrey O. Ausborn.

I yield to my colleague from Wisconsin.

Mr. DUFFY. I'm grateful for the gentleman from Pennsylvania.

You know, we were on a trip together, a bipartisan trip to Afghanistan, and as we were able to tour the country and meet with our military leaders, our CIA and our State Department, it was for me an interesting trip in that you see that support of our young men and women who are overseas fighting for their country does not have political boundaries. Our group on this trip came together and unanimously were supportive of the men and women who we have sent to defend this

country, and I think it was quite remarkable to see this team come together.

Before I talk further, I would like to yield to the gentleman from Louisiana.

Mr. RICHMOND. I thank Congressman DUFFY for yielding, and I know that your constituent and the person from Wisconsin was someone that you wanted to talk about and you had the privilege of performing the ramp act. I wanted to give you chance to switch podiums so that you can go down now that we have the pictures presented, but I also wanted to take a minute to say what a ramp act is.

And it's a ceremony performed in the country of the soldier's death. It's not a funeral but it's a memorial, and it's good-bye to a fallen soldier on their return home. So this solemn ceremony, it may have words by a chaplain or commanding officer, but it's just a very, very surreal experience in the fact that all of the troops are out there, and we had a chance to participate in that, to watch one of our fallen soldiers get put back on a plane to be sent home to his parents and the family that he left behind. So that is our farewell for them, and I will tell you that the ceremony is performed for all coalition forces, not just the U.S. military.

So it was that ceremony that we had a chance to participate in, and it was one that was very humbling, something I will never forget.

With that, I will yield to the gentleman from Wisconsin, Congressman DUFFY, to talk about his constituent who we had the privilege of watching and participating in that ramp act.

Mr. DUFFY. I'm grateful to the gentleman from Louisiana for yielding.

I do want to briefly talk about one of our Wisconsin heroes who last week was fighting for his country in the Wardak Province. It's Matthew Hermanson, who is pictured here in the lower left corner of our diagram. He is from Appleton, Wisconsin, and he is survived by his wife and his parents.

He was, again, last week fighting for his country. He was part of the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, and the division's 4th Brigade is stationed in Fort Polk.

In Wisconsin, we have like many States suffered losses recently, and our hearts go out to the family, the parents of Matt and to his wife, who at a time when many Americans are celebrating what has happened in Pakistan with Osama bin Laden, this family and other families are grieving the loss of their loved one. And here is a great Wisconsin hero, a great American hero who was fighting for his country who gave us the ultimate sacrifice in his pursuit for freedom. And I am grateful for all that he has given his State and his country, and we are proud of him.

□ 1900

Mr. RICHMOND. Thank you, Congressman DUFFY.

And now, Mr. Speaker, I would like to yield to the gentleman from Connecticut, Congressman CHRIS MURPHY, who was the senior Democrat on the trip who provided an awful lot of guidance as a senior Member of Congress in terms of what we were seeing and the effect of it also.

Mr. MURPHY of Connecticut. Thank you very much, Representative RICHMOND. It is kind of scary that I get senior status in my third term, but things move fast here in the United States House of Representatives.

I want to thank the gentleman from Louisiana for bringing us together for this Special Order hour. I have been here now for 5 years. And when votes are done and you go back to your office to get some work together for the next day, we often flip on the TV, and we watch these Special Order hours as, frankly, millions of Americans do across the country. What you see every night essentially starts to look the same. You see Republicans on one side having 1 hour, and Democrats on the other side having another hour. Too often that time is spent by both parties talking down the other side.

This is unique, to have Members of both the Republican and Democratic side joining together in a testimony to something that binds us as Republicans and Democrats, conservatives and liberals, whatever we are in this Nation. We know how important it is to support our men and women abroad and then to memorialize them when they don't come home. And you know what, if you got any of us individually and asked what our perceptions were of our trip and of the future of the war in Afghanistan, you would probably get different stories. But you won't get different stories when it comes to the respect that we have every day for the men and women who fight for us and I think the new understanding you get of the threats that are posed to these brave soldiers when you spend a little bit of time in theater.

Not only did we have the tragic honor of being part of a ramp ceremony and then a memorial service for the nine airmen and civilians that perished in the attack at the airport, but we got the chance a day later to walk the beat, essentially, with some of our Special Forces units in one of the western provinces of Afghanistan. And that's where you realize how dangerous this job is in a remote outpost with mud walls. A couple dozen of our bravest are trying to do their best to provide some security for Afghans in Herat province who had barely seen a coalition or American soldier before the last year, trying to cobble together the money that they had at their disposal to build some infrastructure projects to make the lives of the community members and the tribe members better.

Whatever you think about the future course of this war, we have got our best and our brightest fighting for us over there. We have 1 percent of Americans fighting for this country, protecting the other 99 percent. And, unfortunately, there are more and more that aren't coming home.

In Connecticut, as I got the chance to remark in a short speech before the House of Representatives 2 weeks ago, we have taken an abnormally large number of casualties for a small State in the past 2 months. Unfortunately, one of the nine airmen that were killed in the attack at the Kabul International Airport was Raymond Estelle II. Major Estelle was born in Connecticut. Although he had moved away, he was a native of the Nutmeg State.

His military career spanned two decades back to November 1991 with his enlistment in the U.S. Air Force. After completing basic military and technical training, Raymond served as an enlisted aerospace ground equipment technician, rising to the rank of senior airman before earning his commission through the Reserve Officer Training Corps at the University of New Mexico in 1998.

Major Estelle was most recently assigned as the communications adviser to the Afghan Air Force with the 838th Air Expeditionary Advisory Group. It was in that capacity that he was serving in Afghanistan. It was in that capacity that he had befriended the Afghan airman who eventually turned his weapon on nine Americans.

Major Estelle's awards include the Bronze Star Medal, the Meritorious Service Medal, the Air Force Commendation Medal with one oak leaf cluster, the Joint Service Achievement Medal, and the Air Force Achievement Medal with one oak leaf cluster.

He is survived by his wife, Captain N'Keiba Estelle, his daughters Chanelle and Shayla, his son Raymond III, and his mother Regina.

As we sat there listening to the final roll call of that unit with nine of its members missing, we read through the biographies of the nine that were killed. We noted that almost all of them had children, young children, three, four, five kids. And as Representative DUFFY so aptly said, as many Americans are celebrating in the street the heroic achievement of our Special Forces in taking down one of the most evil people ever to walk this Earth, there are other families that are grieving today for those who put their lives on the line to protect the other 99 percent of us. And for my constituent Raymond Estelle, we grieve in Connecticut today.

Mr. RICHMOND. Thank you, Congressman MURPHY. I think that you brought up a very good point, which was the observation of the sacrifice and the fact that as we looked at all of the boots and the helmets of the nine troops during that boot ceremony, the fact that it crossed all lines. It crossed partisan lines. It crossed racial lines. It crossed geographic lines, and it certainly crossed different income levels.

So I just wanted to reiterate that the reason why we are here today with such a bipartisan and diverse group

showing our appreciation is because that was one of the things that was so noticeable when we participated in that ceremony, the fact that it was a very diverse group.

But there was one consistent and one overwhelming issue, one overwhelming purpose, and that was to make sure that the United States of America stays the best country on Earth and to make sure that this next generation, we leave them and we give them the opportunity to succeed and the opportunity to live in peace.

I will just quickly read, and it was one night while we were meeting in Batumi, and we were having a deep conversation about the sacrifice that our children are making, the sacrifice that the troops were making. And there was a parliamentarian from Batumi who used the John Quincy Adams quote, and it was the sentiment of everyone. So I just thought that I would point out that quote and read it to everybody. Mr. Speaker, it is so on point that I thought people needed to hear it: ''I must study politics and war, that my sons may have the liberty to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.'' That is John Quincy Adams.

Mr. Speaker, I would just again reiterate the fact that it seems like we have been fighting forever to make sure that we give those next generations the freedom and that they don't have to concentrate on war so much and that they don't have to ship their children off to war and we don't have to welcome our troops back home in caskets. That is the sacrifice we are making, and we hope that we make that sacrifice so that the next generations can study the arts and the culture and all of those things.

With that, Mr. Speaker, I yield to the leader of that congressional delegation, BILL SHUSTER.

Mr. SHUSTER. I thank the gentleman, and I appreciate the gentleman talking about the meeting with other parliamentarians in some of the other countries that we visited, from the Czech Republic to Azerbaijan to Georgia. And one of the things all three of those countries have in common is they are really great allies of the United States of America. All of those countries contribute forces not only to Afghanistan but to Iraq.

Currently, they either have troops there or have troops just returning. And you look at a country like Azerbaijan, which lies in a rough neighborhood between Iran to the south and Russia to the north; Georgia sits on the Russian border and has had problems with Russia; but when those countries send their troops to fight shoulder to shoulder with the Americans, they have no caveats, which means that their troops are allowed to do whatever the Americans, whatever the NATO forces need them to do, whether it's combat, whether it's Special Forces, whether it's supporting the NATO troops and the American troops in some other way. So it's really important that we, as Americans, know these countries and support what they do for us.

When people think and they hear that Georgia was to provide 900 troops to the effort in Afghanistan just recently, a lot of people would say, Well, that's not a very big force. But when you look that it's a country of about 4.5 million people, that would be the equivalent of the United States contributing 80,000 to 90,000 troops to the effort. So it's really a big contribution, and we owe a debt of gratitude to those countries that do that around the world.

□ 1910

As my colleagues have been talking about, we're honoring those nine that were killed last week in Afghanistan. And of the nine, as I said earlier, eight were in the U.S. Air Force, but one was a civilian, a contractor. That person was Lieutenant Colonel (Ret.) James McLaughlin, or as he was commonly known as ''Jimmy Mac,'' was one of the nine.

James Aloysius McLaughlin, Jr. was born on June 16, 1955. He graduated from Drexel University with a bachelor of science degree and earned a master's degree in business administration from the University of Phoenix. Jim retired from the U.S. Army as a lieutenant colonel in 2007 after service in Iraq.

His civilian career included program manager, product marketing manager, and applications engineer manager with LEMO USA. Jim's most recent service was as a contractor with L3 Communications, MPRI Division, supporting the NATO Training Command mission in Kabul, Afghanistan. During that time, he was a senior mentor to both the Ministry of Defense and the Afghan Air Force. Jim held military and civilian ratings in both rotary and fixed wing aircraft. One of his passions was his ham radio, and he held a current amateur radio license. He had a network of fellow ham radio operators throughout the United States and the world.

James McLaughlin is survived by his wife, Sandra, and their three children, Adam, Eve and James, all of Santa Rosa, California.

All Americans should keep their families in our thoughts and our prayers and we give, again, a thank you not only to James McLaughlin for giving the ultimate sacrifice, but for his family that had to suffer this great, great loss.

Mr. RICHMOND. Thank you, Congressman SHUSTER.

With that, I will yield to Congressman CHRIS MURPHY so that he can again pay tribute to another one of our fallen American heroes.

Mr. MURPHY of Connecticut. Thank you, Representative RICHMOND. I know we're joined on the floor by a few of our other colleagues here. I would just underscore the remarks of Representative SHUSTER. Although Americans clearly are carrying the burden of operations in Afghanistan, we do have partners there. And many of our partners increased their commitment to Afghanistan, as the United States did. Others have walked away and drawn down their commitment. But we are fortunate that we are not fighting this fight alone there, and that we do have partners. And I think it's important for us to remind Americans of that, but also remind many of our allies that this fight is an international fight because, though the most high-profile of terrorist attacks in this world were those on New York and Washington, D.C., and the fields of Pennsylvania, the next terrorist attack could be anywhere in this world. And our ability to push al Qaeda to the brink of extinction is a global effort, not just an American effort.

In addition to those that we've noted already, there was another airman who we memorialized that day, and I would like to just for a brief moment of time talk about Major Charles A. Ransom. Major Ransom was born in 1979. He attended the Virginia Military Institute, and he earned a baccalaureate of science in computer science. And he received his ROTC commission in the United States Air Force as a second lieutenant on the 18th of May, 2001. It was in that year that he deployed for the first time in support of Operation Enduring Freedom. Then in 2006 he deployed again in Turkey in support of Operations Enduring Freedom, Iraqi Freedom and Fundamental Justice. And then in 2009 he deployed to Baghdad, Iraq, in support of Operation Iraqi Freedom. Finally, in 2011 he deployed for the last time to Afghanistan in Operation Enduring Freedom.

He is survived by his mother and father, SGM (Ret.) Willie and Marysue Ransom, and his brother, Chief Petty Officer Stephen Randolph.

From those that talked about Major Ransom, they talked about what a tremendously important figure he was in our operations in Afghanistan. But his story and his background are not uncommon in two ways.

First, Major Ransom comes from a military family. Both his brother and his father have served and are retired from the armed services. And that's how it goes. This becomes a family occupation, a family passion. There are millions of families around this country who have the kind of commitment that the Ransom family did. And while we pay our respects to those individuals who served, we, frankly, have to remember that this is not just an individual commitment. This is not just an individual sacrifice; this is a family sacrifice, that the whole family serves, whether they are serving through brothers and sister and fathers and mothers who have been members of the military, or whether they simply serve

by picking up and doing a little bit more for their family while their loved one is away.

But he's also not unique in the fact that this was his fourth deployment. When we talk about the heroes from previous wars, they are no less heroes because they only served one or two tours. But there is something unique about the last 10 years in that there are more and more people like Major Ransom who have gone back, not just for a second time, not just for a third time, but in Major Ransom's case, for a fourth time.

He did it, and I can't speak for the reasons why he did it. But I imagine he did it because he knew of the importance of the work that he was doing. He knew that he didn't want to leave his men and women behind to do it on their own.

And unfortunately, Representative RICHMOND, Major Ransom didn't come back from his fourth deployment. But we owe him and his family, frankly, a degree of gratitude beyond words for their service and their sacrifice as an entire family.

Mr. RICHMOND. Thank you, Congressman MURPHY. I yield to the gentleman from Wisconsin.

Mr. DUFFY. I appreciate the gentleman from Louisiana for yielding. And I would echo the sentiment as stated by the gentleman from Connecticut. I think he's right. You look at the families and how they suffer when they lose one of their sons or daughters or fathers or mothers. It truly is felt. I think it was well said.

Just quickly, as we were on this trip, we had a chance not just to go to Afghanistan, but this bipartisan delegation had a chance to go see many of our great allies in the conflict in Afghanistan. We stopped over in Georgia and Azerbaijan and the Czech Republic. What I thought was so unique as I went to those countries was their unabashed support for American principles, not just American principles, human principles of freedom and liberty and prosperity.

And when we look around the world and people talk about America, oftentimes they pay us great lip service. They tell us they're our friend and they're supportive of what we're doing in the world. But oftentimes their actions don't meet their words. But you look at these three countries that we visited. They just don't express by word their support for what we do here in America, but they show their support. And they've shown that support most definitely by way of sending their troops to Afghanistan to fight for the freedom of those Afghanis who want to see some form of democracy in their country.

Again, while we were in Afghanistan, we participated in a memorial ceremony for the nine Americans who were shot at the airport and were killed. I want to remember tonight Major Philip Ambard, one of those who lost his life last week in that attack. He was born in Caracas, Venezuela, on the 4th of April, 1967. He lived in Venezuela until he was 12 years old, at which time he moved to America, and he was then living in Edmonds, Washington.

Now, he started his military career in 1985. He enlisted in the United States Air Force. With a stellar enlisted career, he rose to the rank of master sergeant. From there he attended night school, all the while raising a young family, and he obtained his bachelor's degree.

□ 1920

He was then selected to go to Officer Training School in 2000. He was given his most recent assignment as a foreign language professor at the Air Force Academy in Colorado Springs. He taught both Spanish and French.

As we've discussed here, the loss of one of our military men or women is felt throughout the family. Major Ambard was survived not only by his wife, Linda, but by his five children—Alexander, Timothy, Joshua, Patrick, and his daughter, Emily; by his mother and father; and by his sister, Diana.

I know, as they go into this week and into the coming months and years, they will mourn the loss of their father, their son, their brother, their husband. I just want Major Ambard's family to know that we are grateful for his service, that we are grateful for the sacrifice he made for his country, and that we are grateful to them for the sacrifice they are making, for they don't have their loved one at home with them tonight, sharing a meal, and they're not going to have Christmases and birthday parties together. That, most definitely, is a sacrifice they will feel for a lifetime. I am grateful for what he has done in paying the ultimate sacrifice for his country.

Mr. RICHMOND. Thank you, Congressman DUFFY.

With that, I would like to yield to the gentleman from New Jersey, another Member who took the time over the Easter break to go to Afghanistan to visit with our troops. He was certainly a rock star when he appeared on the base and stopped to sign a bunch of autographs. Of course, he was the only one who was asked for an autograph.

Mr. RUNYAN. I would like to thank the gentleman and also all of my colleagues for a great trip, for a really great factfinding trip. It was an opportunity to go over there in a bipartisan nature and to really learn about what our troops go through on a daily basis and about what they're doing for the Afghani people.

In the same light, it was also an opportunity to learn about some other allied nations we have because, when you boil all of this down, whether it's the Czechs, the Jordanians, the Afghans or the Azerbaijani people, we're all fighting for the same thing. We're all fighting for democracy, and we're all fighting for freedom. So it was truly an honor to go over there and to learn firsthand about everything that's going on there. It was an opportunity to really go out and see what our guys go through on a daily basis.

Being put in a camp there in western Afghanistan and seeing the relationships and the support they're building with the Afghan people was tremendous. Building those friendships really allows our troops and all of our allied troops to go in there, to make friends with them and to help them defend their own country. No matter where we went on this trip, there was a sense of pride that everybody had in themselves, in their country and in their warfighters: that we were all out there, fighting for democracy and freedom.

When you talked to the troops, you could really see it in their eyes even when they asked the question: What is the end? When is the end? You looked at them and said, Well, the end is to give these people the opportunities that we have. The scary thing about it is a lot of the Afghani people don't understand what it is to live in a democracy, what it is to have freedom.

You could always see the twinkle in our troops' eyes when you said that to them because you could sense that some of them were thinking, Well, when is this going to be over? Then you just refresh their memory on what they're fighting for. They're fighting for our freedom. They're fighting for the freedom of other human beings. It was truly an honor to go over there and witness that and experience that and really just say ''thanks'' to all of them.

As my colleague said, I had somewhat of a rock star mentality over there. Everyone asked me, Can I get a picture? I can't give you enough time in the world for what you're doing for us and for what you're doing for other people around the world with the sacrifices you're making, and I say that on a day-in and day-out basis with every troop I ever meet with.

You go off into the villages, and you see a group of guys who are living together in a camp out there. That's all they have. They're brothers. You could see them all, and they were having beard growing contests throughout the camp. Some of them participated and some of them didn't, but they were taking a lot of pride in that type of stuff, and were just keeping that morale going. It was great to see because you knew what type of desperate situation they were in.

I think when we all got to that boot ceremony there at the end—and many of you have seen it before where there's the boots with the M16s stuck in the middle, with the dog tags wrapped around the weapon, and the helmet on top—it was a somber reminder of the cost of freedom and of the cost of democracy. I really want to, along with my colleagues, say ''thank you'' to everybody.

The one gentleman I do want to recognize is Major David L. Brodeur, whose call sign was actually ''Klepto.'' Throughout the ceremony, they would call the guys by their call signs; and

when they went through the roll call and they kept calling these guys' names, the silence was deafening because they kept calling his name, and there was no one answering as they went through the whole company. I know quite a few of us were really brought to tears in that moment.

Major Brodeur was born on December 10, 1976. He was commissioned through the United States Air Force Academy in 1999 where he majored in political science.

After graduating pilot training in 2001, he was qualified as an F–16 pilot. He was then assigned to Shaw Air Force Base where he served as the Assistant Weapons Officer in his squadron. He next served at Luke Air Force Base as scheduler, flight commander and weapons instructor pilot. At his next assignment to Eielson Air Force Base, he was the Chief of Scheduling, an F–16 Aggressor Pilot, and the Chief of Aggressor Academics. Upon his deployment, he was assigned as Executive Officer to the 11th Air Force Commander at Elmendorf Air Force Base.

Major Brodeur deployed and served in Operation Iraqi Freedom, and was deployed in support of Operation Enduring Freedom as an Air Adviser to the Afghan Air Corps Command Center.

He is survived by his wife, Susan, by his son, David, Jr.—aged 3—and by his daughter, Elizabeth.

It is truly guys like him who make the difference, who are a big reason why people like myself, I really think, get involved in supporting these heroes and in making sure they're known. Yes, we've suffered a loss here, but the true people who have suffered the ultimate loss are his family. His children aren't going to have a father. Myself being a father of three, I realize that. I respect that. May God bless his soul, and may God bless his family. We thank him for his service.

Mr. RICHMOND. Thank you, Congressman RUNYAN.

I will now yield to the CODEL leader, Congressman BILL SHUSTER.

Mr. SHUSTER. I thank the gentleman from Louisiana for securing this hour for us to be able to talk about our experience in Afghanistan and, most importantly, for us to be able to talk about and honor the nine people who were killed in Afghanistan last week. As I mentioned earlier, it was the largest loss of life in the U.S. Air Force since the Khobar Towers.

□ 1930

As my colleague, Mr. RUNYAN, talked about the somber and powerful experience that we had there at this memorial service, at the ceremony, it was really something to be there. We got there at the last minute, and I think we all were very, very grateful to be able to participate in the ceremony.

Again, nine people were slain. We have already talked about the one that was not a military person but a contractor. He served in the military, but then came back to serve in Afghanistan as a contractor and tried to help develop and train the Afghan Air Force.

Another one of those members that gave the ultimate sacrifice is Lieutenant Colonel Frank D. Bryant, Jr. Lieutenant Bryant was born on August 13, 1973, from Knoxville, Tennessee.

His military career began when he entered the U.S. Air Force Academy in the summer of 1991. After graduating from the U.S. Air Force Academy in 1995 with a bachelor's degree in general engineering, Lieutenant Bryant was assigned at the Columbus Air Force Base initially as a student pilot and then as a T–37 instructor pilot. Lieutenant Colonel Bryant's next aircraft was an F–16.

In the F–16, he completed tours in Korea, Shaw Air Force Base, an exchange pilot with the UAE, and Luke Air Force Base. His last assignment was a CJCS Afghanistan-Pakistan Hand assigned to the 438th Air Expeditionary Wing in Kabul, Afghanistan.

During his career, Lieutenant Bryant earned the Bronze Star, the Purple Heart, Air Force Combat Action Medal, Defense Meritorious Service Medal, Air Medal with one oakleaf cluster, Air Force Commendation Medal with one oakleaf cluster, Air Force Achievement Medal, Joint Meritorious Unit Award, Air Force Outstanding Unit with Valor Device and two oakleaf clusters, Combat Readiness Medal, National Defense Medal, Global War of Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Afghan Campaign Medal, NATO Medal, Air Force Overseas Ribbon, Air Force Expeditionary Service Ribbon with gold border with one oakleaf cluster, and the Air Force Longevity Service with three oakleaf clusters, and, finally, the Air Force Training Ribbon. Somebody who served long and, obviously by all those medals, did a fabulous job serving the United States of America.

Lieutenant Bryant is survived by his wife, Janice; his son, Sean; his father, Frank D. Bryant, Sr.; and his mother, Patricia Bryant. We owe a deep debt of gratitude to his family and also to Colonel Bryant, for their service to this country, and of course for the ultimate sacrifice that Colonel Bryant gave for his Nation. I would encourage all Americans to remember Colonel Bryant and his family in their thoughts and their prayers.

Mr. RICHMOND. Thank you, Congressman SHUSTER.

I have the privilege to call upon another one of our colleagues who participated in the congressional delegation who has not had an opportunity to talk about one of our fallen soldiers, but I will tell you something about this Member of Congress. He, himself, has put his life on the line and served in our U.S. Air Force, and that is none other than Captain ADAM KINZINGER.

Mr. KINZINGER of Illinois. I thank the gentleman from Louisiana, and I thank him for setting this up.

One of the great things about when you talk about, just, in general, America and what we stand for, there is a lot of disagreement. But when it comes to supporting our troops, when it comes to what America stands for, there is no disagreement.

The gentleman from Louisiana and I have become great friends, and on this mission we got to really see what America stands for. And even though there are differences sometimes in where we should see foreign policy, and that is understandable and that is fine, there is no difference right now in supporting troops and supporting those who put their lives on the line.

As a military pilot, I never would expect to be in a situation where myself and scores of my brothers and sisters would be killed by a mad gunman walking into a room. That is something that I am sure these brave heroes that we are talking about never expected. But it happened. It was tragic. But they stood up and fought for their country, and in the process they lost their lives.

One of those brave heroes who lost his life is a fellow Illinoisan, Captain Nathan Nylander. Captain Nathan Nylander was born outside of Chicago, Illinois, and grew up in Illinois and Texas.

His military career began in August of 1994, with his enlistment in the United States Air Force. After completing basic military training and follow-on technical training in Texas, Florida, and Mississippi, he served as an enlisted weather forecaster, rising to the rank of technical sergeant.

His enlisted assignments include weather forecaster at Luke Air Force Base, Arizona, and Seoul, Republic of South Korea, and culminated as the Presidential Weather Forecaster at Camp David, Maryland.

In 2006, Captain Nylander did what few do: He earned his commission through Officer Training School, and ended as a distinguished graduate.

As a weather officer, Captain Nylander held positions as a weather flight commander at Joint Base Pearl Harbor-Hickam in Hawaii, and Davis-Monthan Air Force Base, Arizona. Captain Nylander was most recently assigned as the lead weather adviser for the Afghan Air Force with the 438th Air Expeditionary Advisory Group.

His awards include the Bronze Star Medal, Meritorious Service Medal, Air Force Commendation Medal with three oakleaf clusters, Joint Service Achievement Medal, and Air Force Achievement Medal.

He is survived by his wife, two sons, daughter, and his father and mother.

These brave heroes are an example of what is best about our country. And while we mourn their loss, we celebrate the freedom that they passed defending.

So I would say over the next couple of years as we go forward and we debate really big issues here in Washington and we have disagreement,

never forget that we are all Americans. That is the most important thing.

So to the nine heroes, and to those who gave their lives already, to those who continue to serve every day, let me just humbly say, on behalf of everybody in the United States Congress, on behalf of Americans, on behalf of a Republican and a Democrat standing here in the Chamber united on this: Thank you. Thank you for defending your country. Thank you for being an example for generations to come. We mourn for your loss, but now we celebrate the freedom that you defended.

Mr. RICHMOND. We have one or two more fallen heroes that we want to honor, and I want to make sure that people understand that this is just a short ceremony, but from the heart, for the 10 people that we had a chance to participate in their ceremony, and for Private First Class Jonathan Villanueva who was killed at the same time as Staff Sergeant Matthew Hermanson.

But I wanted to take a minute to talk about Master Sergeant Tara Brown.

She was born July 21, 1977. She began her military career in 1997, at the Kadena Air Force Base in Japan as an administrative clerk, quickly mastering her skills in communications and embracing a love of travel and adventure.

Master Sergeant Brown completed assignments to Germany, Turkey, Alaska, and Korea before taking charge in numerous high-level communications positions at Andrews Air Force Base right down the street.

Master Sergeant Brown's awards include the Bronze Star posthumously, Joint Service Commendation Medal, Air Force Commendation Medal with three oakleaf clusters, and the Air Force Achievement Medal with three oakleaf clusters.

She is survived by her husband, Ernest Brown; father, Jim Jacobs; mother, Gladys Verren; brother, Jim Jacobs, Jr.; and sister, Laguanda Jacobs.

□ 1940

Mr. Speaker, I will tell you that during this service, and when they talked about Master Sergeant Brown, they talked about her smile, they talked about her status as a newlywed, but, more than anything, they just talked about her love of service and the fact that she was willing to give it all.

So I wanted to make sure that as we continued we included Master Sergeant Tara Brown in our ceremony today, just to make sure that we don't forget any of our troops, that we had the privilege and the opportunity to participate in their service and on their day.

Mr. Speaker, I think that all of my colleagues, and I don't see them now, but I think all of my colleagues have exhausted their time in making sure that they honor all of our fallen soldiers. This was just one thing that we thought we wanted to do to show the country that although we disagree on 20 or 30 percent of things in this body, and those 20 or 30 percent may be very gut-wrenching and they may be very divisive and we may differ on how we cut programs, but every difference in principle is not necessarily a difference in purpose and a difference in our ultimate goal, and that is to make sure that this country continues to be the best country on Earth.

So we as just a small part of this august body, and one that we are honored to be a part of, we are honored to serve with so many senior Members who have taken us under their wing to make sure they nurture us. Mr. Speaker, we can't thank you enough for that and we can't thank Congress and the American people enough for giving us the opportunity to go over to the conflict, to watch Afghans as they start to patrol their own area.

I will tell you, I am not sure if Congressman SHUSTER touched on it, but we had an opportunity to patrol with a group of Afghans and their elders. One of the elders that was over there was a very elderly man who was the commander of this police unit, and they were protecting the entrance into this city and they had their checkpoint.

While walking to the checkpoint, we saw a young man holding arms and protecting us as we walked, and we stopped to talk to him. Then they pointed out to us he lost his father and brother in a firefight just a week and a half ago while they were out patrolling. Then as we talked to him just for a few minutes longer, he talked to us about the vision of freedom, and he was all excited and his eyes were open very wide as he talked about why he was still patrolling after his father and his brother's funeral, which was the fact that he had a love for his country, for Afghanistan, but also because he felt an obligation because we had so many troops out there fighting and dying that we were joined at the hip, because this was a very important goal. And it is not just to bring freedom to us; it is to bring freedom to people all across this world.

Then as he was telling us that, he told us that just a couple of days before we got there that his daughter drowned in a creek in their little village. So we are talking about a very young man who had tragedy three times in his life who was still out there with his machine gun in the desert, in the heat, patrolling to make sure that this congressional delegation was safe, but also taking the time, and we watched him talk to school kids and other things.

But that is what makes this country great. And the thing that united us all was the fact that what makes this country great, we are inspiring other people so that they want to make their country and their town and their village great, just like America.

So you have people all across this world, and we can talk particularly about Afghanistan, because that is where we saw it, that were going above and beyond, because they appreciated our effort to help them, and they were committed to helping themselves, and they said we are in it with you, and we are going to sacrifice our life and our limbs, just as those brave men and women in the United States are doing.

Mr. Speaker, I want to thank you for allowing us to have this time to talk about the people we lost, and I will just end with reading their names, because I think that we can't give them enough, because they made and paid the ultimate sacrifice so that we can have the freedom that we enjoy and others could have it. And they are: Lieutenant Colonel Frank D. Bryant, Jr.; Major David L. Brodeur; Major Philip D. Ambard; Major Raymond Estelle; Major Jeffrey O. Ausborn, ''Oz,'' as they called him; Captain Charles A. Ransom; Captain Nathan J. Nylander; retired Lieutenant Colonel James A. McLaughlin; Technical Sergeant Tara R. Brown; Private First Class Jonathan Villanueva; and Staff Sergeant Matthew D. Hermanson.

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

The SPEAKER pro tempore (Mr. GRAVES of Georgia). The Chair wants to thank the gentleman from Louisiana (Mr. RICHMOND) for this much-needed tribute. Thank you for recognizing those individuals, the defenders of liberty of this great Nation.

REASONS FOR HIGH ENERGY PRICES

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, we just got off two weeks of working in our districts around this country. At least I held about 10 town hall meetings, and I am sure many of my colleagues held more. We talked about the debt, we talked about the deficit, but one of the things that almost every one of these town halls insisted upon talking about was the high price of gasoline.

Let's start with this first exhibit we have here. This just gives the comparison of what the gas prices were somewhere in the United States, I can't tell where. January of 2009: Unleaded, $1.32; mid-range, $1.42; super, $1.52. Here is a picture taken in April of 2011: Regular, $3.99; mid-range, $4.09; the high powered stuff, $4.19 a gallon.

Mr. Speaker, the only party that can be blamed for this, unfortunately, is the Democratic Party, through the leadership of Barack Obama, President of the United States, because a vicious combination of the Obama administration's moratorium on offshore drilling and the devaluation of the American dollar through the administration's quantitative easing have resulted in the highest seasonal gasoline prices in U.S. history.

We have reached a point where if we don't pay attention, we are going to

give up our ability to produce our own natural resources and be, as the President said to Brazil when he loaned them $2 billion or more, ''We will be glad to be good customers of yours when you find some oil out in the Gulf.''

Mr. Speaker, this is a broken energy policy. In fact, this is no energy policy at all. We are quite aware now that we have found substantial reserves that were unfound in the area of natural gas. In fact, there are those who report that the production of shale gas in the United States could result in us having enough natural gas to operate in this country for at least 100 to 150 years at present or projected usages, and yet we seem to have roadblocks thrown up in front of that production at every step.

We had a deep water accident, a terrible deep water accident, in the Gulf of Mexico. The President and the Energy Department put down a moratorium on drilling in the gulf, both deep water and shallow water. Even though the shallow water, they had had no massive oil leaks in the shallow water, it was included. So the Gulf of Mexico, one of the largest potential oil and gas fields in the world, was shut down for American production. Not for Chinese production, not for Brazilian production, not for anybody else who had an ability to make a deal with Cuba to get a lease offshore to drill, but for American production.

□ 1950

But he promised that after they got all of the cleanup done and after they examined what happened in the BP case, that they would lift the moratorium, and with a lot of outcry from the Gulf States, because for the first time, at least in the State of Texas, until the moratorium on drilling in the gulf, the State of Texas was looking pretty good on unemployment. We were still in the 6 percent range as the rest of the Nation was in the 10 percent range. But when you shut down potentially 250,000 jobs that relate to the drilling in the Gulf of Mexico, I don't know how many of those jobs are actually lost, but those were the ones at risk. And as a result of that and other factors, we're now up in the 8 percent unemployment range, which is still better than the rest of the country, but still a really direct cause of the moratorium in the gulf.

When the moratorium was lifted, they refused to issue permits. But first, because the Federal court told them to lift the moratorium, they lifted that moratorium and issued a new one the next day, or maybe 2 days later, which was, I would say, fairly much in contempt of the order of the Federal court in Louisiana. That Federal judge, in turn, made several comments about contempt of court. And so, finally, after years, the moratorium was lifted and another 6 months later, or 8 months later, a few permits were issued so that drilling could begin.

Remember this: Barack Obama, when he became President of the United States, President Obama promised that he was going to open up offshore exploration and enhance nuclear energy. He's failed to do both. The only energy policy that he's dealt with is one that we certainly need to develop. And no one here doesn't want to seek alternatives that are economically viable to make this country run. This country is an energy-driven country. Just look at the lights in this room. Think of the amount of windmills it would take just to power up this room almost 24 hours a day. But we're for—and, in fact, I would say the great State of Texas has the largest wind farm in the entire United States.

So when it comes to energy, we don't shy away from any kind of energy in our State. We are an energy State. We have been producing oil and gas in the State of Texas for I guess close to a hundred years, clear back to Spindletop. We are not the experts, but we're as close to experts as you're going to run into because we've been doing it through generations of Americans.

I remember when I was 17 years old, my big desire was to go work on an oil rig because the great pay those people got paid. My daddy wanted me to keep all my fingers so he told me I couldn't do it. But I always wished I could. It is something we grow up with. We don't think oil and gas are evil products, and we don't think that they are the curse of this country. We think they are the primary clean power source in competition with other power sources of the petroleum age. We think we do a good job of producing clean energy—and energy, we think, that is the cause of the great modern expansion of American Government.

Remember, when we're talking about petroleum products, we're not just talking about power for your automobiles and power for your trucks and power for your power stations and all the other things that we use with oil and gas. We're talking about plastic, we're talking about lifesaving chemicals, we're talking about clothing. There's a list of a hundred different products—I can't even list them all—that have come from the production of petroleum. And now, for some reason, we have an administration that treats petroleum and treats petroleum products like natural gas as if they were some kind of horrible evil poison because of this issue which is unresolved of carbon dioxide.

So we are sitting here on the verge of something that will ultimately shut down our economy. I can tell you from personal experience, because my wife sent me to the grocery store three Sundays ago and one of the things on her list was avocados. And this is in Texas. We're pretty close to Mexico. We're pretty close to California. Two avocados cost a dollar and a quarter. The next week she sent me back to get two more and they were a dollar apiece. So I started watching those things, and holy cow, they have gone up three times since that first purchase of avocados. And you wonder why. Maybe it's weather; maybe it's crop failure. Maybe it's the fact that the cost of energy is going up daily to power the fleet of trucks, to power the diesel-driven trains, to power the automobiles of America. As gas prices go up or diesel prices go up, so do the prices of food. And now the two inflationary prices that we see going forward are food and energy. This is serious stuff.

I'm very pleased to have a fellow Texan join me here today, BLAKE FARENTHOLD. He's a new Member from down on the Texas gulf coast in a city that grew up with petroleum surrounding it, Corpus Christi, Texas. I'm going to yield to my good friend, Mr. FARENTHOLD, whatever time he needs to talk about his views on energy.

Mr. FARENTHOLD. Thank you very much, Judge. I grew up in the oil and gas industry. My great grandfather, Rand Morgan, came to Corpus Christi after the Great Depression and was one of the pioneers in the oil and gas industry in the Saxet field by the Corpus Christi International Airport. We've been a farming ranch and an oil and gas family since before I was born, since before my father was born, and since before my grandmother was born. Rand Morgan was actually my great grandfather.

And we can tell you as landowners, as outdoorsmen, as hunters, and as fishermen, the oil and gas industry is a clean industry. The men and women who work in the oil and gas industry are committed to the environment. The landowners whose land is used for domestic oil and gas production are committed to making sure the oil and gas companies do a good job and keep their land in great shape.

You talk about offshore, too. Corpus Christi is the home to some of the largest fabricators of offshore oil and gas equipment in the world. Port of Brownsville has several industries building and refurbishing offshore oil and gas. And our fishermen love the offshore oil and gas rigs. They're artificial reefs. They're where you go to fish—not fishing for sport, but fishing for the fish you're going to take home and fry and eat. They're clean and they're great for the environment.

And we had a horrible accident with the BP well. Our beaches in some parts of the country suffered with some contamination. I think it's the second time I remember that happening in my lifetime. The first time it happened, there was a blowout of a well in the Gulf of Mexico operated by the state-run oil and gas company of Mexico. Not a whole lot happened with that one. We had tar balls coming up on the beaches of Corpus Christi. It was an annoyance, but we took some wipes and you wiped your feet off after you got off the beach so you didn't get it on the carpet or your cars.

But what we've done now as a result of the BP blowout is we've shut down the oil and gas industry—the American

oil and gas industry in the Gulf of Mexico while the Chinese, the Brazilians, and the Mexicans continue to drill in the Gulf of Mexico. And there's not a thing in the world we can do to stop them or regulate how they do it.

Instead, we're penalizing our oil and gas companies in the United States. We're decreasing production that's available to fuel our cars, to power our electrical generating plants, and to create the hundreds of products that rely on oil and gas. Our focus is wrong. We should be looking at ways to increase production and increase safety and increase our ability to respond in the event there is another accident.

We need to be training the Coast Guard. We need to be training our industry personnel. We need to be developing the technology to contain it and to protect our beaches from oil and gas spills that may happen as a result of the activities of any country in the world. We have the opportunity to be the technological leaders in this and get our domestic oil and gas industry back on track and get the price of gasoline back down to reasonable levels.

We're getting to $4 and $5 a gallon of gasoline. That doesn't just ruin your summer vacation. It starts to ruin your life. You can cut down on driving, you can take the bus, you can take public transportation. But those avocados Judge CARTER was talking about, they can't. They have got to get to your grocery store in a truck. Every good or service that you use or buy is affected by the price of oil and gas. It's going to run the price of everything up. We have got to get this under control, and we have got to exploit our domestic energy sources.

I agree with Judge CARTER, Texas is the leader in wind farms. It's a beautiful sight as I drive down Ocean Drive in Corpus Christi, looking across the bay at the windmills across over by Sinton, Taft, and Portland. That's the future. But you can't put a windmill on a car. You have got to have oil and gas to run your cars.

Now, we can get into a discussion about we probably need to be focused on getting cars working on natural gas as a more cost-effective way to do it. We've got a great abundance of natural gas, but we have got to get rid of the moratorium—the de facto moratorium that is crippling the oil and gas industry in the Gulf of Mexico. It's running prices up. It's costing us jobs in Texas.

I want to talk just for a second, if you don't mind, Judge CARTER, about the portrayal of the oil and gas industry as being an evil industry. It's real easy to talk about these big corporations, big oil and gas producers like Exxon and BP. I have got two things to say about that. First of all, I imagine if you have got a retirement plan or pension, you're an owner of one of these oil and gas companies. Your pension plan, your mutual fund, they're all investors in these companies. But that being said, really the bulk of the oil and gas are produced by small businesses, by independent operators who are one, two, three, five, 10, 20-man operations that take a chance, go out there and explore and drill.

□ 2000

And every time they find a prospect, they go out there and raise some money. They put their money on the line. And they are on the line. If they drill a dry hole, they're going to have to struggle to get their next paycheck.

But this is the entrepreneurial spirit that built America. These men and women are not evil. They are our neighbors. They're concerned about the environment. They're concerned about this country. And they want the price of gasoline that you put in your car to be reasonable.

They're not profit gouging. We can show charts about how the price of gas is going up and why it's going up, but it's not that hard a question to look at. If you took a middle school government class and you studied economics and finance, you learned about something called supply and demand. And supply, especially in this country, is down because we can't drill and produce offshore. We can't drill and produce in massive areas of land that's controlled by the Federal Government. And we've got a regulatory scheme that's looking at making new technologies to produce energy that's more expensive and possibly illegal. So the supply is down.

Then you look across the globe at our competitors—China, India, Korea. All of these countries are seeing newfound wealth. The old movies where the Chinese would ride around on bicycles, that's not the way it is in Beijing anymore. The Chinese are driving cars. Their factories are using oil and gas, and they're competing in the international market for that oil and gas.

Our national security, our economic security, and our very freedom lies in exploring, finding, and producing our domestic energy resources. That's the way we're going to keep America free. That's the way we're going to keep the costs of our goods and services down. And that's the way we're going to keep the price of gasoline in check.

Thank you, Judge.

Mr. CARTER. I thank the gentleman.

And reclaiming my time, as an expansion of what you just said, let's talk about some of the things that the Democrats in this House and the President have talked about as the solution to the high price of gasoline. And that is they're going to cut the tax breaks for the oil producers, and they named Chevron, Exxon, BP—what they call the majors. They're going to cut those tax breaks. Therefore, they're going to make sure that those billion dollars worth of profit are not going to be there because they're going to reduce these tax breaks they have given, which they say are billions of dollars.

Well, let's just stop and look at what these tax breaks are about. All the oil and gas produced offshore in other countries is not subject to American taxation, and that's where the majors now produce somewhere between 80 and 90 percent of all their production. In fact, those drilling inside the continental United States, almost all those people drilling shallow water offshore and a few of those people drilling deepwater offshore, none of those people are majors. They're all from, as you were talking about, the entrepreneurial spirit of the wildcatter and the small producer who is going out in an attempt to expand domestic production. By the way, they're the only ones that take advantage of any tax breaks that are there, and they're not billion dollar companies that we use as examples.

So the cuts, the way I understand it, are not even going to affect ExxonMobil or affect Chevron or these big producers from overseas because those tax breaks don't pertain to that production. They only pertain to production in the United States. And those are done by independents. Almost the vast majority are done by independents.

So the only people that get hurt again by the tax policies of the Barack Obama administration are the small business men. Just like everything we see coming down the pike at us seems to be targeted at the small, independent entrepreneur who is trying to make it go.

So don't be misled to think that the majors, where we see all these massive amounts of money they're making, are the targets that are really going to be hit by the shot that our colleagues on the Democrat side of the aisle have proposed that we should take in getting rid of, as they call them, subsidies, which are really tax breaks, to the producers of domestic production.

By the way, all production offshore, they've shut it down. Just recently, Shell Oil Company, after dumping a couple of billion dollars in an offshore operation off the coast of Alaska, pulled out completely because, before they could even get started, after dumping a couple of billion dollars, with a ''b,'' into that production field out there, the EPA came in with more and more stops and stop orders and other things, and they finally threw up their hands and said, We're going someplace else. We're not drilling in American waters anymore. It's not worth it.

So right now where we know we have production for oil and gas, we have an administration that is fighting that production tooth and nail. This has cost jobs in the industry, as we pointed out. This has made our dependence on foreign oil bigger.

Here's the skyrocketing price of the Obama administration since he's been in office. Here is another chart that shows you the offshore field production of crude oil, thousands of barrels per day. And look at this. This is where that production was: 250,000 barrels up to 400,000 barrels; down again, and I guess that was in 1999 during the Clinton administration that it went down;

and back up in the Bush administration. The end of the Bush administration, down to 100,000 barrels of offshore production today. From 400,000 to 100,000 since the Obama administration.

Nobody can argue that the Obama administration is anything but violently opposed to the oil and gas industry. And they are doing everything they can to throw big roadblocks in front of production.

Then you wonder why the speculators are saying the price of a barrel of oil is going up. Because they're speculating. Do you know how many millions of gallons of aviation fuel a company like American Airlines or United Airlines or Continental Airlines, any of these major airlines, burn every week? Do you know what they have to do in order to stay ahead of increasing prices on fuel? They have to speculate on futures on the cost of fuel. And I'm not blaming the airlines. There are plenty of other people that are speculating because they say, Let's see, what's going on in the world? We're finishing up a war in Iraq, which is one of the major producers, but it's been out of the market for years and is barely getting back in. We're sitting here with a moratorium on all the offshore domestic production. We're not opening up any Federal lands for production anywhere in this country. The Obama administration has shut down the leasing practices on any public lands.

By the way, Texas is the only State in the Union that didn't turn their public lands over to the Federal Government. But the rest of the country, in areas like Idaho, Utah, we know there's production up there, up in Wyoming, up in Montana—all that stuff that the Canadians are now producing across the border, the fields on our side of the border are being curtailed by the administration. They just don't want to produce oil. They just want to buy it from foreign sources.

And about these foreign sources, the people who study the market say, My gosh, Libya is not available anymore; Iraq's not available, and what happens if we've got no production at home?

□ 2010

The market looks shaky. We better buy futures on oil. And guess what, the price goes up. Doesn't take a rocket scientist to say they see a shortage coming down the pike, that competing with India and China, two of the biggest competitors we've got for any kind of energy that's out there, and then we're going to sit here and we're not going to buy the chance to buy fuel at a cheaper price now than what it might be 6 months down the road? Of course, speculators are going to do that. Of course, industry is going to do that.

So as my friend, BLAKE, was pointing out, the lack of production, the lack of faith in what this government is going to do to this industry, and the fear that the shutdown will be complete, it just sets up any situation for the price to go up. When the price goes up, then the price of gasoline goes up; and by the way, if you either add more taxes to the cost of the oil production or you take away the tax breaks for oil production, who do you think's going to pay that increase in cost for the oil industry? Well, I will tell you. It's going to be the guys and the gals that are filling their cars up with gasoline at the pump.

To the extent that any business has an increase in cost of their production, they do the very best they can to pass that cost on to the consumer. That's the way any company whether it's steel, whether it's widgets, whether it's buggy whips, whatever it is that you do produce, if your cost goes up, the manufacturer passes on, to the extent that he can and still stay within the price limits that are set not by the government but by the demand of the consumer, then the price goes up.

So you're not going to lower prices by taking away subsidies to the oil and gas industry. The only thing you can do is raise prices. They don't want more prices to discourage production. That's ridiculous. If you have the law of supply and demand and we've got a short supply and you are discouraging production, the price is going up. You learned that in the eighth grade, as BLAKE pointed out. This is not hard stuff. This is easy stuff to figure out. Sometimes I think some of these folks that don't understand the oil business, the only oil they know is what's on the end of their dipstick in the crank case.

But the facts are this product is a major product of the modern society of the American public, and I think the American publics know it, and I don't think they're going to get fooled by demagoguery on these prices.

Does my colleague wish to have more comments?

Mr. FARENTHOLD. If you don't mind, Judge. I wanted to reiterate what you were saying. You know, demonizing the speculators isn't the way to do it. The speculators are the users. They're the airlines. If you want to double what your vacation is going to cost, you take away the airline's ability to hedge their fuel prices, and you know what, if you want to stick it to the speculators, let's open the spigot and those guys betting on higher prices, they are in trouble. They're going to lose some money on that. So I just wanted to definitely reiterate that fact.

And, you know, if you take a look at what this Nation's policy is today on the oil and gas industry, if you were trying to concoct a way to run up gasoline prices, you probably couldn't come up with a better way to do it than we're doing now. It is like we are intentionally trying to raise oil prices. We're limiting production. We're making production more expensive. We're using a regulatory agency to make it more difficult to drill. We're not leasing any of our land. If somebody had come to my office and said, BLAKE, how can we make gasoline more expensive, I'd list out exactly what the executive branch and the Federal agencies, the regulatory agencies are doing. I can't think of a way to run the prices up that they haven't.

If, as we're hearing, the President's goal is to get prices down, the eighth grade is the answer. Increase the supply. That's all it takes. And it's easy to increase the supply. Sure, we can't flip a switch and do it overnight; but in a matter of months, as we open up Federal lands for leasing, as we open the gulf, as we get the permitting process under control, those prices will turn around, and they will go down.

Helping the oil and gas industry lower prices does not mean we abandon alternative energy. All of the above is the answer. I think some people on the other side of this aisle and in other offices in this town believe that it's either/or. Let's strangle the oil and gas companies so our friends in the alternative energy can thrive.

It's not like that. The energy demands of a modern world are such that all-of-the-above is a correct answer. wind, solar, safe nuclear, and a strong reliance on natural gas that is in the ground in supplies just 5 years ago we couldn't have imagined with the breakthroughs in technology for producing shale gas, coal.

There's no one answer. Every watt of electricity, every BTU, everything we do lowers the cost and raises the standard of living of everybody here and abroad.

I am sick and tired of less, less, less, either/or. This is the United States of America. This is the 21st century. Yes, we can, we can have it all, and we start at the pump.

Thank you, Judge.

Mr. CARTER. There are consequences to any action that you take in this town.

I wanted to point out something I said in a committee hearing one time when we were having this debate. I said those people who want to do away with oil and gas and have a wind industry as the solution better strap a sail on their Volkswagen and hope the wind is blowing towards Washington, or tomorrow morning we're going to have a severe employment shortage in the U.S. Capitol; but, seriously, it's more than that.

Look at this quote from the Heritage Foundation. How many jobs does the anti-drilling agenda of this administration cost? The cost in jobs is startling. A new analysis by Louisiana State University Professor Joseph Mason projects national job losses at 19,000 from the drilling moratorium with wage losses at $1.1 billion. About one-third of those jobs are located outside the gulf region.

So not only did the people in the gulf lose jobs and do they continue to lose jobs, but these jobs, believe me, there is somebody somewhere within a hundred-mile radius of where we are right now that is producing something that

goes into the production of oil and gas because it is a nationwide and a worldwide industry. And all of the machinery, and all of the other complicated gauges and all the modernization of the production of petroleum, all of that is far beyond just the State of Texas and Louisiana and the other Gulf States. It actually circumvents the whole globe.

So jobs is another important reason why we have got to do something about this whole concept that this administration seems to have that we are evil because we produce oil and gas; and yet, guess what, States that were criticizing us for production of natural gas 2 years ago are dancing around campfires in their States now that they learned they've got shale oil in their States and some of our Midwest and eastern friends seem to all of the sudden be really excited about the fact that they've discovered they've got shale gas beneath their land and they can produce good, clean natural gas.

□ 2020

I say, more power to them. And I hope they can, and I hope their States and this Federal Government don't throw up roadblocks to the production of that shale gas because it is safe. This fear of fracking is a hoax because we have been doing fracking in the oil industry for 50 years. It's just amazing how all of a sudden a process that is almost normal to production, to get the second round of production out of almost any oil well that was drilled in Texas is using some form of H_2O fracking, water fracking, to get that second round of production out of a well. And people rework and rework and rework existing wells with all types of processes like fracking. Fracturing is what that means.

But are there solutions that can bring the price of oil and gas down? Yes, I think there are.

Here is one that my good friend DOC HASTINGS has proposed: reversing President Obama's offshore moratorium, establishing a national domestic oil and natural gas offshore production goal to ensure a continued development of America's offshore energy sources. That's H.R. 1231. Hopefully, we are going to have that bill on the floor of the House this week or next week. This is important. This is showing real leadership in real energy production. And you see, nothing on there says let's shut down windmill production or let's shut down solar production or let's shut down nuclear production or hydroelectric or anything else. It's saying, let's produce energy in the form of petroleum products.

Another real gas price solution, Restarting American Offshore Leasing Now, H.R. 1230, DOC HASTINGS again. Require the sale of specific offshore leases within set time limits instead of continued administration delays. It is proposed: central gulf leases in the Gulf of Mexico within 4 months, western gulf within 8 months, offshore Virginia within 1 year, additional central Gulf of Mexico by June 1, 2012. This bill sets out a road map to leasing for production in what we consider our Gulf of Mexico.

You know, when it comes to producing products offshore, the first place it ever happened was offshore Texas. And we have considered that gulf to be sort of our little saltwater lake out there ever since. That's not exactly true. In fact, it's not true at all. But the point is, to stop the production that's been going on in the gulf, oh, since I was a small child—and I am no young whipper snapper—well, this starts us back to doing what we do well, producing offshore.

Another DOC HASTINGS bill: this is one, Putting the Gulf of Mexico Back to Work, requiring new safety permits to prevent and combat blowouts before drilling. No one in the industry—and I have talked to literally hundreds of people from the industry—everybody agrees. They were very proud of the fact that until the BP oil spill, oil spills looked like they were going to be a thing of the far ancient past because that Mexico blowout was, what, 20-something years old.

Mr. FARENTHOLD. I was a child.

Mr. CARTER. It would require the Secretary to decide on issuing a permit within 30 days of the application with two 15-day extensions possibly being allowed and provide drilling companies with speedy Fifth Circuit Court access if the government violates the law in denying or ignoring the permitting process.

Those are good solutions because not only does it set a standard that the Congress should impose upon the Secretary. In addition, it gives a recourse, the kind of recourse we're supposed to have on these issues of whether or not to drill, and that is to go to the courthouse and let the justice system prevail. So let's go to the Fifth Circuit, who has already spoken once, pretty loudly, and let them speak again.

There is one more that I don't seem to have and that is, we need to open up the leasing for our public lands in the West. The States of Utah and Idaho and Wyoming and Montana, we are well aware and are very knowledgeable about the amount of a certain kind of heavy petroleum that is available in those areas, North Dakota, probably South Dakota. We are already finding a lot in North Dakota.

But all of a sudden, it too is struggling to get permits to continue to drill on federally owned public land. And let's always remember those words ''public land.'' It's not the U.S. Government's land. The U.S. Government is holding it for the American public. And if we need to lower our prices and have efficient production, we should go where the oil is.

I had one of my colleagues one day who said, I don't know why you Texans always just want to drill anywhere. If you want to drill, why don't you just drill in your own backyard where you have a say about it? Well, if there was oil down beneath my backyard, you could bet your soul I would drill back there in a heartbeat because I am not worried about—in fact, I would be glad to cut the grass around a producing oil well all day long in my backyard. It won't hurt my feelings at all. And I don't think anybody that knows anything about the industry would feel any way other than that.

It's almost a comment on the industry. When you pull out of Dallas/Fort Worth Airport, the DFW Airport, at the entrance, right to your right is a pumping oil and gas well that was drilled within the last 3 years. Right there, practically downtown Dallas, because they have discovered a field out their way. So we know it can be done and done safely. We have to get on it.

The New York Times—certainly not any bastion of conservative values—has a little article here: U.S. consumer prices are up 5 percent, pushed mainly by food and gas. They will reaffirm they are going to finish quantitative easing—that's this dollar thing I was talking about—but the central bank would remain concerned about the inflation expectation of consumers who would demand higher wages for businesses. And it could raise prices and perhaps cut spending.

What that's all about is, one of the price gauging things that you got that they are accusing the industry of doing is the fact that we have dumped trillions of dollars into our economy for this quantitative easing of the economy.

You know, as you've heard from this very House floor, is how much this body has spent in stimulus and in TARP and in other things in the last couple of years, trillions and trillions of dollars. More money has this organization spent, the Congress of the United States, signed by the President, than in the history of the country. And yet besides that, our Treasury has been printing money to supposedly ease the economy; and they are literally putting more dollars in circulation which, in turn, devalues the value of the American dollar.

When the value of the American dollar goes down, the price goes up because an apple has a worth. There is a worth, a cost to that apple, and there is a value to that apple on the market. And if the value before we dumped cash into the system was $2, and you dump all this, then it will be $3 or maybe $4, not because the apple's changed but because the dollar's changed, and the dollar is worth less.

Why do you think—and by the way, nobody goes to Mexico in Texas anymore. But if you did, and you went across the border, like some idiot who got shot by the terrorists over there—but if you did, you would find that they won't even take American dollars in border towns anymore in Mexico. This was written up in some of the border papers. The American dollar is not wanted in Mexico because they are concerned about it losing its value. It used

to be the peso that we worried about losing its value. Something has gone haywire.

□ 2030

But as we devalue our dollar and we create a shortage of our gas and oil, it's no surprise at all that the byproducts of those two products, which is gasoline and diesel, is going up. And it has gone up. And if we don't do something about getting back into domestic production, it's going to go up some more.

And if the world perceives that the greatest consumer of energy on this Earth is going to have a huge demand when the supply goes down, and they've bought futures on that supply, they're going to get rich. That's not the oil companies we're talking about; that's the people who speculate and the people who cover their energy needs. And by the way, these same speculators are buying futures on oil and gas from China, from Russia, from India, and from other people and from Western Europe to compete for the world market.

We have the golden opportunity to at least produce what we can produce. And I'm not in any way cutting down any other energy source. I'm saying all of the above is the solution. But drilling anywhere that it is effective, and drilling now is the important thing.

And those people who think that anywhere you stick an oil well down there's oil just don't understand oil. They think there's natural gas under any ground; they just don't understand natural gas. And by the way, when Blake was talking about these independents that drill an oil well, the average cost of an oil well that is not that deep is about a million bucks. So when you go out and gamble $1 million and come up dry, and you have to drill another well and gamble another million dollars, you know, these guys are the true entrepreneurs of this country, and they can lose their shirt and then get lucky and find an oil well and get their shirt back, but that's the world they live in.

That's the world of exploration for energy. And we're not ashamed of it. We're proud of it. We're proud that we still have people who are willing to take the risks that it takes to prosper in America. Our economy, our world of commerce in this country is built upon the risk takers. It's those who invest their capital and their labor into trying to produce a product and how they, between those two, they have some successes and they live through their failures. And, unfortunately, we've become a world that thinks anybody that slips up on any form or fashion, we need to bail them out. I've got problems with that.

Finally, another newspaper article. The Examiner says: oil imports spike as Obama oil ban decreases domestic production. This was April 29, 2011. This isn't very far past. While oil production in the gulf is down more than 10 percent from April 2010, it estimates net crude oil imports are up by 5 percent. More imported oil also means higher prices at the pumps. So direct result of the actions of the Obama administration.

We have the price of oil going up. So tomorrow morning, when you go out there and you fill up whatever you're driving, whether it's a SmartCar or a hybrid that runs on both electricity and gasoline, or whether you're filling up your Suburban, you know, we've got fleets of Suburbans in this town. This is supposed to be the conservation capital of the world. Look around Washington, D.C. There's a black Suburban on every corner. Sometimes a whole parade of black Suburbans goes by. Not picking on Suburbans. I've owned five of them. Good cars, but they burn a lot of gas. And you fill one up you'd better have a pretty good size pocket because you fill up an empty Suburban at $5 a gallon gasoline and you're going to need a bank loan because that sucker will take $100-something to fill that thing up.

And that's the consequences of trying to curtail one industry to enhance another. And that's not the way Americans are supposed to operate. Let's take our going concern and keep it going, and let's build up these alternative energies, and when they are competitive in the world market, turn them loose, stop subsidizing everybody and let them compete. And may God bless every one of them. That's the way Americans are supposed to operate.

Until we get back to operating that way, we're going to find ourselves in this up-and-down world of shortages. And we're going to find ourselves also in a final world of unemployment because since this recession, there's only one place on Earth in the U.S. where jobs are increasing, and that's right here where we're standing. Federal employment is up 11.7 percent, and the private economy is down 6.1 percent. These are changes of employment since 2007.

So the only people creating jobs are Federal jobs. And I would argue that's not the way it's supposed to work. It's all part of a policy which is misdirected. And I would say, because they don't understand the nature of the industries they're dealing with and they really don't realize how many BTUs of energy it takes to run these lights in this building, but it's a ton of them. And I could tell you, my daddy sold natural gas for 40 years of his life, and he sold it cheap. If he was alive today, he'd crawl out of his grave. If he knew about the price today, he'd crawl out of his grave and start selling natural gas. But that price has been driven up by the demand.

We've got this resource. This resource, we can use it cleanly. We can protect our environment. We can live a good life, and we can live the American Dream. But you can't do it by trying to kill one industry to enhance another. And I would argue that that is what we've been doing under the Obama administration. And I have a fervent hope that they see the light and back off and let us go back into production of oil and gas and the other natural resources of this great Nation so that we can maintain our status as the best country on Earth and the best country that cares about the average guy and tries to keep prices affordable to the average guy.

The price gouging that they are accusing of is nothing more than a misinterpretation of the law of supply and demand. And that misinterpretation is hurting the little man in America. It's time to change the policy, and let's all hope and pray that this administration wakes up to many things, but this is one of them. And if they'll wake up to an energy policy that makes sense, we will see the future bright.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for May 2 on account of airline flight delays.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 4, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1363. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-8863-8] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1364. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0101; FRL-8868-7] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1365. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2009-0325; FRL-8868-6] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1366. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethiprole; Pesticide Tolerances [EPA-HQ-OPP-2009-0493; FRL-8863-1]

received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1367. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1368. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Personal Transaction in Securities [Docket ID: OTS-2007-0010] (RIN: 1550-AC16) received April 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1369. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Unlimited Coverage for Noninterest-Bearing Transaction Accounts; Inclusion of Interest on Lawyers Trust Accounts (RIN: 3064-AD37) received April 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1370. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System Identification and Listing of Hazardous Waste; Final Exclusion [EPA-R03-RCRA-2010-0132; FRL-9285-7] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1371. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions [EPA-HQ-OAR-2004-0014: FRL-9280-8] (RIN: 2060-AQ73) received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1372. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0794; FRL-9297-2] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1373. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Gila River Indian Community's Tribal Implementation Plan [EPA-R09-OAR-2007-0296, FRL-9259-9] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1374. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Lithographic and Letterpress Printing in Cleveland [EPA-R05-OAR-2010-0259; FRL-9285-4] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1375. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Alabama: Final Disapproval of Revisions to the Visible Emissions Rule [EPA-R04-OAR-2005-AL-0002-201047; FRL-9290-3] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1376. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Alternative Fuel Vehicle and Engine Conversions [EPA-HQ-OAR-2009-0299; FRL-9289-7] (RIN: 2060-AP64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1377. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Issued to Chemical Waste Management in Kettleman Hills, CA [EPA-HQ-RCRA-2010-0851; FRL-9290-6] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1378. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry [EPA-HQ-OAR-2010-0600; FRL-9291-3] (RIN: 2060-AO91) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2010-0307; FRL-9291-1] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources; Hospital/Medical/Infectious Waste Incinerators [EPA-HQ-OAR-2006-0534; FRL-9289-6] (RIN: 2060-AQ24) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1381. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2010-1082] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; 23rd Annual North American International Auto Show, Detroit River, Detroit, MI [Docket No.: USCG-2010-1133] (RIN: 1625-AA87) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District; Stay (Suspension) [USCG-2010-1115] (RIN: 1625-AA11) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1384. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Traffic Separation Schemes: In the approaches to Portland, ME; in the approaches to Boston, MA; in the approaches to Narragansett Bay, RI and Buzzards Bay, MA; in the approaches to Chesapeake Bay, VA, and in the approaches to the Cape Fear River, NC [Docket No.: USCG-2010-0718] (RIN: 1625-AB55) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1385. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Notice of Arrival on the Outer Continental Shelf [Docket No.: USCG-2008-1088] (RIN: 1625-AB28) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Michoud Slip Position 30 degrees 0'34.2''N, 89 degrees 55'40.7'' W to Position 30 degrees 0'29.5'' N, 89 degrees 55'52.6'' W [Docket No.: USCG-2010-1087] (RIN: 1625-AA87) received March 23,2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New Year's Celebration for the City of San Francisco, Fireworks Display, San Francisco, CA [Docket No.: USCG-2010-1108] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaufort River/Atlantic Intracoastal Waterway, Beaufort, SC [Docket No.: USCG-2010-0995] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions for the Baltimore Captain of Port Zone [Docket No.: USCG-2010-1136] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 500 yards North and South, bank to bank, of position 29 degrees 48.77'N 091 degrees 33.02'W, Charenton Drainage and Navigation Canal, St. Mary Parish, LA [Docket No.: USCG-2010-1120] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY [Docket No.: USCG-2010-1126] (RIN: 1625-AA00) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1392. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2011-29) received April 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 754. A bill to authorize appropriations for fiscal year 2011 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; with an amendment (Rept. 112–72). Referred to the Committee of the Whole House on the State of the Union.

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. STARK (for himself, Mr. FILNER, Ms. MOORE, Mr. JACKSON of Illinois, Ms. CHU, Ms. BERKLEY, Mr. QUIGLEY, Ms. TSONGAS, Mr. WAXMAN, Mr. SERRANO, Mr. SABLAN, Mr. HASTINGS of Florida, Mr. ELLISON, Mrs. DAVIS of California, Mr. OLVER, Ms. LEE of California, Mr. WU, Mr. POLIS, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. GUTIERREZ, Mr. ROTHMAN of New Jersey, Ms. RICHARDSON, Ms. NORTON, Ms. MATSUI, Mr. MORAN, Ms. BALDWIN, Ms. ESHOO, Mr. NADLER, Ms. DELAURO, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. PINGREE of Maine, and Mr. WEINER):

H.R. 1681. A bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved; to the Committee on Ways and Means.

By Mr. ROSS of Arkansas:

H.R. 1682. A bill to promote alternative and renewable fuels and domestic energy production, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mrs. MCMORRIS RODGERS, Mr. UPTON, Mr. PITTS, Mr. HARPER, and Mr. LANCE):

H.R. 1683. A bill to restore the longstanding partnership between States and the Federal Government in managing the Medicaid program; to the Committee on Energy and Commerce.

By Ms. SUTTON (for herself, Mr. MCKINLEY, Mr. LIPINSKI, Mr. BISHOP of New York, Mr. JONES, Mr. BRALEY of Iowa, Mr. DEFAZIO, Mr. MICHAUD, Ms. DELAURO, Mr. SARBANES, Mr. COHEN, Mr. YARMUTH, Mr. GEORGE MILLER of California, Mr. LYNCH, Ms. KAPTUR, Mr. GENE GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. HIRONO, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. ANDREWS, Ms. EDWARDS, Mr. LEWIS of Georgia, Mr. TONKO, Mr. COURTNEY, Mr. DINGELL, Mr. FILNER, Mr. GARAMENDI, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. PINGREE of Maine):

H.R. 1684. A bill to require the use of American iron, steel, and manufactured goods in the construction, alteration, and repair of public water systems and treatment works; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. MARKEY, Mr. MCNERNEY, and Ms. ESHOO):

H.R. 1685. A bill to establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Oversight and Government Reform, Ways and Means, and 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. SHIMKUS (for himself, Mr. KINZINGER of Illinois, and Mr. RUSH):

H.R. 1686. A bill to designate the facility of the United States Postal Service located at 200 South Morgan Street in Shelbyville, Illinois, as the ''Jesse M. Donaldson Post Office''; to the Committee on Oversight and Government Reform.

By Mr. SHIMKUS (for himself, Mr. ENGEL, Mr. BARTLETT, and Mr. ISRAEL):

H.R. 1687. A bill to amend chapter 329 of title 49, United States Code, to ensure that new vehicles enable fuel competition so as to reduce the strategic importance of oil to the United States; to the Committee on Energy and Commerce.

By Mr. RUNYAN:

H.R. 1688. A bill to provide for pay parity for civilian employees serving at joint military installations; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of New York (for himself, Mr. FILNER, Ms. SCHWARTZ, Ms. LEE of California, Ms. HIRONO, Mrs. MALONEY, Mr. ENGEL, Mr. CARNEY, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Ms. MOORE, Ms. LINDA T. SÁNCHEZ of California, Mr. ACKERMAN, Mr. DEUTCH, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. RUSH, Mr. YARMUTH, Mr. VAN HOLLEN, Mr. HOLT, Ms. CASTOR of Florida, Mr. JOHNSON of Georgia, Mr. CARNAHAN, Mr. HINCHEY, Mr. WELCH, Mr. KILDEE, Mr. TONKO, Mr. FARR, Ms. HANABUSA, Mr. QUIGLEY, Mr. CICILLINE, Mrs. LOWEY, Mr. KEATING, Mr. CONYERS, Mr. NADLER, Ms. KAPTUR, Ms. NORTON, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. BASS of California, Ms. MCCOLLUM, Mr. BRALEY of Iowa, Mr. MEEKS, Ms. SLAUGHTER, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. ISRAEL, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. HIGGINS, Ms. SUTTON, and Mr. SERRANO):

H.R. 1689. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for income attributable to domestic production activities with respect to oil and gas activities of major integrated oil companies; to the Committee on Ways and Means.

By Mr. ROGERS of Alabama (for himself, Mr. MCCAUL, Mr. WALSH of Illinois, and Mr. BROOKS):

H.R. 1690. A bill to amend titles 49 and 46, United States Code, and the Homeland Security Act of 2002 to provide for certain improvements in surface transportation security, and for other purposes; to the Committee on Homeland Security.

By Ms. RICHARDSON:

H.R. 1691. A bill to clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees; to the Committee on Transportation and Infrastructure.

By Ms. HIRONO:

H.R. 1692. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants to schools for the development of asthma management plans and the purchase of asthma medications and devices for emergency use, as necessary; to the Committee on Education and the Workforce.

By Mr. CARNEY:

H.R. 1693. A bill to amend the Internal Revenue Code of 1986 to make the research credit permanent and to increase the alternative simplified research credit; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 1694. A bill to require the President to issue guidance on Federal response to a large-scale nuclear disaster; to the Committee on Transportation and Infrastructure.

By Ms. ESHOO (for herself, Mr. WAXMAN, Mr. MARKEY, Ms. MATSUI, and Ms. WOOLSEY):

H.R. 1695. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduit be installed as part of certain highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH:

H.R. 1696. A bill to establish an Office of Public Advocate within the Department of Justice to provide services and guidance to citizens in dealing with concerns involving the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. LUETKEMEYER:

H.R. 1697. A bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 1698. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself and Mr. WEST):

H.R. 1699. A bill to prohibit assistance to Pakistan; to the Committee on Foreign Affairs.

By Mr. PRICE of Georgia (for himself and Mr. SESSIONS):

H.R. 1700. A bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS:

H.R. 1701. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, to designate the Red Table Mountain, Pisgah Mountain, Castle Peak, Tenmile, Hoosier Ridge, and Porcupine Gulch Special Management Areas, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY (for himself, Mr. WALZ of Minnesota, and Mr. PETERS):

H.R. 1702. A bill to amend the Internal Revenue Code of 1986 to allow the mortgage interest deduction with respect to boats only if the boat is used as the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself and Mr. MURPHY of Pennsylvania):

H.R. 1703. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 1704. 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; to the Committee on Education and the Workforce.

By Ms. JACKSON LEE of Texas (for herself, Mr. KINGSTON, Mr. RUPPERSBERGER, Mr. DICKS, Ms. KAPTUR, Mr. LIPINSKI, Mr. REYES, Mr. JONES, Mr. LANCE, Mr. WILSON of South Carolina, Mr. LOEBSACK, Mr. WEST, Mrs. MALONEY, Mr. TIERNEY, Mr. MCCAUL, Mr. CUELLAR, Mr. CUMMINGS, Mr. HOYER, Mr. COHEN, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. BOSWELL, Mr. HINOJOSA, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. LARSON of Connecticut, Ms. RICHARDSON, Ms. BASS of California, Mr. SMITH of Washington, Mr. SHULER, Mr. LYNCH, Mr. BOREN, Mr. BARROW, Mrs. SCHMIDT, Mr. MATHESON, Mr. SMITH of Nebraska, Mr. CHANDLER, Mr. ROSS of Arkansas, Mr. RANGEL, and Ms. BERKLEY):

H. Res. 240. A resolution commending President Barack Obama and the men and women of the military and intelligence agencies for the successful completion of the operation that led to the death of Osama bin Laden; to the Committee on Armed Services, and in addition to the Committees on Intelligence (Permanent Select), and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H. Res. 241. A resolution honoring the members of the United States Armed Forces, the intelligence community, and the Obama and Bush Administrations whose dedicated service brought the murderous terrorist leader Osama bin Laden to justice; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), 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. BASS of California (for herself and Mr. MCDERMOTT):

H. Res. 242. A resolution recognizing May as ''National Foster Care Month''; to the Committee on Ways and Means.

By Ms. CHU (for herself, Mr. WU, Ms. LEE of California, Ms. MATSUI, Mr. HONDA, Mr. STARK, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. SPEIER, Mr. FALEOMAVAEGA, Mr. SCHIFF, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. AL GREEN of Texas, Mr. ELLISON, Mr. RUSH, Mr. CLAY, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. GEORGE MILLER of California, Mr. SABLAN, Mr. NADLER, Ms. BORDALLO, Mr. CROWLEY, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. MALONEY, Ms. HANABUSA, Mr. CONNOLLY of Virginia, Ms. HIRONO, Ms. WOOLSEY, Mr. LARSON of Connecticut, Mr. ROTHMAN of New Jersey, Mr. FILNER, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Mr. BLUMENAUER, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Mr. CLARKE of Michigan, Mr. BECERRA, Mr. CONYERS, Ms. SCHAKOWSKY, and Mr. MCNERNEY):

H. Res. 243. A resolution celebrating Asian/Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 244. A resolution expressing the sense of the House of Representatives that a Palestinian government which includes Hamas should be prohibited from receiving United States aid until that government publicly commits to the Quartet principles; to the Committee on Foreign Affairs.

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. STARK:

H.R. 1681.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of article I of the Constitution

Section 5 of Amendment XIV to the Constitution

By Mr. ROSS of Arkansas:

H.R. 1682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution which states that Congress has the power ''. . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. GINGREY of Georgia:

H.R. 1683.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation is based is found in Article I, Section 8, Clause 1 of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Ms. SUTTON:

H.R. 1684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mrs. BIGGERT:

H.R. 1685.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SHIMKUS:

H.R. 1686.

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 establish post offices and post roads as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. SHIMKUS:

H.R. 1687.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 Clause 3 of the United States Constitution.

By Mr. RUNYAN:

H.R. 1688.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BISHOP of New York:

H.R. 1689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 1 and the 16th Amendment

By Mr. ROGERS of Alabama:

H.R. 1690.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. RICHARDSON:

H.R. 1691.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. HIRONO:

H.R. 1692.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CARNEY:

H.R. 1693.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

By Mr. ENGEL:

H.R. 1694.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United states Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Ms. ESHOO:

H.R. 1695.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

Article I, Section 8, Clause 18:

''To make all laws which shall be necessary and proper.''

By Mr. GERLACH:

H.R. 1696.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. LUETKEMEYER:

H.R. 1697.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

Additionally, the constitutional authority on which the tax provisions of this bill rest is the power of Congress to explicitly 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; and therefore implicitly allows Congress to reduce taxes; as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. MYRICK:

H.R. 1698.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 18 of Article 1 of the US Constitution

By Mr. POE of Texas:

H.R. 1699.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7

By Mr. PRICE of Georgia:

H.R. 1700.

Congress has the power to enact this legislation pursuant to the following:

The Fifth Amendment provides that no person shall be deprived of life, liberty, or property, without due process of law. This bill ensures that the rights of Medicare beneficiaries to independently contract are not infringed by the federal government.

By Mr. POLIS:

H.R. 1701.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. QUIGLEY:

H.R. 1702.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. VISCLOSKY:

H.R. 1703.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution

By Ms. WOOLSEY:

H.R. 1704.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. NUNNELEE, Mr. GARDNER, and Mr. WOMACK.

H.R. 10: Mrs. BLACK.

H.R. 25: Mr. ROE of Tennessee.

H.R. 49: Mr. GARY G. MILLER of California and Mr. FLEISCHMANN.

H.R. 96: Mr. FARENTHOLD.

H.R. 100: Mr. FRANKS of Arizona, and Mr. ROSS of Florida.

H.R. 104: Mr. GEORGE MILLER of California, Mr. CONNOLLY of Virginia, Mr. KINGSTON, and Mr. CARNAHAN.

H.R. 140: Mr. ADERHOLT.

H.R. 149: Mr. DUNCAN of Tennessee and Mr. ROSS of Florida.

H.R. 150: Mr. DUNCAN of Tennesse and Mr. ROSS of Florida.

H.R. 166: Mr. RYAN of Wisconsin.

H.R. 177: Mr. FLORES.

H.R. 178: Mr. TIERNEY, Mr. GONZALEZ, Ms. PINGREE of Maine, Mr. CUMMINGS, Mr. MILLER of Florida, Mr. PLATTS, Mr. STIVERS, Mr. CICILLINE, Mrs. DAVIS of California, Mr. POSEY, and Mr. GRIFFIN of Arkansas.

H.R. 181: Mr. PLATTS, Mr. STIVERS, Mr. POSEY, and Mr. WEST.

H.R. 198: Mr. WEST.

H.R. 208: Mr. STIVERS.

H.R. 219: Mr. AUSTRIA.

H.R. 234: Mr. GRIFFIN of Arkansas and Mr. WESTMORELAND.

H.R. 245: Mr. JONES.

H.R. 320: Mr. ISSA, Mr. CRENSHAW, Mr. BILBRAY, Mr. LEWIS of California, Mrs. BLACKBURN, Mr. GARY G. MILLER of California, Mr. BACA, Mr. DICKS, Mr. BURTON of Indiana, Mr. PETERSON, Mr. MCKEON, Mr. THORNBERRY, and Mr. CAMPBELL.

H.R. 365: Mr. LONG.

H.R. 371: Mr. HULTGREN.

H.R. 421: Mr. HUIZENGA of Michigan, Mr. ROE of Tennessee, Mr. CARTER, Mr. CULBERSON, and Mrs. LUMMIS.

H.R. 452: Mr. DAVIS of Kentucky, Mr. JOHNSON of Ohio, and Mr. CANSECO.

H.R. 458: Mr. CONYERS, Ms. FUDGE, Ms. ZOE LOFGREN of California, and Mr. PAYNE.

H.R. 459: Mr. TIERNEY, Mr. YARMUTH, Mr. STARK, Mr. RUNYAN, and Mr. HUELSKAMP.

H.R. 469: Mr. RUSH.

H.R. 520: Mr. COHEN.

H.R. 521: Mr. FARR.

H.R. 546: Ms. BROWN of Florida, Mr. GARY G. MILLER of California, Mr. COLE, Mr. TURNER, Mr. ELLISON, Mrs. BIGGERT, and Mr. BARTON of Texas.

H.R. 567: Mr. HANNA.

H.R. 574: Mr. FRANK of Massachusetts.

H.R. 598: Mr. VAN HOLLEN.

H.R. 601: Mr. PETERS.

H.R. 612: Mr. BLUMENAUER.

H.R. 613: Ms. SUTTON.

H.R. 615: Mr. GRAVES of Georgia, Mr. HANNA, Mr. LANKFORD, Mrs. BLACKBURN, and Mrs. ADAMS.

H.R. 634: Mr. MCCOTTER.

H.R. 676: Mr. WELCH.

H.R. 687: Mr. GINGREY of Georgia.

H.R. 693: Mr. BARLETTA.

H.R. 758: Mr. KLINE.

H.R. 763: Mr. SHUSTER and Mr. OWENS.

H.R. 764: Ms. GRANGER and Mr. HULTGREN.

H.R. 777: Mr. TERRY and Ms. PINGREE of Maine.

H.R. 780: Mr. DAVIS of Illinois.

H.R. 820: Ms. CHU, Mr. CONYERS, Mr. PASTOR of Arizona, and Mr. RYAN of Ohio.

H.R. 822: Mrs. ROBY, Mr. RIGELL, and Mr. CRAWFORD.

H.R. 831: Ms. SCHWARTZ.

H.R. 835: Mr. REICHERT.

H.R. 860: Ms. SUTTON, Mrs. NAPOLITANO, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHOCK, Mr. PAUL, Mr. FARR, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. GONZALEZ, Mr. CAPUANO, Mr. COURTNEY, Ms. LEE of California, Ms. DELAURO, Ms. ROS-LEHTINEN, Mr. JOHNSON of Georgia, Mr. MORAN, Mr. FRANK of Massachusetts, Mr. YARMUTH, and Mr. LUETKEMEYER.

H.R. 870: Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. GRIJALVA, and Mr. PAYNE.

H.R. 883: Mr. PAYNE.

H.R. 885: Ms. PINGREE of Maine and Ms. BALDWIN.

H.R. 890: Mr. ROSS of Florida, Mr. PENCE, Mr. ROTHMAN of New Jersey, Mr. VAN HOLLEN, Mrs. MYRICK, and Mr. SCHIFF.

H.R. 895: Ms. JENKINS.

H.R. 931: Mr. ROSS of Florida.

H.R. 948: Mr. COHEN.

H.R. 964: Ms. CHU, Mr. CICILLINE, Ms. SLAUGHTER, Mr. RUSH, and Mr. ROTHMAN of New Jersey.

H.R. 969: Mr. MARCHANT.

H.R. 971: Mr. RUPPERSBERGER.

H.R. 972: Ms. JENKINS, Mr. NUGENT, and Mr. SCALISE.

H.R. 991: Mr. WITTMAN, Mr. CONAWAY, Mr. CARTER, and Mr. SIMPSON.

H.R. 993: Mr. NEUGEBAUER.

H.R. 998: Mr. REYES and Mr. WALZ of Minnesota.

H.R. 1001: Ms. WOOLSEY, Mr. MCGOVERN, Mr. ACKERMAN, Mr. WEINER, Mr. DEUTCH, and Mr. BACA.

H.R. 1004: Mr. MURPHY of Connecticut and Mr. GERLACH.

H.R. 1005: Mr. TIERNEY.

H.R. 1006: Mr. DOLD.

H.R. 1041: Mr. JOHNSON of Ohio, Mr. ISRAEL, and Mrs. MILLER of Michigan.

H.R. 1057: Ms. RICHARDSON, Mr. CONYERS, Mr. CHANDLER, Mrs. EMERSON, and Ms. CASTOR of Florida.

H.R. 1105: Ms. RICHARDSON, Mr. HIGGINS, Ms. BORDALLO, Mr. FILNER, and Ms. MOORE.

H.R. 1112: Mr. HENSARLING.

H.R. 1130: Mr. PLATTS.

H.R. 1134: Mr. GRIFFIN of Arkansas and Mr. ROSS of Florida.

H.R. 1154: Mr. DOLD.

H.R. 1167: Mr. LANKFORD and Mr. LAMBORN.

H.R. 1173: Mr. BURTON of Indiana.

H.R. 1181: Mrs. MILLER of Michigan.

H.R. 1183: Mr. FARR.

H.R. 1185: Mr. PAUL.

H.R. 1206: Mr. WALBERG, Mr. KINZINGER of Illinois, and Mr. RIBBLE.

H.R. 1208: Mr. SARBANES, Ms. KAPTUR, and Mr. FILNER.

H.R. 1211: Mr. KING of Iowa.

H.R. 1254: Mr. DOLD.

H.R. 1259: Mr. POMPEO, Mr. RENACCI, Mr. LAMBORN, and Mr. KELLY.

H.R. 1293: Ms. MCCOLLUM, Mr. GRIJALVA, Mr. RUSH, and Mr. MCGOVERN.

H.R. 1319: Mr. FARR.

H.R. 1325: Mr. ROSS of Arkansas and Mr. BARROW.

H.R. 1334: Mr. STARK.

H.R. 1342: Mr. DESJARLAIS, Mr. COSTELLO, and Mr. INSLEE.

H.R. 1356: Mr. ROSS of Florida.

H.R. 1370: Mr. SCHWEIKERT.

H.R. 1380: Mr. COFFMAN of Colorado.

H.R. 1385: Mr. PETRI.

H.R. 1386: Mr. PAYNE.

H.R. 1391: Mr. CHAFFETZ, Mr. DUNCAN of South Carolina, Mr. SMITH of Nebraska, Mr. BOSWELL, and Ms. JENKINS.

H.R. 1397: Mr. PAYNE.

H.R. 1398: Mr. KINZINGER of Illinois.

H.R. 1407: Mr. LOBIONDO.

H.R. 1409: Mr. DUNCAN of Tennessee.

H.R. 1422: Mr. COURTNEY.

H.R. 1441: Mr. LOEBSACK.

H.R. 1448: Mr. CONYERS and Mr. VAN HOLLEN.

H.R. 1456: Mr. WELCH.

H.R. 1474: Mr. HALL.

H.R. 1475: Ms. MCCOLLUM and Mr. ELLISON.

H.R. 1479: Mr. PETRI.

H.R. 1501: Mr. JOHNSON of Ohio.

H.R. 1523: Mr. WU, Mr. KILDEE, Mr. PLATTS, Mr. COHEN, and Mr. DIAZ-BALART.

H.R. 1525: Mr. HINOJOSA.
H.R. 1536: Mr. CANSECO.
H.R. 1541: Mr. MCCOTTER.
H.R. 1545: Mr. FARENTHOLD.
H.R. 1558: Mr. AUSTIN Scott of Georgia, Mr. CANSECO, and Mr. KISSELL.
H.R. 1571: Mr. LUETKEMEYER.
H.R. 1573: Mr. JOHNSON of Illinois, Mr. NEUGEBAUER, Mrs. SCHMIDT, Mr. THOMPSON of Pennsylvania, Mr. CRAWFORD, Mrs. ELLMERS, Mr. GIBBS, Mr. GIBSON, Mr. HULTGREN, Mr. RIBBLE, Mr. AUSTIN SCOTT of Georgia, Mr. KINGSTON, Mr. HENSARLING, Mr. HANNA, and Ms. JENKINS.
H.R. 1574: Mr. COSTELLO, Mr. FILNER, Mr. WAXMAN, Mr. MORAN, Mr. PAYNE, Mr. OLVER, and Mr. JACKSON of Illinois.
H.R. 1588: Mr. HASTINGS of Florida and Mr. LUETKEMEYER.
H.R. 1596: Mr. NADLER, Mr. GRIJALVA, and Mrs. CAPPS.
H.R. 1605: Mr. RENACCI.
H.R. 1620: Mr. COFFMAN of Colorado.
H.R. 1639: Mr. ROGERS of Kentucky, Mr. PAUL, and Mr. ROSS of Florida.
H.R. 1646: Mr. MICA.
H.R. 1655: Mr. SIRES.
H.R. 1675: Mr. TIBERI.
H.J. Res. 42: Mr. HUNTER and Mr. GRIFFITH of Virginia.
H.J. Res. 56: Mr. AMASH and Mrs. MILLER of Michigan.
H. Con. Res. 25: Mr. PLATTS.
H. Con. Res. 39: Mr. WESTMORELAND.
H. Con. Res. 40: Mr. LEVIN.
H. Res. 25: Mr. BISHOP of Utah, Mrs. MCCARTHY of New York, Mr. BROOK, Mr. WALSH of Illinois, and Mr. CLEAVER.
H. Res. 81: Mr. HOLT.
H. Res. 137: Mr. HONDA and Ms. PINGREE of Maine.
H. Res. 208: Mr. DUNCAN of Tennessee.
H. Res. 209: Mr. DUNCAN of Tennessee.
H. Res. 227: Mr. HINOJOSA, Mr. HOLDEN, Ms. SUTTON, Mr. PAYNE, Mr. DEUTCH, Mr. ROTHMAN of New Jersey, Mr. LEVIN, and Mr. HOLT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1081: Mr. WILSON of South Carolina.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1229

OFFERED BY: MR. BUCHANAN

AMENDMENT NO. 1: At the end of the bill add the following new title:

TITLE ____—DENIAL OF LEASES AND PERMITS FOR ENGAGING IN ACTIVITIES WITH FOREIGN GOVERNMENTS SUBJECT TO EMBARGO

SEC. __ 01. AUTHORITY TO DENY OIL AND GAS LEASES AND PERMITS TO PERSONS WHO ENGAGE IN ACTIVITIES WITH CERTAIN FOREIGN COUNTRIES.

Section 8(Q) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

''(9) The Secretary may deny issuance of an oil and gas lease under this Act, or a permit for exploration, development, or production under such a lease, to any person that has engaged in activities with the government of any foreign country that is subject to any sanction or an embargo established by the Government of the United States, including any sanction or embargo established under section 203 of the Emergency Economic Powers Act (50 U.S.C. 1702).''.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, MAY 3, 2011 *No. 58*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Almighty and eternal God, we desire to honor Your holy name. Thank You for blessing us to see the sunlight of a new day. Today, lift the minds of our lawmakers above the things that distract them from doing Your will. May their hearts be fully focused on fulfilling Your purposes as they strive to live for Your glory. Lord, give them the wisdom to use all their powers to serve You, seeking Your approval for each critical decision they make. Let Your favor delight them and Your presence sustain them in every season of life.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business until 5 p.m. this evening. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes.

The Senate will recess from 12:30 to 2:15 to allow for our weekly caucus meetings. We expect to have a rollcall vote this afternoon on the adoption of the resolution commending our Armed Forces and the intelligence community regarding the death of bin Laden. Senators will be notified when that vote is scheduled.

Additionally, there is a Senators-only briefing today—it is classified—on the U.S. operation that killed Osama bin Laden. That will be at 5 p.m. today in the Visitor Center.

CIA Director Leon Panetta will be there; Vice Chairman of the Joint Chiefs of Staff James Cartwright will be there; National Counter Terrorism Center Director Michael Leiter will be there; and Deputy Secretary of State James Steinberg.

ORDER OF PROCEDURE

Last night I filed cloture on the small business jobs bill, S. 493. Senators should expect a cloture vote to occur tomorrow morning. I ask unanimous consent that the filing deadline for all first-degree amendments be at 2:30 p.m. today for S. 493.

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

Mr. REID. Additionally, I also filed cloture on the nomination of John McConnell of Rhode Island to be a district judge for the District of Rhode Island. This vote may also occur tomorrow morning.

SBIR/STTR

The bill before this body today, the small business innovation bill, is the latest in a series of bills we have written to help small businesses grow. It supports a research and development program—the Small Business Innovation Research Program—that has helped tens of thousands of small businesses create jobs and shape the future.

This bill is an adaptation of the bill that President Reagan created 30 years ago. It is a continuation of that program. It has been proven that these investments work. It helped get great new ideas off the ground. For example, the electric toothbrush was invented with a small business grant, the satellite antenna that helped our first responders in Haiti, to technologies that keep our food safe and our military tanks from overheating in the desert. These are all the result of what this legislation has done over the years. There are success stories in virtually every State and nearly every industry.

Before the recess, we spent days working on an agreement to have votes on three amendments on this bill so we could move forward and finally pass it. We have voted on many amendments. This legislation started on March 10. It is now the first part of May. We have had some breaks in time because of our going back to our States, but there is no excuse for not completing this important legislation.

Every time we get one problem taken care of another Republican raises their head. The latest is Senator SNOWE. Of all people who should understand the importance of small business, it is the Senator from Maine, who was at one

time chairman of the Small Business Committee. Yet she has been unmoving in wanting a vote on a piece of legislation that has not even had a hearing.

The chairman of the Small Business Committee said she is happy to work with Senator SNOWE. Senator LANDRIEU said she will work with her to hold hearings, whatever is appropriate. But it is unfair that we have not been able to move forward on this bill.

As I indicated, we spent days before the recess working on an agreement to have votes on amendments to move this bill forward. Included in this agreement were Senator CORNYN's amendment, which would establish a commission on government waste, and Senator HUTCHISON's amendment, which related to health care reform litigation. This agreement was objected to by Senator SNOWE while everyone else in the Senate has signed off on it.

During the course of many weeks debating this bill, we have made significant efforts to accommodate Senator SNOWE and the rest of the Republican caucus on amendments. She has had one. We voted on it already. We even had a vote, as indicated, on an amendment offered by Senator SNOWE, as well as many other Republican amendments, nearly every one of which had nothing to do with the underlying legislation. They were not relevant. They were not germane.

In light of our accommodation of extraneous amendments, it is difficult for me to understand why we cannot finish debate on this bill. We have been more than fair. We should be able to reach agreement on considering the remaining amendments and voting on final passage. I hope that my friends on the other side of the aisle would recognize how unfair it is that one Senator would hold up this legislation.

There are amendments pending, I repeat, that are not germane or relevant to this piece of legislation. We are willing to take votes on those. It would seem to me that Senators such as CORNYN and HUTCHISON, who have worked hard to get votes, should vote with us on our ability to move forward on this legislation. We should be able to get this done. It is the right thing for the country. It appears that we are not going to be able to do that. So I had no choice but to file cloture in order to bring this debate to a close. That is what I did last night.

If this job-producing legislation is not passed, there is only one problem with it: the Republicans on the other side of the aisle. It is unfair that we have worked so hard to get this important piece of legislation done, and because of one Senator it is not going to happen. I hope that is wrong. I hope my prediction is wrong. This has been on the Senate floor for far too long. We need to resolve it so we can move to other matters.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

RIGHT TO WORK PROTECTION ACT

Mr. ALEXANDER. Madam President, I rise today to talk about a piece of legislation which will be both a bill that Senator GRAHAM and Senator DEMINT and I will introduce tomorrow and an amendment that I have filed to the small business bill on behalf of the three of us.

We are calling it the Right to Work Protection Act, and it is our intent to preserve the right of each State to make a decision for itself about whether it will have a right-to-work law and have an ability to enforce it. This is in direct response to an action that the National Labor Relations Board has taken against the Boeing Company and the plant they are building in South Carolina.

The National Labor Relations Board has moved to stop Boeing from building airplanes at a nonunion plant in South Carolina, suggesting that a unionized American company cannot expand its operations into one of 22 States with right-to-work laws. These laws protect a worker's right to join or not to join a union. In fact, the New Hampshire Legislature has just approved its becoming the 23rd such State.

This reminds me, this action by the National Labor Relations Board reminds me of a White House dinner in February 1979 when I was Governor of Tennessee. The occupant of the chair has been to those dinners. The President has them every year. The only ones invited are the Governors themselves and spouses. For me, it was always one of the highlights of the year.

So my first such dinner was with President Carter in 1979. As a new Governor, I was paying close attention to what the President of the United States had to say. This is what he said:

> Governors, go to Japan. Persuade them to make here what they sell here.

I walked 1,000 miles across Tennessee to be Governor the year before, and I don't remember one single Tennessean who said to me: Lamar, the first thing you do when you get in office is go to Japan. That was not on our minds. But it was tough economic times. Not many people were investing anywhere in the United States at that time. I thought, Well, if the President of the United States says, Governors, go to Japan and persuade them to make here what they sell here, I should do that.

''Make here what they sell here'' was then the union battle cry. It was part of an effort to slow the tide of Japanese cars and trucks entering the U.S. market. At that time, Americans were very worried about Japan. There were books about Japan being No. 1, and the fear was that Japan would overwhelm us economically. Cars and trucks from Japan were fuel efficient, they were attractive, they were selling, and manufacturers and the United Auto Workers here were concerned that we would lose a lot of jobs. So the cry was to the Japanese: If you are going to sell it in the United States, you need to make it in the United States.

So off I went to Tokyo to meet with the Nissan executives who were then deciding where to put their first U.S. manufacturing plant. At that time, Japan had very few manufacturing plants in the United States. They made there what they sold here. I carried with me on that trip a photograph taken at night from a satellite showing the country with all of its lights on. Try to visualize that. Because what you see if you look at a photograph of the United States at night are a lot of lights east of the Mississippi River, but it is pretty dark almost until you get to California, and there are a lot of lights down around Texas. I was trying to make a point. The Japanese executives, who didn't know very much about Tennessee and I didn't know very much about Japan, would say to me, Where is Tennessee? I would point to our State and say, We are right in the middle of the lights.

My argument, of course, was that locating a plant in the population center of the United States would reduce the cost of transporting cars to customers. That population center 70 or 80 years ago was in the Midwest where the American automobile was literally invented, and it made a lot of sense to build almost all the plants there, because transportation costs were less when you send these heavy cars and trucks to the customers. So you locate your plant near the population center. Gradually, that population center migrated south from the Midwest, where most U.S. plants have been, to Kentucky and Tennessee.

Then the Japanese to whom I was talking examined a second consideration: Tennessee has a right-to-work law and Kentucky does not. That meant that in Kentucky, workers would have to join the United Auto Workers Union. Workers in Tennessee had a choice. In 1980, Nissan chose Tennessee, then a State with almost no auto jobs. Today, auto assembly plants and suppliers provide one-third of our State's manufacturing jobs. Tennessee

is home for the production of the Leaf, Nissan's all-electric vehicle, and the batteries that power them. I am happy to report it works well. I have bought one, parked in the garage of the apartment where I live here. Recently Nissan announced that 85 percent of the cars and trucks it sells in the United States will be made in the United States, making it one of the largest so-called ''American'' auto companies and nearly fulfilling Mr. Carter's request of 30 years ago.

But now unions want to make it illegal for a company that has experienced repeated strikes to move production to a State with a right-to-work law. What would this mean for the future of American auto jobs? Jobs would flee overseas as manufacturers look for a competitive environment in which to make and sell cars around the world.

It has happened before. David Halberstam's 1986 book ''The Reckoning''—about the decline of the domestic American auto industry—tells the story. Halberstam quotes American Motors president George Romney who criticized the ''shared monopoly'' consisting of the Big Three Detroit auto manufacturers and the United Auto Workers. Romney warned, ''There is nothing more vulnerable than entrenched success.'' Detroit ignored upstarts such as Nissan which in the 1960s began selling funny little cars to American customers. We all know what happened to employment in the Big Three companies.

Even when Detroit sought greener pastures in a right-to-work State, its partnership with the United Auto Workers could not compete. In 1985 General Motors located its $5 billion Saturn plant in Spring Hill, TN, 40 miles from the Nissan plant, hoping side-by-side competition would help the Americans beat the Japanese. After 25 years, nonunion Nissan operated the most efficient plant in North America. The Saturn/UAW partnership never made a profit. Last year, GM closed Saturn.

Nissan's success is one reason why Volkswagen recently located in Chattanooga and why Honda, Toyota, BMW, Kia, Mercedes-Benz, Hyundai, and thousands of suppliers have chosen southeastern right-to-work States for their plants. Under right-to-work laws, employees may join unions, but mostly they have declined. Three times workers at the Nissan plant in Smyrna, TN, rejected organizing themselves like Saturn employees a few miles away.

Our goal should be to make it easier and cheaper to create private-sector jobs in this country. Giving workers the right to join or not to join a union helps to create a competitive environment in which more manufacturers such as Nissan can make here 85 percent of what they sell here.

Madam President, I ask unanimous consent to have printed in the RECORD the amendment and bill that I and Senator GRAHAM and Senator DEMINT will be introducing tomorrow and which we filed as an amendment today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF RIGHT TO WORK.

(a) APPLICABILITY OF NLRA TO STATE RIGHT TO WORK LAWS.—Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by striking subsection (b) and inserting the following:

''(b) Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and employers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

(b) APPLICABILITY OF RAILWAY LABOR ACT TO STATE RIGHT TO WORK LAWS.—Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 209. EFFECT ON STATE RIGHT TO WORK LAWS.

''Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and carriers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

Mr. ALEXANDER. I thank the Chair. I wish to add that I saw today a representative of the Whirlpool Company which has 2,500 employees in Tennessee. He said Whirlpool makes 82 percent of what they sell in the United States here in the United States, but that they have a choice. They have plants in Mexico as well. It is one more example of why allowing States to have a right-to-work law keeps jobs in our country.

I see on the floor Senator DEMINT, whose State is directly affected by this NLRB decision. He and I are working together on this legislation. I am sure he has comments on the legislation and on the decision of the NLRB.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Thank you, Madam President. I wish to associate myself with the remarks of the Senator from Tennessee. I appreciate him bringing this up. It is important for us here in the Senate as well as everyone around the country to understand what this administration is doing to hurt jobs in America.

This has been a good week for America. We have worked together building on a lot of the common principles of our country of a strong defense and a robust intelligence system to track down an enemy of freedom and to render justice as we had promised. This was done over two administrations and many Congressmen and Senators. So this is a good day for America. I think we need to take this time to maybe think about how we can apply the principles that work in America to our challenges back home with our economy and our jobs and our culture, because it is a bigger issue we are dealing with in the context of this decision by the National Labor Relations Board. We need to use the principles that work, but it appears this administration and my colleagues on the other side are afraid to let these principles work. They seem to be afraid of freedom itself.

We see in their record over the last 2 years being afraid for Americans to make their own decisions about their children's education and about their health care. They are afraid to death of letting senior citizens manage their own retirement funds and health care plans. They are certainly afraid to let States manage their own energy resources or decide what roads and bridges to build and where to build them. They clearly don't want businesses to make their own decisions about hiring and firing. They won't let even community banks make their own decisions about who to lend money to, even though these small banks have nothing to do with the financial collapse. Clearly, from this decision, this administration and the Democratic Party is afraid to give employees—workers—the freedom not to join a union.

It is amazing what this National Labor Relations Board, which has been stacked with union folks by the administration, is doing to jobs in our States and all across the country. Twenty-two States have right-to-work laws. In the last few months, my State, along with several others, has passed a constitutional amendment that would protect the freedom of workers to have a secret ballot when union bosses are trying to organize their workplace. A secret ballot is so fundamental to American principles and the principles of freedom, but the AFL–CIO is suing our State and others to stop us from protecting that freedom of workers.

In the last few weeks, a truly extraordinary thing has happened, as this National Labor Relations Board has actually filed suit against Boeing, which has located a new facility in South Carolina, claiming it was retribution for a strike in Washington. People need to understand that Boeing has added 2,000 jobs in Washington since they decided to build this new production line in South Carolina. But this administration—and I am afraid the majority here in the Senate—is so afraid companies will have the freedom to locate new facilities, new businesses, in States where their workers are not required to join a union.

Let's put this in a different context. A few weeks ago, a delegation from California went to Texas to try to figure out why hundreds of businesses are moving from California, taking tax revenue and jobs with them to Texas and other States. They didn't need to make the trip. It was pretty obvious that the business environment that has been created in California by the unions and the politicians has made it very difficult for world-class companies

to be competitive. What takes a few weeks in Texas could take 2 years as far as getting a permit to open a new business.

This is a small look at what is happening to our country, because we need to look at why so many companies are moving from our country to other countries to do business. It is because of decisions such as this and decisions by this administration over the last couple of years that have made America a place that is very difficult to do business in.

I appreciate what the Senator from Tennessee is doing, because this is not just about one employer or one State. Twenty-two States are right-to-work States. Twenty-two States have decided they are going to provide the freedom to their workers not to have to join a union. So much of this is political and retribution, not just against Boeing for putting a site in a right-to-work State, but it is political retribution. The administration, I believe, is acting like thugs that one might see in a Third World country, trying to bully and intimidate employers who are trying to get out from under this cloud of union control. It is a political deal of this administration trying to expand unionization and union benefits because the unions give the contributions to the Democratic Party and get out the vote for the Democrats.

This is crazy. In an environment where this administration and all of us here are saying we are trying to create jobs, there is no question what they are doing in South Carolina and around this country by trying to force unionization is hurting our business climate in America, it is hurting employment, it is diminishing our future as a country, and it is all for political purposes.

It is amazing to see that the unions have such a control over this administration, even in passing the stimulus bill. With it went requirements that a lot of the contractors who use this money had to follow union rules or be unionized. We saw in the health plan that the unions were the big proponent of it, but as soon as it passed, they are the ones asking for waivers so they don't have to live by it.

What this administration is doing to one company is a threat to every company, every employer, and every worker in this country. It goes back to their fear of freedom. The command-and-control paranoia we see in this administration is antithetical to everything we understand about freedom in our country—of individual responsibility and individual freedom—and free markets and free enterprise. They are attacking it on every front.

This decision by the National Labor Relations Board cannot stand. We must challenge it here in the Congress; employers need to challenge it; states are already challenging it, because it is clearly outside of the authority of this Federal Government to be threatening and bullying and trying to intimidate companies such as Boeing, which should have the freedom to locate their plants anywhere they want. This is intimidation. Many of Boeing's contracts are military contracts, and we know that is being held over their head.

This is not the way we should do business in America. This is not the way our government should operate. We need to get back to those first principles that made us great. Clearly, what this administration is doing in this case and many others is way outside the realm of what we should expect of a good and decent government, and we are not getting it here.

With that, Madam President, I see the other Senator from South Carolina is here, and I will yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I thank my colleague from South Carolina, who has been terrific in trying to bring reason to this issue. Senator DEMINT has been a very strong voice for free enterprise, and that is really what this is all about.

To Senator ALEXANDER from Tennessee, thank you for listening to what is going on in South Carolina and understanding this is not just about our State, it is about the Nation as a whole.

The Right to Work Protection Act is a very solid piece of legislation that is going to serve the country as a whole. When a State chooses to be a right-to-work State, what does that mean? That means no one can be forced to join a union. The union can ask for your vote. If you say no, that is your decision to make, and if the group says yes, you do not have to join. In a lot of States, that is not true. If 51 percent of the workforce or 60 percent of the workforce says: We are going to go union, everybody else is drafted whether they want to be or not.

So the concept of right to work is really at stake here, and I do appreciate this legislation because it would preserve the ability of the State to go down that road without suffering at the Federal level. It would prohibit Federal Government contracts, Federal Government action from punishing a State that chose to adopt right-to-work laws. That is why Senator ALEXANDER's legislation is so important. We are not making anyone become a right-to-work State. We are saying: If you choose to do that, your Federal Government in the NLRB and other organizations of the Federal Government cannot use that against you. We are protecting that status. I think that is the balanced approach to this dilemma we face.

Now, what is this dilemma?

Boeing is one of the great companies in the world. They have a history of producing terrific airplanes. They have been located in Washington for decades. As a South Carolinian who is very happy Boeing has come to South Carolina, I want to acknowledge the Washington workforce as one of the best in the world. We hope to build great airplanes in South Carolina, but the first thing I want to do is acknowledge that my complaint or concern is not with the people of Washington, not with the workforce in Washington, it is with the actions of the NLRB and this complaint filed by the machinists union. So I hope to be in partnership with my colleagues from the State of Washington in the Senate and on the House side to pursue good policies that not only will be good for Boeing but for the country as a whole.

South Carolina is going to enjoy the status of being a teammate with the people of Washington when it comes to trying to help Boeing and manufacturing in general. But what happened is that in October of 2009, Boeing decided to create a second assembly plant in South Carolina. This is a new assembly plant because the orders for the 787 were so large, it necessitated building a second line. Boeing, under the contract with the machinists union, reserved in that contract the right to locate new business wherever they thought it would be best for Boeing. They negotiated with the people in Seattle about producing the second line in Seattle, and they went all over the country looking for other locations to create a second line.

They came to South Carolina, and I can assure you, after a lot of negotiations, the reason they chose South Carolina was because it was the best business deal for Boeing. They negotiated in Washington. They negotiated everywhere in the country, really, where they thought they could do good business, and South Carolina won out. And there is criticism back home that the package we gave Boeing was too generous. So I can assure you this was a legitimate business deal, and the idea that moving to South Carolina somehow was retaliation that violated the National Labor Relations Act section 883 is legally absurd. Under that act, a company cannot retaliate against a group of employees or a location that decides to unionize.

You would have to prove in a retaliation complaint that the people suffered. Well, in this case, not one person in Pugent Sound or in the State of Washington lost their job. Because of the additional business being generated in South Carolina, 2,000 people have been hired in the State of Washington. Not one benefit was cut from the workforce in Washington. Nobody's pay was cut. Nobody's benefits were reduced because they moved to South Carolina. So this complaint is just frivolous. It is motivated by all the wrong reasons.

Let's just for a moment assume that it is granted and this is the new business model. It would mean basically that if you decide to do work in a union plant, you are locked into that location forever; you could never move. That is crazy. That is not what the law is all about. The law prevents retaliation, and that is a specific concept in the law, and none of the factors that

would lead to that conclusion exist in this case. There is new work. No one lost a job. This is a new line of business. And we are arguing about the right of a company to be able to make a business decision when it comes to new production. That is why this complaint, if it ever gets to Federal court, will fail. It is sad that Boeing may have to spend millions of dollars defending itself against what I think is a very frivolous complaint.

But let me tell my colleagues a little bit about this if they are wondering about it. Here is something I want to put on the table for you to consider. One of the members of the Boeing board at the time they chose to come to South Carolina—after a lot of negotiations in different places, including Washington and South Carolina—one of the board members who approved the second assembly line in South Carolina was Bill Daley, the Chief of Staff of the President of the United States. At the time, he was not Chief of Staff, he was a member of the Boeing board, and they voted unanimously to create a second assembly plant in the State of South Carolina. I would argue that Mr. Daley, when he cast that vote, understood it was best for Boeing to make this decision to locate new business, and he did not believe he was violating the law or retaliating against unions. One thing you can say about the Daley family, it is not in their DNA to retaliate against unions. This was in 2009.

In March 2010, the machinists union filed its complaint with the NLRB. Now, the general counsel, the person holding that title a few weeks ago, submitted the complaint to the board. But the story is even more interesting. In March of 2010, the complaint was filed by the machinists union. The vote to come to South Carolina was in October 2009. In January of 2011, Mr. Daley was chosen to be President Obama's Chief of Staff—a decision I supported and thought was a good decision for the administration and the country as a whole because Mr. Daley is a Democrat, but he is a very well respected member of the business community, someone who has a lot of skill and talent, and the President chose wisely. I would assume that in the vetting process they looked at Mr. Daley's record of involvement in business and other matters. I am assuming the vetting team knew the complaint had been filed by the machinists union in March of 2010 and that Mr. Daley voted along with the rest of the members of the board to come to South Carolina. And they must have concluded that this complaint was frivolous. I assume that because if they did not know about the complaint, that was one of the worst vetting jobs in the history of the world. And if they thought he did engage in illegal activity, it made no sense to hire him.

So, to my colleagues, I want you to consider the fact that Mr. Daley, the current Chief of Staff, voted to come to South Carolina. After he voted—a year and a half later—he was chosen to be the Chief of Staff of the President of the United States. The Boeing CEO, Jim McNerney, was chosen by President Obama to lead his Export Council to create jobs for Americans by looking at export opportunities. I would argue that President Obama would not have chosen Mr. McNerney if he thought he led an effort to retaliate against Washington unions.

All I can say is this complaint is frivolous. It is taking time and money away from creating jobs in South Carolina and Washington. And it has national implications. To Senator ALEXANDER, you have found the right way for the Congress to address this issue. We are not forcing anybody to be a member of a union. We are just saying, if a State such as South Carolina or Tennessee chooses to be a right-to-work State, that cannot be held against them. This legislation would say to the country and the business community as a whole: When you look at where to locate, you can consider a right-to-work State without violating the law. That is an important concept.

I can assure you, Boeing came to South Carolina because it was the best business deal. They had a lot of choices. They chose South Carolina not to retaliate but to create a second line. And here is the logic of it: Would you put everything you own in one location in today's world? So the idea that they expanded into the second plant in a different State, in a different location, makes perfect sense. The fact that South Carolina is a low-cost right-to-work State I am sure they considered. But under the law, no one in Washington lost one benefit they had. No one in Washington lost a job they already had with Boeing. The goal of this decision by Boeing is to grow their company. If we do well in South Carolina, Boeing does well in Washington.

This complaint is dangerous. This complaint is a dangerous road to go down. This complaint is politics at its worst. The law is designed to protect us, and it is being abused, in my view. Politics is about 50 plus 1. The law is something that should protect us all.

This complaint filed by the general counsel at the NLRB sets a dangerous precedent, and the Congress should speak. The administration should speak out and say this is frivolous; they are an independent agency; nobody can tell them what to do. But we have an independent duty to speak out in a constructive way.

Senator ALEXANDER's legislation is the appropriate way to address this issue, and I wish to thank him on behalf of the people of South Carolina and the country as a whole, and I look forward to working with him to have this passed.

To my colleagues on the other side, what is going on in this complaint is dangerous for us all and not just South Carolina.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Ohio.

WORKERS MEMORIAL DAY

Mr. BROWN of Ohio. Madam President, I rise and will be joined in a few moments by Senator HARKIN, who is the chair of the Health, Education, Labor, and Pensions Committee; Senator MURRAY, the chair of the Veterans' Committee; and Senator BLUMENTHAL, a new Member of the Senate from Connecticut. Each of them, especially Senator HARKIN, has devoted their careers to worker rights, worker safety, decent benefits, pensions—in short, creating the middle class—and their efforts have been legion, all three of them, in doing that.

I rise today to commemorate Workers Memorial Day. Last Thursday, April 28, our Nation observed Workers Memorial Day. It is an occasion for us to pause and remember those Americans who have lost their lives while on the job.

I wear on my lapel a pin given to me at a Workers Memorial Day rally in Lorain, OH, a city west of Cleveland on Lake Erie—steel town, people like to call us—and this lapel pin I wear is a picture of a canary in a birdcage. We know that mine workers 100 years ago took a canary down in the mines. If the canary died from lack of oxygen or toxic gas, the mine worker knew he had to get out of the mine. He had to depend on himself. He had no union strong enough nor a government which cared enough to protect him in those days.

As we celebrate Workers Memorial Day, we look back at the progress we have made as a country.

This year is the 100th anniversary of the Triangle Shirtwaist Factory fire in New York. That tragedy claimed the lives of 146 workers—123 women and 23 men—while they labored in sweatshop conditions in this textile plant in New York City. They were mostly young immigrants who came to this country in pursuit of a better life. Instead, they were killed because of the workplace, the incredibly unsafe conditions in that workplace. That tragedy marked a significant turning point in the struggle to advance worker rights and safety in our country. The day after the fire, 15,000 shirtwaist workers walked off the job demanding a 20-percent pay raise and a 52-hour week—a 52-hour week they were demanding.

Nearly 20 years later, in 1930, Ohio experienced its deadliest mining explosion in our history, the Millified mine disaster in Athens County.

Methane gases were ignited by a short circuit between a trolley wire and rail, killing more than 80 men.

Four years later, in 1934, thousands of workers stood up to the Electric Auto-Lite company in Toledo, OH. Workers recognized they were underpaid and undervalued. They went on strike and clashed with members of the

Ohio National Guard. The so-called ''Battle of Toledo,'' unfortunately, resulted in over 200 injuries. The strike brought together union brothers and sisters across the city in solidarity, fighting for middle-class rights.

Similar strikes in Minneapolis and San Francisco followed the one in Toledo that year, generating a new momentum across our country toward treating U.S. workers with respect and dignity. Ultimately, we know what happened. President Roosevelt's New Deal established critical rights and benefits for working Americans. It is why we have a 40-hour work week, why we have a minimum wage, and why we have collective bargaining rights.

Congress passed the National Labor Relations Act, the Wagner Act, in 1935, which guaranteed workers the right to form a union and bargain collectively.

The Labor Standards Act passed in 1938, which established a minimum wage, guaranteed overtime pay in certain jobs, established recordkeeping standards, and created child labor protections.

We now have OSHA, which was created by the Occupational Safety and Health Act of 1970, to ensure safe working conditions. It was signed by a Republican President. In those days, Republicans worked with Democrats to increase worker safety standards and actually help workers join the middle class.

When OSHA was established 41 years ago, in 1970, an average of 38 workers died on the job in this country every day. We have cut that by two-thirds, not just because of OSHA but certainly in large part because of OSHA. Deaths in the workplace continue but not with the frequency of 100 years ago, or even 50 years ago, prior to OSHA, but they continue.

Last week, another mine accident claimed the life of an Ohioan. Jason Gudat was killed while working at an underground limestone mine in eastern Ohio, in Salem.

This past year, I received a letter from Crystal of Adams County, who lost her husband Terry in a construction accident. Terry was the father of five. He was killed at his construction job last year due to a lack of safety lighting during his nighttime shift. Crystal, his widow, explained that ''the circumstances of his death were completely preventable if there had been better safety laws regarding his line of work. There was no lighting where my husband lost his life. . . . You never realize how important these things are until it happens to you.''

In the case of garment workers, it was fire safety. In the case of mine workers, like Jason, it was unsafe conditions that are too often found in mines. In the case of Terry and other construction workers, it was basic safety lighting.

We ask our workers to build our roads, make our cars, produce our energy, and to serve as the backbone of our Nation's economic competitiveness. We should do more to protect them while they do so.

Last month, I had a roundtable meeting with a group of workers in Columbus, near State House Square, in an Episcopal church. We were talking about worker rights. We had a police officer, a firefighter, a nurse, a teacher, and several other workers there. These are public employees. But they have seen the same assault on their rights as we are seeing all too often in this body—an assault on union rights and nonunion worker rights—far too many times.

We must stop these blatant efforts to strip teachers, sanitation workers, police officers, firefighters, and others from collectively bargaining for fair pay and safety equipment. That has been a right in this country for 75 years, since the Wagner Act, the 1938 labor act. It has been a right for workers that has created a middle class, and it brought up the living standards not just for union workers who organize and bargain collectively, but it brought up the living standards for both white-collar and blue-collar workers, management and labor, throughout our society. It has created a much more prosperous society.

The New York Times had an article written last week by someone who said that when we fail at war in a battle, we don't turn around and blame the soldiers; we give them better equipment with which to do their job. So why, when our public education system sometimes fails, do we blame teachers? Why don't we give those teachers better tools to do their jobs? Why don't we do the same with firefighters, police officers, nurses, and others, instead of blaming these workers and public employees?

In my State, the Governor signed legislation a month or so ago that stripped these public workers of their collective bargaining rights. I think in this society, with this kind of pressure on the middle class, the last thing we should do is strip anybody of their rights that enable them to make a decent living, put food on their table, have a decent pension, and have decent health care—especially in retirement. It makes no sense to me, as we honor workers and Workers Memorial Day, which was commemorated last week, that we would ever move in the wrong direction when it comes to workers' rights and building a more prosperous middle class.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I join with my good friend, the Senator from Ohio, Senator BROWN, in commemorating Workers Memorial Day, which actually was last week. Since we weren't in session then, we wanted to take the time today to commemorate Workers Memorial Day. I am always greatly appreciative of my friend wearing the canary pin on his lapel because, as the Senator from Ohio knows, my father was a coal miner for over 20 years. A lot of people still don't know we had coal mines in Iowa. At one time, back in those days, Iowa was the third largest coal-producing State in the Nation. He worked there a long time ago, before there were safety laws or anything. In fact, most of the time he worked there was before I was born. I can remember him, later on, telling stories about the mines and how many people would be injured or killed—it was sort of an accepted thing—every day, week, or month. People would die and cave-ins would happen. Of course, almost everybody of his generation who worked in those coal mines eventually got miners' cough, as they called it back then—miners' lung or black lung disease, as we know it now. They all virtually had that later on in their lives.

I appreciate my friend from Ohio commemorating Workers Memorial Day.

More than 20 years ago, family members of workers killed on the job joined with safety advocates to launch Workers Memorial Day—a day of remembrance and advocacy. To honor the creation of the Occupational Safety and Health Administration—OSHA, as it is called—April 28 was chosen as Workers Memorial Day. This year, that day takes on special significance because it marks the 40th anniversary of the creation of OSHA.

The passage of the Occupational Safety and Health Act, which created OSHA, was one of the monumental legislative achievements of the 20th century. This landmark legislation reflects the values that all Americans share, which is that workers should not have to risk their lives to earn their livelihood, and that workers, employers, and the government must all work together to keep people safe and healthy on the job. Signed into law by President Nixon, this bipartisan legislation has been a tremendous success, saving the lives and the health of hundreds of thousands of American workers.

Here are the facts. Immediately prior to the creation of OSHA in 1970, an average of 14,000 workers died annually from occupational injuries. In 2009, despite a workforce that is twice as large as the workforce of 1970, 4,340 workers were killed on the job. Before OSHA, about 11 workers were killed for every 100,000 people working. Now roughly 3.3 workers are killed per 100,000 people working. Again, these figures are still too large. We can and must do better. We should also take a moment to reflect on how many tragedies have been prevented and lives saved because of the Occupational Safety and Health Act.

I fear that this simple truth—that workplace safety has been a phenomenal success—is being ignored in Washington these days. Nowadays some people would have us believe that workplace safety regulations are something bad. They claim that OSHA

standards are ''job killers.'' But just because some special interest groups with highly paid lobbyists keep repeating this absurd mantra, that doesn't mean it is true. In fact, the opposite is true. Smart safety regulations administered by active, unbiased regulators improve and stabilize our economy. They save workers' lives, prevent catastrophic accidents, reduce health care costs, and ensure that industries are responsible for their actions instead of dumping the cost of their mistakes on workers and taxpayers.

In addition to the more than 4,000 workers killed on the job every year, which I mentioned, almost 50,000 Americans die every year from occupational illnesses. Let me repeat that. Almost 50,000 Americans die every year from occupational illnesses. More than 4.1 million workers are injured every year. The cost of these injuries and illnesses is enormous. It is estimated at somewhere between $160 billion to $318 billion a year for the direct and indirect costs of these injuries. Additional safeguards to prevent these injuries and illnesses, along with strong enforcement of existing laws, would save thousands of lives and thousands of injuries from happening and would save the taxpayers billions of dollars.

To accomplish this, it is clear that our safety laws need to be updated. We have learned much in the 40 years since the Occupational Safety and Health Act was passed, and it is past time to use this knowledge for meaningful reform. For example, we know that whistleblowers are critical to bringing safety problems to light. But these whistleblowers won't come forward unless the law contains stronger protections against retaliation. Right now, we have stronger protections for financial whistleblowers under the Sarbanes-Oxley law than we do for workers blowing the whistle and trying to save lives. Repeating that, we have stronger whistleblower protections for financial whistleblowers under the existing Sarbanes-Oxley financial reform law than we do for workers who are trying to save lives by blowing the whistle. That is not right. That should be corrected.

We also know that while most responsible companies make worker safety a top priority, there are some unscrupulous employers who cut corners on safety to save costs. Unfortunately, as a past Health, Education, Labor and Pensions Committee report demonstrated, when the negligence of these companies results in workers being killed on the job, these irresponsible companies walk away with a slap on the wrist. OSHA penalties are pitifully low. The average fine for a worker being killed on the job is $5,000. The average fine for an irresponsible company—and they have to be found as not acting prudently and that they were skimping on safety regulations and not adhering to well-defined safety regulations. But when somebody gets killed, the average fine is $5,000. What we need is real penalties to ensure that all employers have real incentives to comply with safety and health laws.

These and other changes in the law are desperately overdue, which is why I have consistently sponsored and supported the Protecting America's Workers Act. This bill makes commonsense reforms to bring worker laws into the 21st century, with minimal burden on the vast majority of employers that comply with the law. In this Congress, once again, I plan to do everything possible to fight for this important legislation.

In addition to these much-needed updates to the Occupational Safety and Health Act, we also must recognize the key role that vigilant enforcement plays in keeping workers safe. Safety laws don't work unless there is a legitimate expectation that they will actually be enforced. In recent years, we made real progress in ensuring adequate funding for our workplace safety agencies.

For example, increases in funding for the Mine Safety and Health Administration in recent years have enabled us to meet health inspections for 3 years in a row. MSHA and the Department of Labor have funds to attack a backlog of appeals filed by mine operators. These appeals have helped some operators avoid heightened enforcement actions. OSHA has received funds to restore the number of inspectors that it had over a decade ago.

However, we in the Senate have recently had to fend off efforts to roll back this progress. H.R. 1, the Republican fiscal year 2011 appropriations bill, cut the Occupational Safety and Health Administration by 18 percent—18 percent. This would have paralyzed the agency and allowed unscrupulous employers to ignore worker safety and health protections.

This bill would have allowed the backlog of mine safety and health citations to increase. It would have prevented MSHA from moving forward on improvements it has initiated in mine emergency response and other areas. Thankfully, Senate Democrats and the President are standing firm and refusing to cut workplace safety funding to finance tax breaks for millionaires and billionaires.

As we continue the budget debates, we should keep in mind the budget reflects moral choices about the kind of country and society we want to be. Personally, I am committed to upholding the bipartisan values reflected in the passage of the Occupational Safety and Health Act. All Americans have the right to a safe workplace.

While we have made tremendous progress, as I pointed out, in the last 40 years under OSHA, there is much more work to be done. Over 4,000 lives lost each year is still unacceptably high. We owe the 4,340 workers we lost just last year our best efforts to ensure that such tragic losses are dramatically reduced. We should not rest until all of our fathers, mothers, brothers, sisters, families can go to work each day knowing they can come home safely each night.

Once again, on April 28, we commemorate Workers Memorial Day, and we renew our commitment to making sure workers all across America have the protections of the Occupational Safety and Health Act, that we provide the funding for these agencies to make sure the law is enforced, and to make sure we reassure every working American that they have a right—they have a right—to a safe workplace.

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

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

The legislative clerk proceeded to call the roll.

Mr. 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.

TAX BENEFITS AND BURDENS

Mr. GRASSLEY. Madam President, I have had the privilege over most of my tenure in the Senate of serving on the Finance Committee and working with a good Senate leader such as Senator BAUCUS. I now have the privilege of serving on the committee but not as ranking member or chairman, just as a member. I compliment Senator BAUCUS for his leadership on this whole business of tax reform and for holding the hearings he is holding.

Today, a very important hearing is being held on the question of is the distribution of tax burdens and benefits equitable. The topic of today's hearing—whether the distribution of tax benefits and burdens is equitable—is very appropriate and is a very important topic. However, I would argue there is a more important question we should be debating, and we should be answering this question: What is the purpose of the Federal income tax? We can't talk about whether taxpayers are paying their fair share if we don't know why we want them paying taxes in the first place.

We are in a situation now where people are talking about increasing taxes on higher income people because, supposedly, they can afford it. Probably they can afford it, but I get sick and tired of the demagoguery that goes on in Washington not just by Members of Congress but by too many people who think higher income people ought to be paying more taxes. According to the Joint Committee on Taxation's latest analysis, 49 percent of households are paying 100 percent of the taxes coming in to the Federal Government, while 51 percent are not paying any income tax whatsoever.

How high do taxes have to go to satisfy the appetite of people in this Congress to spend money? In particular, how high do marginal tax rates have to go to satisfy those clamoring for higher taxes from the wealthiest; how high

to satisfy you? And you know who you are.

There is an article by Investors Business Daily to which I want to refer. According to this article—not talking about the taxation of a certain amount of income—if the government confiscated all the income of the people earning $250,000 a year or more, that money would fund the Federal Government today for a mere 140 days. Do you know what you would have? You wouldn't have those people trying to maximize their income because why would they maximize it if the government was going to confiscate it.

So that is a very basic question: How high do taxes have to go to satisfy the appetite of people in this Congress to spend money?

Funding the government should be one of if not the primary goal of our income tax laws. Of course, that leaves out this whole business of whether the Federal Government's purpose is the purpose of redistributing income.

Note here that I am specifically focusing on the income tax. This is because payroll taxes are not used to fund the government. Social Security and Medicare taxes are, in fact, insurance programs. Because they are insurance programs, the taxes they pay are insurance premiums because individuals who pay them expect to benefit when they reach a certain age.

It is clear some believe the Tax Code should be used to reduce the growing income disparity between the lowest and highest income quintiles. This assumes a key objective of the Federal Government, through the Federal income tax laws, should be to ensure that income is distributed equally throughout our citizenry. In other words, these folks actually believe the Federal Government is the best judge of how income should be spent. That is not what our Founding Fathers or original authors of the tax laws intended.

In addition to considering the purpose of tax revenue, we ought to, in fact, have some principles of taxation by which we abide. These principles of taxation would be a much stronger foundation than the day-to-day decisions about whether we ought to raise taxes on a certain number of people. So I abide by the principle that has been a fact of our tax laws for 50 years—that an average of 18.2 percent of the GDP of this country is good enough for what the government needs to spend.

Now, I say that because with a 50-year average it hasn't been harmful to the economy, as we have seen this country expand and expand and expand economically over that period of time.

Quite frankly, it ought to be clear that 18.2 percent of the GDP of this country coming in for us to spend is not a level of expenditures that taxpayers have revolted against. So we take in that 18.2 percent for 535 of us to decide how to spend, and the other 82 percent is in the pockets of the taxpayers to decide how to spend or to save. If 535 Members of Congress were to decide how to divide up the resources of this country, we would not have the economic growth that we have had in our economy. With 137 million taxpayers deciding how to spend or how to save, and how much of each, the economic growth of this country is enhanced tremendously because of the dynamics of the free-market system. If we were going to go the greater route of increasing that 18 percent very dramatically, we would be moving increasingly toward the Europeanizing of our economy, and I think that would be very bad.

In evaluating whether people are paying their fair share, experts frequently look at whether a proposal improves the progressivity of our tax system. Critics of lower tax rates continue to attempt to use distribution tables to show that tax relief proposals disproportionately benefit the upper income. We keep hearing that the rich are getting richer while the poor are getting poorer. This is not an intellectually honest statement because it implies that those who are poor stay poor throughout their lifetimes, and those who are rich stay rich throughout their lifetimes. And that is just not the case.

To illustrate this point, I quote from a 2007 report from the Department of the Treasury titled, ''Income Mobility in the U.S. from 1996 to 2005.'' I quote the key findings:

> There was considerable income mobility of individuals in the U.S. economy during 1996 through 2005 period as over half of the taxpayers moved to a different income quintile over this period.
>
> Roughly half of taxpayers who began in the bottom income quintile in 1996 moved up to a higher income group by 2005.
>
> Among those with the very highest incomes in 1996—the top 1/100 of 1 percent—only 25 percent remained in this group in 2005. Moreover, the median real income of these taxpayers declined over this period.
>
> The degree of mobility among income groups is unchanged from the prior decade.

The prior decade meaning the prior study by the Treasury Department from 1987 through 1996.

> Economic growth resulted in rising incomes for most taxpayers for the period of 1996 to 2005. Median income of all taxpayers increased by 24 percent after adjusting for inflation. The real incomes of two-thirds of all taxpayers increased over this period. In addition, the median incomes of those initially in the lower income groups increased more than the median incomes of those initially in the higher income groups.

Therefore, whoever is saying—and we hear it every day on the floor of the Senate—that once rich, Americans stay rich; and once poor, they stay poor, is purely mistaken. The Internal Revenue Service data supports this analysis. A report on the 400 tax returns with the highest income reported over 14 years shows that in any given year, on average, about 40 percent of the returns were filed by taxpayers who are not in any of the other 14 years.

In other words, 40 percent of those people who are in the highest brackets are not in the highest brackets ever in that 14-year period of time. So once rich, not always rich.

I welcome this data on this important matter for one simple reason: It sheds light on what America is all about: vast opportunities and income mobility. Built by immigrants from all over the world, our country truly provides unique opportunities for everyone. These opportunities include better education, health care services, and financial security. But, most importantly, our country provides people with the freedom to obtain the necessary skills to climb the economic ladder and live better lives.

We are a free nation. We are a mobile nation. We are a nation of hard-working, innovative, skilled, and resilient people who like to take risks when necessary in order to succeed. Bottom line, we have an obligation as lawmakers to incorporate these fundamental principles into our tax system instead of just asking: Are the rich paying enough?

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 20 minutes.

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

NOMINATION OF JACK McCONNELL

Mr. CORNYN. Madam President, I rise to speak on a nomination that is pending before the Senate, and I do so with some degree of trepidation because, as someone who has been a member of the legal profession for about 30-plus years, I believe it is imperative that I voice my strong concerns and, indeed, my objections to the nomination of Jack McConnell to become a U.S. district judge prior to the vote we will have tomorrow morning on a cloture vote.

The reason I was attracted, like so many others, I think, to law school and the legal profession was because of the majesty of the notion of the rule of law, its importance to our democracy, the responsibilities that lawyers owe not just to themselves, to enrich themselves, but to their clients—the fiduciary duty that a lawyer has to represent a client. Then, of course, the ethical standards, which some might scoff at but which actually work pretty well. They keep lawyers, for the most part, accountable to the high ethical standards imposed by the legal profession.

Unfortunately, and I am sorry to have to say this, but the hard truth is Mr. McConnell's record—which I will describe in a moment—is one of not upholding the rule of law but perverting the rule of law, ignoring the responsibilities he had to his client, and manipulating those ethical standards in order to enrich himself and his law partners.

First, let me just say that Mr. McConnell, when he came before the

Senate Judiciary Committee, intentionally misled the committee during the confirmation process. I don't know how I can say it any more gently. The fact is, he lied to the Senate Judiciary Committee during his confirmation process: Regardless of who nominates an individual, party affiliation aside, I don't think the Senate, as an institution, should tolerate a nominee who essentially misrepresents the facts in the context of a confirmation process. This involved his participation in or involvement with a set of stolen confidential documents his law firm obtained in a lawsuit against the Sherman-Williams Company.

In 2010, in his answers to written questions to the committee, Mr. McConnell told members of the committee: ''I would not say I was familiar with the documents in any fashion.'' Only a few months later, in September 2010, this same nominee gave a deposition in an Ohio court, where he testified he was the first attorney at his firm to review the documents in question, that he had drafted a newspaper editorial citing information that had come from those documents, and that portions of those documents were incorporated in a brief filed under his signature. Despite this obvious contradiction and given an opportunity to correct his misleading statement, Mr. McConnell has unequivocally stood by his original statement to committee members.

I reiterate, this body should not approve or confirm, for a lifetime appointment, someone who wants to serve as a judge, in particular, but anyone who would lie to or, at best, intentionally mislead the Senate by downplaying his role in a serious controversy involving, in this case, stolen confidential documents.

During the time I practiced law and served on the State court bench in my State of Texas, I have come to respect lawyers who handle all sorts of cases—lawyers who prosecute criminal cases, lawyers who defend criminal cases, lawyers who defend citizens, including companies, sued for money damages, and those who bring those lawsuits—constrained, again, by the rule of law, duty to the client, and high ethical standards. But based on his long career as a lawyer, Mr. McConnell has advocated—it is clear from the evidence—a results-oriented view of the law and manipulated it for his personal gain. These theories he has advanced, ostensibly on behalf of his client, have been rejected, not just by people like me but by a very broad range of people in the legal community.

For example, Mr. McConnell and his firm sued paint manufacturers based on an unprecedented theory of public nuisance that allowed them to circumvent longstanding legal doctrine and receive a huge jury award in a sympathetic judge's courtroom.

Ultimately, the Rhode Island Supreme Court rejected unanimously this theory, declaring it ''at odds with centuries of American law and antithetical to the common law,'' to quote the court. As one Iowa attorney general who happens to be a Democrat said: ''Mr. McConnell's lead paint litigation was a lawsuit in search of a legal theory.''

Mr. McConnell's lead paint litigation scheme required the complicity, unfortunately, of State and local officials, a practice I will speak more on in just a moment. But Mr. McConnell's reaction to the decision of the Rhode Island Supreme Court also demonstrates his lack of judicial temperament, something very important, particularly for a judge. It showed that not only does he still adamantly believe in these radical, unprecedented legal theories, rejected by the highest court in Rhode Island, but he also lacks the temperament to serve on the Federal bench. Instead of respecting the decision made by the highest court in the State, Mr. McConnell wrote a strident op-ed piece condemning the court and stating he believed their decisions ''let the wrongdoers off the hook.'' In other words, Mr. McConnell made clear he believes the law should be manipulated to serve his agenda, not to uphold the rule of law, nor to respect the very bodies that are responsible under our system for interpreting law and rendering judgment.

Mr. McConnell's outburst was not particularly surprising, given his public admission previously that he is ''an emotional personal about injustice at any level, personal, societal, or global,'' as he put it. This lack of temperament and novel view of the law is indicative of the type of judge Jack McConnell would be, I am sorry to say: biased against a certain class of people and untethered to the rule of law.

Mr. McConnell's practices also existed under an ethical cloud throughout his career. He and his law firm made billions of dollars and a name for themselves through their pioneering practice of soliciting no-bid, contingent-fee contracts from State officials. For example, Mr. McConnell and his firm played a central role in litigating lawsuits brought by State attorneys general, first against tobacco companies and then lead-based paint manufacturers. Of course, I am not saying tobacco companies and other companies should not be held accountable for harmful products, but the purpose of the law should be to compensate those people who have been aggrieved and to deter others from acting in the same fashion in the future. The litigation he constructed and devised, the scheme he literally created, did none of that. The question is, ultimately, where did the money go?

Under these contracts, Mr. McConnell and his partners have repeatedly sued American businesses, pocketing billions of dollars for themselves in attorney's fees, while leaving taxpayers on the hook for the resulting costs. In the word of one respected legal commentator, Mr. McConnell and lawyers like him have ''perverted the legal system for personal and political gain at the expense of everyone else.''

In several lawsuits, Mr. McConnell and his partners received contingent-fee contracts from State officials, to whom they later contributed tens of thousands of dollars. I think there are a lot of very important public policy reasons why State officials should not be able to outsource their responsibilities to private lawyers based on a contingency fee, where their only incentive is one of a profit motive, untethered by the sorts of checks and balances that elected or other appointed government officials would ordinarily have.

Our system of justice relies on financially disinterested officials who take an oath to uphold the law and not those whose sole motive is not to uphold the law but to twist it and manipulate it in order to maximize their economic gain.

Some of these lawyers, including Mr. McConnell's firm, have pocketed what amounts to hundreds of thousands of dollars per hour for their work in lawsuits against tobacco companies. Mr. McConnell and lawyers like him are the big winners in these lawsuits, taking home large sums of money that rightfully belong to the taxpayer, the client I mentioned at the outset. Imagine if these billions of dollars were spent on cancer research or improving public health, instead of lining the pockets of a few politically well-connected lawyers. More important, however, the outsourcing of suits to private trial lawyers on a contingent-fee basis creates both the opportunity and appearance for corruption by allowing State officials to reward their friends and campaign contributors.

One reason I have taken such a strong personal interest in this issue is because of my service as attorney general of Texas, following that of Dan Morales, my predecessor. Mr. Morales served over 3 years in the Federal penitentiary for attempting to illegally channel millions of dollars in a tobacco settlement, money that was due to the State of Texas, but he steered it to a lawyer friend of his by trying to backdate a contract, to make it appear to be something it was not. The actions of Mr. McConnell and his partners, by funneling tens of thousands of dollars into campaign accounts of State officials who hired them, raise concerns about pay-to-play dealings.

In the State of Washington, for example, Mr. McConnell and members of his small South Carolina-based law firm contributed $23,200 to the reelection of the attorney general in the State of Washington. By the way, that was the very same lawyer who hired them on a contingency basis to represent the State.

In North Dakota, Mr. McConnell and his wife contributed $30,000 to the gubernatorial campaign of the attorney general who appointed him as special

assistant attorney general, for purposes of representing that State in tobacco litigation. Mr. McConnell and his law firm contributed an additional $73,000 to that same attorney general's State political party during the campaign cycle, making them the No. 4 campaign contributor to that organization.

There is nothing wrong with people contributing money to political candidates or parties or causes they believe in. But it is another matter when these contributions are made in connection with no-bid contracts or apparent political favors. It is no small matter that Mr. McConnell has a lucrative, ongoing financial arrangement as a product of his previous work as a trial lawyer. In fact, he will receive $2.5 to $3.1 million a year through 2024 as part of his payout for his work in the tobacco litigation I mentioned a moment ago—$2.5 to $3.1 million a year through 2024. For anyone who would praise Mr. McConnell for giving up a successful legal career in order to serve as a Federal judge, remember he would be reaping huge windfalls at the expense of taxpayers long into his tenure as a Federal judge.

Some Senators will say that whatever his past, Mr. McConnell deserves the benefit of the doubt and that he would be an impartial judge if confirmed by the Senate to this lifetime appointment. I cannot agree and neither does, by the way, the U.S. Chamber of Commerce. They have taken an unprecedented step of opposing this nomination.

I ask unanimous consent that letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. The Chamber has taken this unprecedented step of opposing his nomination and declaring him ''unfit to serve.'' In fact, this is the first time in its 99-year history they have opposed a district court nominee.

My colleagues have asked me whether I believe that Texas businesses and businesspeople would get a fair shake in Jack McConnell's courtroom, and I absolutely do not believe they could.

To my colleagues who may doubt what I am saying or look for some proof, I would just say: Read the record. I am convinced you would have trouble looking your constituents in the eye and telling them you believe Mr. McConnell would be fair to all litigants in his courtroom and, in this case, especially businesses that may be sued for money damages, as he did throughout his legal career. In fact, Mr. McConnell, during the Judiciary Committee deliberations, described his legal philosophy by saying: ''There are wrongs that need to be righted and that is how I see the law.'' That doesn't cite any applicable legal standard. It doesn't actually take into account law as we know it, just wrongs he believes need to be righted.

Similarly, Mr. McConnell has said that based upon his experience he has ''absolutely no confidence'' that certain industries will ever do the right thing and that they will only do the right thing ''when they're sued and forced to by a jury.''

Given his tendency to view lawsuits against businesses as a movement against societal injustice, it is difficult to see how Mr. McConnell could put those personal views aside and give all litigants in his courtroom a fair trial, a right which they are guaranteed under our Constitution and laws. I believe a vote to support Mr. McConnell's nomination is a vote to create yet another court where trial lawyers will repeatedly prevail in frivolous litigation against American businesses. That is something we ought not allow.

Mr. McConnell's behavior during his career and confirmation procession demonstrates a lack of ethics and temperament necessary to serve as a Federal judge. I hope a President would never appoint someone such as Jack McConnell, but apparently everyone makes mistakes, including this nomination by this President. Instead of stubbornly digging in his heels, usually the President has agreed to withdraw nominees whose confirmation process produces extraordinary controversy, but since he has failed to do so here, the President has forced me and others to stand our ground and to fight Mr. McConnell's appointment to the Federal bench.

Based on his deeply troubling ethical record and poor judicial temperament and the fact he intentionally misled, if not lied to, the Judiciary Committee during his confirmation process, I believe we must fight this nomination with every tool at our disposal.

I yield the floor.

EXHIBIT 1

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 30, 2011.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes the nomination of John ''Jack'' McConnell to serve on the United States District Court for the District of Rhode Island.

Mr. McConnell's past statements, conduct as a personal injury plaintiffs' lawyer, and lackluster ABA rating raise serious concerns about his fitness to be confirmed to a lifetime appointment to the federal bench. Although the Chamber has historically stayed away from debates surrounding federal district court nominees, we believe that a response is warranted in this circumstance given Mr. McConnell's record.

Our opposition begins with Mr. McConnell's mediocre ''substantial majority qualified, minority unqualified'' rating from the American Bar Association. For a practicing lawyer with 25 years of experience to obtain such a low rating speaks poorly of his legal abilities. It is likely that he generated negative comments from judges before whom he appeared and/or from lawyers who know him.

Mr. McConnell's ABA rating should come as no surprise given his past statements, which raise serious questions about whether he will follow precedent and the rule of law. For example, in 1999, Mr. McConnell was hired on a contingency fee basis by the State of Rhode Island to sue paint companies under theories of liability that exceeded the bounds of well-settled law. After nine years of protracted litigation, and after millions of dollars spent by defendants, the Rhode Island Supreme Court unanimously (4–0) rejected Mr. McConnell's misguided interpretation of public nuisance law. Mr. McConnell demonstrated little respect for the Supreme Court's ruling and publicly attacked the decision in an op-ed that he penned for The Providence Journal, claiming that the justices ''got [the decision] terribly wrong'' by letting ''wrongdoers off the hook.''

Mr. McConnell's public criticism of the Rhode Island Supreme Court's lead paint ruling should also give the Committee pause because it casts light on a judicial philosophy that appears to be outcome-driven rather than based on interpreting and applying the law. Indeed, Mr. McConnell has publicly affirmed his support for ''an active government'' that should not ''stand on the sidelines'' and that ''[he] see[s] the law'' as a mechanism to redress ''wrongs that need to be righted.'' Considering these statements together, a picture of a judicial nominee who will legislate from the bench begins to emerge.

The Chamber is equally concerned that Mr. McConnell lacks the capacity to be an impartial jurist, especially against business defendants who may appear before him. Mr. McConnell has defined his career by suing business defendants. As his own Committee questionnaire indicates, of the top ten cases he views as the ''most significant'' litigations of his legal career, all but two involve actions against businesses, and none involved him representing or defending a business. Worse still, when asked by the Columbus Post Dispatch in 2006 about the possibility of future lead paint litigation, he said that, based on history, he had ''absolutely no confidence'' that defendant paint companies would do the right thing. He added ''[t]he only time is when they're sued and forced to by a jury.'' How could a business hope to receive an impartial hearing in Mr. McConnell's courtroom when these statements show that the deck is already stacked so heavily against them?

Moreover, Mr. McConnell's ability to render fair and impartial rulings from the bench should be seriously questioned in light of the potentially significant financial windfalls that he stands to recover for the next 15 years. According to Mr. McConnell's questionnaire, he is scheduled to receive millions of dollars annually through 2024 from an organization closely tied with his current employer, the Motley Rice plaintiffs' firm. This has all the appearance of a conflict of interest and it is difficult to see how Mr. McConnell could render impartial judgments in matters involving plaintiffs' law firms while simultaneously receiving millions of dollars in compensation from another plaintiffs' firm.

Ultimately, we are concerned that Mr. McConnell's apparent bias against business defendants, underlying judicial philosophy, and questionable respect for the rule of law, will lead to the multiplication of baseless lawsuits in his courtroom with untold consequences to businesses large and small

across the country. Given the limited number of judges who currently serve in the District of Rhode Island, it is not hard to imagine a generation of enterprising personal injury lawyers flocking to a new ''magnet jurisdiction'' at the federal level with a chance to draw such a plaintiff-lawyer friendly judge. State courts like those in Madison County, Illinois have amply demonstrated the problems that can arise from courts that accept plaintiffs' claims no matter their merits. Finally, as most litigators understand, federal judges exercise virtually unreviewable discretionary authority in many circumstances, and the chance of the appellate courts correcting every misstep is unrealistic. As such, the Chamber must urge the Committee to resist the confirmation of a lawyer with an animus against one type of defendant.

As Mr. McConnell has not demonstrated that he would provide the kind of fair and impartial judicial temperament needed to be a federal judge, as well as his demonstrated bias against a clear class of litigants, the Chamber urges you to oppose this nomination. Should Mr. McConnell's nomination be considered on the Senate floor, the Chamber may consider votes on, or in relation to, his nomination in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Mr. CORNYN. I 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. LEAHY. 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. LEAHY. Mr. President, last night, Majority Leader REID was forced to file another cloture petition on a Federal judicial nominee, the fifth required to be filed during President Obama's term. Among the highly qualified nominees being stalled is Jack McConnell, who is nominated to a vacancy on the United States District Court for the District of Rhode Island.

I am concerned that we have to file cloture on nominations that should simply have an up-or-down vote. I hope we are not returning to the situation we had during the Clinton administration when my friends on the Republican side of the aisle pocket filibustered 61 of his nominees.

We tried to change that in the 17 months I was chairman during the first 2 years of President Bush's first term when I moved 100 of President Bush's nominees through the Senate. In the remaining 2½ years, the Republicans were in charge, and the Senate confirmed another 105. We tried to change what had been an unfortunate procedure. I hope we are not going back to that.

Jack McConnell has the strong support of his home State Senators, bipartisan support from those in his home State, and his nomination has been reported favorably by a bipartisan majority of the Judiciary Committee multiple times. This nomination is one of many that have been stranded on the Senate's Executive Calendar for many months stalled by Republican objection to proceeding to debate and vote.

Just a few years ago, Republican Senators argued that filibusters of judicial nominees were unconstitutional, and that every nominee was entitled to an up-or-down vote. They unsuccessfully filibustered President Obama's first judicial nominee, and have stalled many others. Cloture is now being required to overcome another in a series of Republican filibusters in order to vote up or down on a judicial nominee at a time when extensive, and extended, judicial vacancies are creating a crisis for the Federal justice system and all Americans.

With these filibusters, the Senate's Republican leadership seems determined to set a new standard for obstruction of judicial nominations. I cannot recall a single instance in which a President's judicial nomination to a Federal trial court, a Federal district court, was blocked by a filibuster.

When I came to the Senate, the President of the United States was Gerald Ford, whose statue we just unveiled in the Rotunda. We did not filibuster any of his Federal district court nominees. We did not filibuster any of President Jimmy Carter's district court nominees. We did not filibuster any of President George H. W. Bush's district court nominees.

We did not filibuster on the floor any of President Clinton's or any of President George W. Bush's nominees. Somehow the rules have changed for President Obama.

This is troubling as chairman of the Judiciary Committee, but also troubling to the Federal judiciary nationwide. So I did a little research. Looking back over the last six decades, I found only three district court nominations—three in over 60 years—on which cloture was even filed. For two of those, the cloture petitions were withdrawn after procedural issues were resolved. For a single one, the Senate voted on cloture and it was invoked. All three of those nominations were confirmed. I trust that the nomination of Jack McConnell will also be confirmed.

From the start of President Obama's term, Republican Senators have applied a heightened and unfair standard to President Obama's district court nominees. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home State Senators who know the needs of their States best. Instead, an unprecedented number of President Obama's highly qualified district court nominees have been targeted for opposition and obstruction.

That approach is a serious break from the Senate's practice of advice and consent. Since 1945, the Judiciary Committee has reported more than 2,100 district court nominees to the Senate. Out of these 2,100 nominees, only five have been reported by party-line votes. Only five total in the last 65 years. Four of these five party-line votes have been against President Obama's highly qualified district court nominees. Indeed, only 19 of those 2,100 district court nominees were reported by any kind of split rollcall vote at all, and five of those, more than a quarter, have been President Obama's nominees, including Mr. McConnell.

Democrats never applied this standard to President Bush's district court nominees, whether in the majority or the minority. And certainly, there were nominees to the district court put forth by that administration that were considered ideologues. All told, in 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party line vote. Somehow President Obama is being treated differently than any President, Democratic or Republican, before him.

That was the controversial nomination of Leon Holmes, which Senators opposed because of the nominee's strident, intemperate, and insensitive public statements over the years. Judge Holmes argued that ''concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami,'' and called concerns about pregnant rape victims ''trivialities.'' He suggested that it was correct to say that slavery was just God's way of teaching White people the value of servitude. He wrote that he did not believe the Constitution ''is made for people of fundamentally differing views.'' We opposed Judge Holmes nomination, strongly, but we did not block it from consideration by the Senate. He was not filibustered. His nomination was confirmed without the need for a cloture vote.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 13 judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. No one should be playing partisan games and obstructing while vacancies remain above 90 in the Federal courts around the country. With one out of every nine Federal judgeships still vacant, and judicial vacancies around the country at 93, there is serious work to be done.

Regrettably, Senate Republicans seem intent on continuing with the practices they began when President Obama first took office, engaging in narrow, partisan attacks on his judicial nominations.

These unfair attacks started with President Obama's very first judicial nomination, David Hamilton of Indiana, a 15-year veteran of the Federal bench. President Obama nominated Judge Hamilton in March 2009, after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who then strongly supported the nomination. Rather than welcome the nomination as an attempt by President

Obama to step away from the ideological battles of the past, Senate Republicans ignored Senator LUGAR's support, caricaturing Judge Hamilton's record and filibustering his nomination. The Senate was not able to have an up-or-down vote on his nomination until we overcame a Republican filibuster 8 months after he was nominated. After rejecting the filibuster with an overwhelming vote of 70 to 29, Judge Hamilton was confirmed.

Republican Senators who just a few years ago protested that such filibusters were unconstitutional, Republican Senators who joined in a bipartisan memorandum of understanding to head off the ''nuclear option'' and agreed that nominees should only be filibustered under ''extraordinary circumstances,'' abandoned all that they said they stood for and joined together in an attempt to prevent an up-or-down vote on President Obama's very first judicial nominee.

In other words, the standard they said should be applied to every single President in the history of this country suddenly was changed when this President came in. They chose to ignore their own standards outlined in a letter sent to President Obama not long after he took office, and before he had made a single judicial nomination, in which Senate Republicans threatened to filibuster any nomination made without consultation. Of course, President Obama did consult with the senior-most Republican Senator on a nomination to fill a vacancy in his home State, but still they filibustered. In fact, he has consistently consulted with home State Senators, both Republicans and Democrats. It makes you wonder what it is about President Obama which makes Republicans want to change the rules for him, rules that existed for every President prior to him.

Since the filibuster of Judge Hamilton, Senate Republicans have required the majority leader to file cloture on three more highly qualified circuit court nominees. This is a far cry from Republican insistence that every nominee is required by the Constitution to have an up-or-down vote, or even from the ''extraordinary circumstances'' Republican Senators now claim to be the basis for a filibuster.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent for 5 minutes more. I know there are other Senators waiting to speak.

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

Mr. LEAHY. No Senator could claim the circumstances surrounding the filibusters of President Obama's circuit court nominations to be extraordinary. Republicans filibustered the nomination of Judge Barbara Keenan, a nominee with nearly 30 years of judicial experience, and who had the distinction of being the first woman to hold a number of important judicial roles in Virginia. She was ultimately confirmed 99–0 as the first woman from Virginia to serve on the Fourth Circuit. Senate Republicans filibustered the nomination of Judge Thomas Vanaskie, whose 16 years of experience as a Federal district court judge in Pennsylvania are now being used in service to the Third Circuit Court of Appeals, after his overwhelming confirmation. Senate Republicans filibustered Judge Denny Chin of the Second Circuit, another nominee with 16 years of experience as a Federal district court judge. He is now the only active Asian Pacific American judge to serve on a Federal appellate court, after being confirmed unanimously.

In addition, the Republicans' across-the-board practice of refusing consent and delaying consideration of even nominations with unanimous support has led to a steady backlog of pending nominations. The refusal of Republicans to give consent to consideration meant that 19 judicial nominations were stranded on the Senate's Executive Calendar at the end of last Congress. There are 13 judicial nominations now on the calendar that Democrats are prepared to consider.

Each of these nominations should be considered without unnecessary delay. If we do that, we can reduce the judicial vacancies to 80 for the first time since July 2009. Yet we are forced to overcome filibusters even to have a debate and vote on district court nominations.

These filibusters stand in stark contrast to the views of Republican Senators about the role of the Senate in considering judicial nominees when the President was from their own party. In 2005, when the Republican majority threatened to blow up the Senate to ensure up-or-down votes for each of President Bush's judicial nominations, Senator MCCONNELL, then the Republican whip, said:

> Any President's judicial nominees should receive careful consideration. But after that debate, they deserve a simple up-or-down vote. . . . It's time to move away from advise and obstruct and get back to advise and consent. The stakes are high . . . . The Constitution of the United States is at stake.

Other Republican Senators made similar statements back then. Many declared that they would never support the filibuster of a judicial nomination. Others subscribed to the standard that the so-called gang of 14 formulated that they would only filibuster in ''extraordinary circumstances.'' The only extraordinary circumstance in this case is the judicial vacancies crisis that has prompted the President, the Chief Justice, the Attorney General, bar associations and many others to call for prompt consideration and confirmation of judicial nominees.

Yet rather than applying consistent standards and debating and voting on judicial nominations favorably reported by the Judiciary Committee, we see Republican Senators adopting a double standard and engaging in a dramatic break from the Senate's tradition by filibustering this district court nomination.

Jack McConnell is an outstanding lawyer. President Obama has nominated him three times to serve as a Federal district court judge in Rhode Island. With more than 25 years of experience as a lawyer in private practice, Mr. McConnell has the strong support of both Rhode Island Senators, Senator REED and Senator WHITEHOUSE. He has been reported by a bipartisan majority of the Judiciary Committee three times.

Individuals and organizations from across the political spectrum in that State have called for Mr. McConnell's confirmation. The Providence Journal endorsed his nomination by saying

> in his legal work and community leadership [he] has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

Leading Republican figures in Rhode Island have endorsed his nomination. They include First Circuit Court of Appeals Judge Bruce Selya; Warick Mayor Scott Avedisian; Rhode Island Chief Justice Joseph Weisberger; former Rhode Island Attorney General Jeffrey Pine; former Director of the Rhode Island Department of Business, Barry Hittner; former Rhode Island Republican Party Vice-Chair John M. Harpootian; and Third Circuit Court of Appeals Judge Michael Fisher.

Some oppose him because he successfully represented plaintiffs, including the State of Rhode Island itself, in lawsuits against lead paint manufacturers. Some here in the Senate may support the lead paint industry. That is their right. I support those who want to go after the people who poison children. That is what Mr. McConnell did. But nobody should oppose Mr. McConnell for doing what lawyers do and vigorously representing his clients in those lawsuits.

The Senate has finally begun to debate this nomination, and some have wasted no time in coming to the Floor and distorting, I believe, Mr. McConnell's testimony before the committee. I disagree with Senator CORNYN's characterization of Mr. McConnell's testimony. As chairman, I take seriously the obligation of nominees appearing before the Judiciary Committee to be truthful. I would be the first Senator to raise an issue if there were any legitimate question as to the accuracy of Mr. McConnell's testimony. But there is not.

The accusation stems from Mr. McConnell's recent testimony as a witness deposed in a lawsuit brought by one of the paint companies engaged in litigation with Mr. McConnell's client. That lawsuit alleges that Motley Rice, the law firm where Mr. McConnell is employed, improperly obtained a 34-page confidential company document from one of the lead paint companies. Mr. McConnell is not a party to the lawsuit, but was deposed last September only as a witness. His answers at his

deposition concerning his knowledge of the confidential document were the same as his responses to written questions from Senator KYL following his hearing nearly a year ago, and the same as his responses to Senator LEE in written questions this February. At no time has there been a suggestion of wrongdoing by Mr. McConnell in this lawsuit.

Far from establishing that Mr. McConnell was untruthful with the committee, the deposition transcript obtained by the Committee after it was unsealed by the Court only further validates Mr. McConnell's account of his knowledge of this document. To believe that Mr. McConnell was untruthful with the committee, some Senators would have to disbelieve not just his answers to written questions from committee members, but also Mr. McConnell's sworn testimony as a witness being deposed in a lawsuit. Some Senators may feel strongly that Mr. McConnell and his firm were wrong to sue lead paint companies, but there is simply no basis believing that Mr. McConnell was untruthful with the committee. I reject those conclusions.

These Republican filibusters of district court nominations are unprecedented. The consequences for the American people and their access to justice in our Federal courts are real. I urge the Senate to reject these efforts and reject this filibuster.

Mr. President, I appreciate the courtesy of my colleagues in giving me the extra time, the distinguished senior Senator from Delaware and the distinguished Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am always happy to yield a little more time to the chairman of the Judiciary Committee.

COMMENDING THE NAVY SEALS

Mr. CARPER. Mr. President, I want to start off today—I did not plan on saying this; I am here to talk about small businesses and how to incentivize job creation and job preservation—but before I do that, I want to take a moment of personal privilege to talk about the Navy SEALs.

I am a retired Navy captain. I spent about 23 years of my life as a naval flight officer. Before that, I was a midshipman, a Navy ROTC midshipman out of Ohio State. We would do our summer tours as midshipmen being trained to be junior naval officers. One of our tours was down at Little Creek, where we learned a little bit about storming the beaches of Virginia and we learned how to become marines, or pretended we were. We also, later on, I guess as a lieutenant JG at Coronado, before we went over to Southeast Asia, had a chance to see—in both places, both the Little Creek Naval Station and over at the Coronado, North Island Naval Station—the Navy SEALs train. I remember talking with some of my compadres who were going through training with us, saying: We would not want to mess with those guys—and for good reason.

They have made us proud. They have taken on an incredibly difficult task and I think handled themselves splendidly, and I want to start off today saying how proud we are of them.

JOB CREATION

Mr. CARPER. I am not quite as proud, however, when it comes to one of our responsibilities; that is, the responsibility to provide and nurture a climate for job creation and job preservation. I talk a lot with small business folks, and I talk in my work with people who run pretty big businesses. One of the things I have heard again and again—not just this year but last year and the year before—large businesses are making a fair amount of money these days and a lot of them are sitting on a pile of cash. When you ask them, why are you sitting on a pile of cash and not hiring people, what we hear from a lot of them—particularly large businesses—is businesses like certainty and predictability. In too many areas—areas we actually have something to do with—there is not the kind of predictability and certainty those businesses need.

For example, are we going to get serious about reducing our deficit? I hope so. I think the Deficit Commission, led by Erskine Bowles and Alan Simpson, gives us a pretty good roadmap to take $4 trillion out of the deficit over the next 10 years. I hope in the end we will use that as a roadmap, not to use it with precision but to use it as a roadmap. But that is a big uncertainty.

The Tax Code. What about our Tax Code? We are running sort of a 2-year extension of the previous Tax Code, but that will end at the end of next year. What are we going to do about it? There is a lot of uncertainty there.

We have worked long and hard to try to pass health care legislation that is designed not just to extend coverage to people who do not have it but also designed to get us to better health care outcomes, to achieve better health care outcomes for less money, or at least better health care outcomes for the same amount of money.

We have the prospect of the Federal courts, with a number of litigations that are underway around the country, either at the circuit court of appeals level or maybe someday at the Supreme Court level, taking apart pieces of the health care bill. We need some certainty there, and we need the courts to act on it. I am not a lawyer, but some of my friends are, and some of them, who are a lot smarter than I am on these things, suggest that as far as they are concerned, this meets constitutional muster. We need an answer and we need to get on with it. To the extent we need to change the health care legislation to fix it and make it better, let's do that. But there is a lot in the legislation that enables us to get better health care results for less money. We need to do more of what works.

There is a lot of uncertainty with respect to transportation policy, on the series of extensions of the transportation programs for this country.

The way it works, if you will, Mr. President: Looking at my podium here, we will say right here is the transportation trust fund, and right here in the middle is the general fund for our country, our Treasury, and over here on the other side is sources of capital from the rest of the world. We do not have enough money in our transportation trust fund over here to build transportation projects. We end up borrowing from the general fund right here, moving funds over to the transportation trust fund. Unfortunately, we do not have enough money in the trust fund to run the general government, so we go overseas and borrow money from everybody we can to replenish the general fund, in order to put money in the transportation trust fund. It is crazy, and it is one of the reasons why we have a big budget deficit. We have uncertainty. The transportation system in this country has been awarded a grade ''D'' as in ''dealt,'' actually a grade ''D'' as in ''decaying'' because that is what is going on in our transportation system. I think things worth having are worth paying for. We need to get on with it. That is a source of uncertainty.

The last one is energy policy. As we see runups in energy prices—the price of fuel at the pump—people are wondering, What are we going to do about it? Part of what we tried to do is say, we want more energy efficient cars, trucks, and vans to be built in this country. We changed the CAFE legislation to raise the fuel efficiency standards for cars, trucks, and vans. So now, by 2016, the overall average has to be 36 miles per gallon—a huge increase from where it has been since 1975.

That is being ramped up, and that will help. But beyond that, we do not have, really, the kind of energy policy we need. That is another uncertainty.

So those are five reasons why large businesses, especially, sit on a pile of cash and are not hiring. One of our obligations is to address those uncertainties. My hope is we will do it. We actually got off to a pretty good start this year in a couple ways. No. 1, we passed the FAA reauthorization, the Federal Aviation Administration reauthorization. In doing so, we agreed on a revenue package—agreed to by the industry—to be able to modernize the air traffic control system—that is great—to be able to put some extra money toward airport construction—that is good as well—as part of our infrastructure system.

We passed in the Senate patent reform legislation. If the Presiding Officer from Montana were—and he is a very clever fellow, but if he invents or

thinks he has invented a product or technology, and he goes, under current law, to the patent office and files for a patent, I can come along, even if I had nothing to do with that technology or that product, and say I had that idea first and draw him into a lawsuit and maybe make it difficult for him to actually get his patent.

We changed that in this patent reform legislation. If he is the first one to file, then he is the first one to file, and a patent troll like me would not be able to get in the way and create mischief and simply maybe ultimately get bought out. So the idea of changing that is very encouraging.

We have a deficit reduction agreement for this fiscal year, which took about $40 billion or so out of our spending, and that is encouraging.

We have actually another piece of encouraging legislation that I think passed by unanimous consent in the last Congress on small businesses and how to help small businesses do more innovative research and how to help them ease their ability to do technology transfer. I think it passed by unanimous consent last year.

And now, so far this year, we have been working on this legislation off and on since March, since the early part of March, and we have a whole lot of amendments that have been offered to the bill. One of them is from myself and Senator VITTER, Senator COBURN, and Senator MCCASKILL, Senator BEGICH, and a bunch of other people. It is not related to small business but it is certainly related to the deficit. What it does is—as the President mentioned in his State of the Union Address, we have thousands, maybe tens of thousands of pieces of surplus property the Federal Government owns that we are not using. We pay money to keep them secure. We pay money for their utilities, for their upkeep. We are not using them. We ought to sell them. We cannot give them away to State and local governments, homeless groups. We ought to sell them, at least get them off our books. That is going to be offered as an amendment to this small business bill. My hope is my colleagues will support it. Senator LANDRIEU, who chairs the Small Business Committee, and Senator SNOWE, who is the ranking Republican member—previously the chair—have worked on the underlying bill for something like 6 years—6 years. It passed, again I will say, I am pretty sure, last year, by unanimous consent. We need to get it done. My hope is that those of us who have amendments, especially those that are not controversial, will have an opportunity to offer our amendments to this bill, and then we need to move on.

It is interesting, if you look at small businesses, an inordinate number of scientists actually work for small businesses. Something like, I want to say, 40 percent of America's scientists and engineers actually are employed by small businesses. We have some studies that show the small business innovation and research programs actually are responsible for something like 25 percent of our Nation's crucial innovations over the past decade and account for, again, something like 40 percent of America's patents.

For us to be successful in the 21st century, we need to, as the President likes to say, outeducate, outinnovate, and outcompete the rest of the world. Part of what we need to do is make sure we are creating a world class workforce, we are producing a world class infrastructure, and, finally, we are making sure we are making research and development investments that will lead to products that can be commercialized, ideas that can be commercialized, turned into products we can be making here in this country and selling around the world.

I think if we can somehow figure out how to resolve our differences so the people who want to offer amendments to this bill, especially noncontroversial ones, maybe they can be successful, and let's save the controversial stuff for another day. We may disagree on 20 percent. That is Senator ENZI's 80 percent/20 percent rule. Let's agree to the 80 percent and put it in the bill. The 20 percent that we don't agree on, let's work on that and save it and have additional hearings and deal with that later.

In the meantime, why don't we pass this bill. Why don't we make it easier for small businesses to get R&D money, to be able to do technology transfers. In some cases where that is noncontroversial, why don't we make that happen. If we do that, we can show the American people we can work together and get stuff done, and we will actually help small businesses get stuff done. We will help them make money and hire more people and, in the end, some of those people and businesses will pay more taxes, which will bring down the deficit. That is a pretty good outcome. It is worth pursuing.

I commend Senator LANDRIEU and Senator SNOWE for working on this legislation for 6 years. We need to put that good work to the vote and move on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Delaware for those very important and insightful comments both on the Navy SEALS and on the small business legislation that is pending before this body.

Mr. President, as my colleague, the distinguished Senator from Delaware, has mentioned, over the last 36 or so hours, our Nation and its allies around the globe have rightly celebrated an extraordinary military triumph, a great victory in the war on terror, a turning point, perhaps, toward peace: Osama bin Laden, the heinous mastermind of the 9/11 attacks, who murdered thousands of Americans, has been finally brought to justice.

We are rightly celebrating the extraordinary service, bravery, and skill of the Navy SEALS who were the tip of the spear—an American military that has brought to justice one of the worst war criminals of our time.

We celebrate not only, of course, the Navy SEALS, but all of the men and women who have given their lives and their service over the past years, and their families. We celebrate also the intelligence community's support of this effort, which was so crucial.

Yet even as the celebration has been conducted, on one small beach in Connecticut this news was greeted with solace and somber remembrance. It is the beach at Sherwood Island, in Connecticut, which is home to the living memorial for the Connecticut victims of 9/11, a memorial to 152 victims of this tragedy, this murderous attack by the man who has now been brought to justice. It is a beautiful place—exquisitely and heartbreakingly beautiful. The skyline of New York is visible from this point, jutting out from Westport. The skyline of New York could be seen in flames on the day of 9/11. This place provided a staging area for many of the relief efforts that happened on that day and succeeding days. Now it is a place where the community of Westport, the State of Connecticut, and the world can remember that tragedy and the people who lost their lives. It is also the place where every year Connecticut gathers to honor their memories and their families.

Many come—as some did yesterday—with very mixed feelings. The recent news, while welcome indeed, brings forth anew the agony of their loss. I know there are mixed feelings because I talked, a short while ago, with Lee Hanson, who is the father of Peter Hanson. Peter, his wife Sue Kim and their daughter Christine Lee Hanson all lost their lives on that day. Christine was only two and a half years old. People came to that place yesterday and on many other days to pay their respects and reflect on the tragedy of 9/11. They have felt ambivalence, mixed feelings, and their grief is renewed. For them there is no celebration because the legacy of their loss remains.

At the memorial, on a granite marker in Westport, there reads the following:

> The citizens of Connecticut dedicate this living memorial to the thousands of innocent lives lost on September 11, 2001, and to the families that loved them.

Today, while there are many voices who celebrate this victory—and rightly so—there are voices that are harder to hear, perhaps unheard: the victims and their families whose memory I wish to honor today. I wanted to take a moment of our time to recognize those that cannot speak, but in whose memory justice was served.

I ask unanimous consent to have printed in the RECORD the names of those 152 men and women from Connecticut who died on September 11, 2001, as they are recorded on the memorial that honors their legacy at Sherwood Island.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONNECTICUT VICTIMS ON SEPTEMBER 11TH, 2001

FIRST ROW OF STONES (SOUTH OR LEFT LOOKING TOWARD MONUMENT)

Richard M. Keane; Peter R. Kellerman; Stacey Leigh Sanders; Joshua Piver; Lawrence Getzfred; Jonathan J. Uman; Scott Thomas Coleman; Keith Eugene Coleman; Richard S. Gabrielle; Thomas M. Brennan; Ronald Gilligan; Jeffrey D. Bittner; John Fiorito; William J. Meehan, Jr.; Eskedar Melaku; Glenn Davis Kirwin; Joel Miller; Adam J. Lewis; Michael M. Miller; Steven Lawrence Glick; Eamon McEneaney; Craig William Staub; James Thomas Waters, Jr.; Frederick Varacchi; James Andrew O'Grady; Edward ''Teddy'' F. Maloney; Charles A. Zion; Michael J. Lyons; Amy King; Michael C. Farrou; Heather L. Smith; Raymond Joseph Metz, III; Jason E. Sabbag; Candace Lee Williams; Maurice Patrick Kelly; Peter Alan Gay; Stephen Lamantia; Thomas E. Galvin.

SECOND ROW OF STONES (SOUTH OR LEFT LOOKING TOWARD MONUMENT)

Francis Henry (Frank) Brennan; Thomas Anthony Palazzo; James A. Greenleaf, Jr.; Mike A. Pelletier; Michael C. Rothberg; David H. Winton; Allen V. Upton; Peter C. Fry; Kevin P. Connors; Christopher William White Murphy; Madeline Sweeney; Cheryl Ann Monyak; Francis McGuinn; Ada Maason; Robert A. Lawrence, Jr.; Martin Phillips Wohlforth; Joseph A. Lenihan; Jesus Sanchez; Amy E. Toyen; Jeffrey David Wiener; Cesar A. Murillo; Gary E. Lasko; Margaret Quinn Orloske; Derek J. Statkevicus; Randy Scott; Lindsay S. Morehouse; Dianne Bullis Snyder; Sean P. Rooney; George E. Spencer, III; Christopher Orgielewicz; Garry W. Lozier; Gregory T. Spagnoletti; Jude Moussa; James Matthew Patrick; Sean Schielke; Tyler Ugolyn; Ulf Ramm Ericson; Juan Ceballos.

THIRD ROW OF STONES (2ND FROM RIGHT LOOKING TOWARD MONUMENT)

Edwin J. Graf, III; Timothy John Hargrave; Christopher W. Wodenshek; Dolores Costa; Geoffrey W. Cloud; Edward T. Fergus, Jr.; Michael Egan; Bradley Fetchet; Andrew Stergiopoulos; James D. Halvorson; John Bruce Eagleson; Edward Calderon; Margaret Connor; Peter Gelinas; Paul M. Fiori; Robert Higley, II; Robert W. Noonan; Michael Grady Jacobs; Patrick Danahy; Christopher Samuel Gardner; Robert Gerlich; John Works; Laurence Abel; John P. Williamson; Michael John Simon; Kiran Kumar Reddy Gopu; John Henwood; Judith Florence Hofmiller; Bradley H. Vadas; Bryan C. Bennett; Timothy M. O'Brien; Kevin Michael McCarthy; Thomas Edward Hynes; John F. Iskyan; H. Joseph Heller; Stephen P. Cherry; Edward Raymond Vanacore; Eric B. Evans.

FOURTH ROW OF STONES (RIGHT MOST ROW WHEN LOOKING TOWARD MONUMENT)

Paul Curioli; Scott J. O'Brien; William Christopher Hunt; Alexander Braginski; Paul R. Hughes; Donald F. Greene; Pedry Grehan; Edward P. York; James J. Hobin; Ruth McCourt; Juliana McCourt; Osseni Mama Garba; William Hill Kelly, Jr.; Brian Thomas Cummins; Eric (Rick) R. Thorpe; Sandra Campbell; John B. Schwartz; Bennett Lawson Fisher; Mark Steven Jardim; Joseph John Coppo; Richard Peter Gabriel, Sr.; Allen Patrick Boyle; Christopher J. Blackwell, FDNY; Roger Mark Rasweiler; Evan Hunter Gillette; Peter Burton Hanson; Sue Kim Hanson; Christine Lee Hanson; Jean Destrehan Roger; Sean S. Hanley; Wilder A. Gomez; Robert Thomas Jordan; Wendy R. Faulkner; Michael G. McGinty; Michele Heidenberger; Daniel Robert Nolan; James A. Gadiel; Thomas F. Theurkauf, Jr.

Mr. BLUMENTHAL. Mr. President, we should be ever mindful of the people whose lives have been changed forever. The families of the victims and survivors need our help. Their children may have grown. Some may have children of their own. Their lives have moved on. Some have come to peace. But their lives, like the lives of the emergency responders who ran into the buildings—the firefighters, the police—have been changed forever. Whether by maintaining a memorial in your community, helping to meet the needs of their children, or just listening to their voices, it is an honor to help those who have already given so much.

Many questions will arise in the days ahead over what will be the course of action for our Nation, but today let us give pause and reflect on how America's military has kept focused on justice for the victims of terror for almost 10 years. We have lost many servicemen and women in the line of duty and many more have been injured in this war. The lives of our veterans who have fought and served and sacrificed in the war on terror have been changed forever. We owe it to them to never forget as we celebrate this victory. We owe it to our veterans who have served and sacrificed to honor that service, not just in rhetoric but in deed. Our veterans have fought for a Nation that keeps faith with them.

We must make sure to leave no veteran behind in education, jobs, and health care—to provide for them what we have obligated and promised to provide. While we hope for peace from this day forward, we must do everything we can to support the brave American men and women in uniform and those of our allies whose relentless service and sacrifice have helped us to win this victory. So too do we support the brave first responders who are always poised, always ready, to respond when their city, State or the Nation calls. They should know they each have the thanks of a grateful Nation.

My hope is that the memory of the victims of 9/11 will bring us together in a time of unity and purpose just as that heinous act did on that day almost 10 years ago. The brutal murderers of September 11, 2001, hit the World Trade Center and hit the Pentagon, but they missed America, as was remarked at the time. They missed what makes America great. They brought us together in a time that we can remember with pride because it was a time of resolve and unity.

I hope the memory of those victims—the 152 from Connecticut and thousands more from around the country—as well as their families can bring us together now in a renewed sense of unity and purpose to face the challenges that lie ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 159

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to consideration of S. Res. 159, which is at the desk; that there be up to 75 minutes of debate on the resolution equally divided between the two leaders or their designees prior to a vote on adoption of the resolution, with the final 10 minutes reserved for the two leaders, with the Republican leader controlling 5 minutes and the majority leader controlling the final 5 minutes; further, that upon disposition of the resolution, the preamble be agreed to; that there be no amendments in order to either the resolution or the preamble; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that the Senate then proceed to a period for the transaction of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Mr. President, with this agreement, the vote on adoption of the resolution will occur at 3:30 p.m. today. I encourage Senators to vote from their desks. Senator MCCONNELL and I have talked about this important resolution. We ask everyone to be in their seats 10 minutes before 3:30 so we can vote at 3:30 in a dignified manner on this most important resolution.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m, recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

DEATH OF OSAMA BIN LADEN

Mr. CARDIN. Mr. President, late on Sunday evening, the world was told of news we had been waiting to hear for almost 10 years. Osama bin Laden was a murderer who devoted his life to the destruction of freedom, democracy, and our way of life. His death is an important milestone in the fight against global extremist violence and a relief to the millions of Americans and others around the world who have felt his murderous destruction.

I, first and foremost, wish to thank the military and the intelligence professionals who carried out this daring

mission, which was executed flawlessly and will go down in our history books as to how we should do our work.

I wish to take a moment to compliment all of our military and intelligence people who were involved in this effort. I take great pride in representing the State of Maryland and our intelligence agencies that are located at Fort Meade. They do incredible work for our national security and for our Nation. They do a lot of work that keeps us safe, but they can never issue a press release because of the nature of their work. Many times I believe their work goes basically unappreciated by the vast majority of Americans. But I wish to take a moment to congratulate all the men and women in our intelligence agencies and in our military who have devoted their lives to keeping us safe. This mission demonstrates the type of work they do in order to make this a safer nation.

This successful interagency operation illustrates intelligence sharing at its best and the commitment of the men and women of our Armed Forces as well as our political leadership. As you know, after the attack on our country on September 11, we had commissions do work, we had a lot of congressional investigations, and there was one theme that came out very clearly in regard to the way we collected intelligence information to keep this Nation safe; that is, there was too much stovepiping and not enough sharing of information. Information that could have been shared, that could have been used in a way to keep us safe was not. This effort demonstrates the advantages of sharing information. Our intelligence agencies acted upon information that was made available through various sources and using that to be able to conduct this mission.

Truly, bin Laden was brought to justice as a result of President Obama's deliberative planning, coordination, and communication, his leadership, partnership, and dogged persistence. Because of that, we were able to accomplish this mission.

I wish to congratulate President Obama. He had to make a tough call. The intelligence information was not conclusive. Much of it was circumstantial. Yet he evaluated the best information we had to determine that bin Laden was at this location. He then had to make another tough choice, as to what type of mission to use—whether to use a sophisticated bomb in order to destroy the property, which would have caused the loss of some innocent life, or whether to use a higher risk mission of sending our SEALs into Pakistan. The President made the right call. He made the right decision, and I congratulate him on his leadership.

All Americans were affected by bin Laden's evil actions. We all remember that fateful day in September of 2001. I was on the other side of the Capitol as a Congressman in my office in the Rayburn Building. I remember receiving information that we thought there was a plane that could be heading to our own building. The Capitol Police ushered us out of the building so we could try to get out of harm's way. We all began to understand our Nation was under attack and the world was changing.

While we are still living in that changed world, this event reminds us again the strength of America is freedom and that its persistence can prevail. As a lifelong proponent of human rights, I know we do not rejoice in killing, but this death rids the world of a man who was committed to intolerance, destruction, hatred, and the desecration of human dignity. Bringing bin Laden to justice helps heal the wounds of those who lost their loved ones and to a nation who lived through 9/11.

We must remain vigilant as the fight against al-Qaida and other extremists goes on. While al-Qaida is increasingly marginalized—particularly as we see so many in the Arab world exercise their desires for change—the threat posed by terrorist organizations will remain with us. We must remain on our highest guard, working with our allies around the world, in order to fight these extremists.

Once again, I wish to congratulate the tremendous efforts of our President, our military, and our intelligence community, especially as their hard work continues, and may this event bring some sense of peace to the families affected by bin Laden's evil, as well as to all in the world who love freedom and peace.

Mr. President, I ask unanimous consent that the time spent in quorum calls be equally charged against the majority and the minority.

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

HONORING THE MEMBERS OF THE MILITARY AND INTELLIGENCE COMMUNITY WHO CARRIED OUT THE MISSION THAT KILLED OSAMA BIN LADEN

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 159) honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, at 10 o'clock Sunday night, I was at the terminal at the Detroit airport, and there I had gone through the usual airport security drill—shoes off, liquids in plastic bags, and all the other inconveniences designed to keep us safe. It was at that same airport on Christmas of 2009 that a would-be terrorist sought to bomb an airliner. So I was surrounded by reminders, large and small, of how the threat of terrorism has affected our lives when Defense Secretary Gates called me with the momentous news that our forces had succeeded in raiding a compound in Pakistan and killing Osama bin Laden.

A few hours later, my wife Barbara and I joined a different scene—thousands of cheering young people waving American flags and singing patriotic songs in the early morning darkness outside the White House—part of an outpouring of relief and emotion across the Nation. What had happened is Osama bin Laden could not avoid the long memory and the long arm of justice, and he could not hope to triumph against the indomitable spirit of the American people.

The news President Obama delivered to the Nation on Sunday evening gives us many reasons to reflect. We should first turn to those who still carry the grief and loss of that September morning about 10 years ago—to those who had lost loved ones in the fight against terror and the years since and to those who carry wounds of body, mind or spirit from that war. The death of Osama bin Laden cannot bring back the lives lost through his monstrous acts, but it can, I hope, bring some measure of relief from those lost.

We first turn, with thanks and admiration, to the men and women of our Armed Forces and the intelligence community. For them and their families, the last decade has been one of long separations, uncertainty, and danger. Yet time and time again they have answered their Nation's call with courage, with competence, and with skill. Once again, they have earned our utmost gratitude.

We should also commend the President for his courage and for his care in ordering a military mission to capture or kill Osama bin Laden. There was no direct evidence that bin Laden was in the compound that the CIA had determined housed two al-Qaida couriers. Instead, the evidence was circumstantial, and there were differing views within the intelligence community as to the likelihood that bin Laden or perhaps some other high-value target was there. Moreover, the mission required the military helicopters to enter into Pakistani airspace, to land in Pakistan's sovereign territory, and for Navy SEALs to use lethal force on a compound in a city that was home to two Pakistani armed regiments. The President courageously rejected the alternative options of launching a bombing mission or waiting until there was more evidence of bin Laden's presence. He rejected both of those alternatives.

With his bold decision and with the heroism and skill of our military and intelligence professionals, our Nation

struck a tremendous blow not just against a single depraved individual but against the hateful ideology he espoused. Let there be no mistake, al-Qaida is weaker today. Its leader is dead and so is the myth surrounding him.

Osama bin Laden sent his followers to hide in dark, dank mountain caves and often to their own suicides, from the comfort of his million-dollar villa. His death has dealt al-Qaida a major blow. The mystique of Osama bin Laden has been punctured.

The victory over hate-inspired terrorism is not yet complete. Our successful mission against bin Laden will no doubt lead to al-Qaida's remaining leaders issuing calls for retaliation. It is critical our intelligence and military strength continue to seek out those elements and franchises of al-Qaida that remain in Afghanistan, Pakistan, the Arabian Peninsula, Africa, and other places, such as al-Qaida in the Arabian Peninsula in Yemen. The threat may be diminished, but it remains.

Further, it is critical we ensure our military and intelligence communities continue to adapt to the threat of our irregular and unconventional enemy. The interagency cooperation that helped make this mission a success is impressive, and it remains a potent weapon in our effort to weaken the al-Qaida network.

This is an effort worthy not just of this Nation but of all nations. That is why it is important that we find answers to the significant questions raised by the news from Sunday night. Thirty-five miles from the Pakistani capital and a comfortable walk from the Pakistani military's most important academy, in a town where the Pakistani military and intelligence services own a large share of the property, al-Qaida appears to have built a massive complex, ringed by walls as high as 18 feet, protected by barbed wire, as the dedicated hiding place for Osama bin Laden. It is difficult to believe all this occurred without at least arousing the suspicions of Pakistan's security forces or their local officials.

The American people, who have provided billions of dollars of aid to the Pakistani Government, deserve to know whether elements of Pakistan's military and intelligence services or local officials knew of bin Laden's location over the 5 years or so he was there and if they did not know, how that could possibly be the case. Hopefully just as important, the Pakistani people deserve these answers, for they have suffered greatly from al-Qaida's violent extremism. Assassinations, bombings, death of civilian and military personnel alike—all these losses show that al-Qaida and its hate-filled terrorism and its terrorist allies threaten Pakistan's very existence. I believe some of Pakistan's leaders know this to be true, and I was heartened by the reaction of Prime Minister Gilani to bin Laden's death. He said, ''I think it's a great victory and I congratulate the success of this operation.''

It is urgent that the Pakistani Government get answers to the questions about what its military and intelligence agencies and local officials knew and share the answers to those questions with the world and with their own people.

Pakistan can be an important ally in the fight against terror. It has as much, if not more, at stake in that fight as anybody. All the more important, then, that we openly and honestly address the questions which have been raised by the presence of terrorist No. 1, public enemy No. 1, the world's enemy No. 1—the presence of that person in Pakistan in such a central place for all these years. It is important that those questions be honestly answered so we can continue this fight together.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the time for debate on the resolution that is pending be extended by 15 minutes, with the additional time being equally divided between the two leaders or their designees, with all other provisions under the previous order remaining in effect.

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

Mr. LEVIN. With this agreement, the vote will now occur around 3:45 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise in strong support of this resolution and offer my congratulations to the men and women responsible for developing the intelligence and carrying out the operation that led to the death of Osama bin Laden on Sunday, May 1.

This is perhaps the most important, and certainly the most stunning, intelligence operation I have seen in my 10 years on the Intelligence Committee. I wanted to congratulate, first and foremost, President Obama. As he stated in his Sunday night address to the Nation, he directed Leon Panetta shortly after taking office to ''make the killing or capture of bin Ladin the top priority of our war against al-Qaida.''

When the effort to collect and analyze intelligence on this compound in Abbottabad bore fruit, President Obama made a courageous and very gutsy decision to order the strike, even though the intelligence community could not assure him with certainty that bin Ladin was there.

At the operational level, the hunt for bin Laden and the read on his compound has shown the greatly improved collaboration and cooperation across the intelligence community and, of course, the Department of Defense.

The CIA has received and well deserved the lion's share of the credit. The agency collected the human intelligence and carried out other missions that found and characterized the Abbottabad compound, and CIA analysts took the lead in analyzing and reanalyzing that information.

The CIA's Counterterrorism Center has a banner on the wall that reads, ''Today is September 12, 2001.'' It has been nearly 10 years, but their perseverance and dedication has truly paid off.

I also want to recognize the efforts of the National Security Agency which provided signals intelligence and the National Geospatial Intelligence Agency which conducted the imagery analysis on the compound. It was truly a team effort.

I also commend and give thanks to the Joint Special Operations Command, or JSOC, the team that flew to the compound under cover of night and conducted the raid. It was not a picture perfect operation, and changes to the plan were necessary as the lead helicopter was forced to land unexpectedly. But the highly trained and skilled members of the Navy SEAL team adjusted, reached their target, and they killed Osama bin Laden without taking any casualties themselves.

I was first briefed on the compound and the possibility that it housed Osama bin Laden in the beginning of last December along with Senator Kit Bond who was vice chairman of the Intelligence Committee at that time. Since then, the current vice chairman, Senator SAXBY CHAMBLISS, and I have been regularly briefed and updated on the intelligence.

I thank Director Panetta and his team for keeping the Intelligence Committee leadership informed. As one who is regularly critical of our government's inability to keep secrets, it is very reassuring that this highly sensitive and sensational intelligence was kept under wraps for months.

There is no doubt that Sunday's operation gives rise to a number of questions. Among the most important of them are, one, what did Pakistan know about bin Laden's presence and this compound in the up to 6 years he was there? It has to be pointed out that this compound was eight times bigger than any home in the vicinity. It was just a quarter of a mile away from another home. It was a mile away from a major military academy. It had razor wire on the top of very large walls, and it was very large in itself. Trash was not picked up, it was burned. No one really came in and out except the two couriers who went about delivering

messages from a distance from the compound.

It should have been an issue of curiosity, and neighbors surely would have been interested in who lived there. Why is it so big? What is going on there? But there was virtually no reaction.

The second point is, what does bin Laden's death mean for al-Qaida and for the affiliate groups and lone wolves he has inspired and led? As the chairman of the Intelligence Committee, I will be looking for answers to those questions and get more of the details of the operation itself. Tomorrow morning, in a joint classified hearing with the Armed Services Committee, we will be looking into these and other issues. But this resolution is about commending the men and women of our intelligence community and the U.S. military for their dedication and years of work that led to 40 minutes of incredible success. It should also recognize the fact that since 9/11, intelligence has been streamlined, stove pipes have been taken down, and analysts have greatly improved in their trade craft.

As a matter of fact, the intelligence having to do with this one facility was red-teamed once, red-teamed twice, and red-teamed at least a third time. The red-teaming process gives the ability of our analysts to debunk the intelligence, to try to indicate what might be a lapse, an ''inconclusion,'' a false judgment. It is a very valuable process.

This resolution also recognizes the measure of justice now delivered to those who mourn and remember the thousands of men, women, and children claimed as victims on 9/11 and in the other attacks carried out by al-Qaida under Osama bin Laden both here and around the world.

This will not end terror as we know it today, but it surely is a monumental step to be able to put an end to the man who championed the cause, the man who provided the inspiration, the man who raised the money, and the man who was purely and simply the major leader.

Osama bin Laden is no more, and the time is upon us. I hope the world will be listening to try to consider a better path, to move away from acts of terror, move away from the killing of innocent men, women and children, and become part of the councils of government, whatever they may be, across the world, to debate, to discuss, to vote, and to put forward principled policies.

I very much appreciate the efforts of the majority leader and the Republican leader in bringing this resolution to the floor, and I urge its adoption.

I notice my distinguished vice chairman on the Senate floor. I particularly want to thank him, Senator CHAMBLISS, for all of the cooperation we have been able to effect together.

You truly have been wonderful. It has been a great joy for me to work with you, and I only wish I could give you a glass of California wine to salute this very special day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, let me just say that California wine being a favorite of mine, I am available any time. Thanks for those kind comments.

Let me just say to my good friend from California what a pleasure it has been to work with her. The Intelligence Committee has always been a very bipartisan committee, and nobody exhibits that more so than our current chairman, DIANNE FEINSTEIN. She is tough when she needs to be tough, and she is fair at all times.

She and I have a unique relationship in contrast to the other committees in the Senate in that we jointly hire all of our staff, and she has been extremely cooperative to me in the hiring process. Again, she has just been a pleasure to work with. I have to say that DIANNE and I have been on the committee together for several years, and I am very proud of the work our committee has done and our relationship with the intelligence community.

One of the big reasons we have the successes that we had on Sunday in the takedown of bin Laden is because of the oversight that DIANNE and others have carried out on the Intelligence Committee and because of our relationship with the community.

It is not a combative relationship. We have the Director of the CIA, the heads of NSA, the DNI, and others on a regular basis both formally and informally. All of that is done under DIANNE's leadership.

Those are the times when we found out the needs of the intelligence community. Had they not exhibited that and had the Senator not provided the right kind of leadership, they would not have had all of the tools necessary to carry out this very important and very sophisticated mission. So thanks for your great work. Thanks for your friendship. I look forward to that glass of California wine.

I rise today in support of the resolution with respect to the takedown of Osama bin Laden and also to praise the men and women of our intelligence and our military communities with regard to Sunday's successful operation. We have been pursuing the world's most infamous terrorist for over a decade, but it was ultimately the hard work and tireless dedication of these professional men and women that led to this significant achievement.

I am always proud of our military and intelligence men and women, but most especially today I am truly proud of their great work.

As we approach the 10-year anniversary of September 11, I am thankful that the families and loved ones of the victims of 9/11, as well as all Americans, can have some closure. The leader of al-Qaida and murderer of thousands of Americans and allies can never again sponsor a terrorist attack.

It is also important to point out that this operation was made possible by information provided by enemy combatants that had been detained and interrogated by the United States. There has been a lot of debate in this country about our detention and interrogation policy, but this is probably one of the clearest examples of the extraordinary value of the information we have been able to gather from the CIA's detention and interrogation program. If we had not had access to this information, Osama bin Laden would likely still be operating undetected today. It is because of the information gained from these detainees, pursued and analyzed over the years by the intelligence community, that led us to bin Laden's compound. It is almost unimaginable that he was located not in a cave in a Pakistani no man's land, but in a city just miles outside of Islamabad with a large Pakistani Government and military presence.

This is an amazing achievement and one that will be remembered for decades, but we must remember that al-Qaida is a diffuse and decentralized network that continues to threaten Americans both at home and abroad. A number of dangerous leaders associated with al-Qaida, including Ayman al-Zawahiri and Anwar al-Aulaqi, are still out there, no doubt plotting their next attack as we speak.

We also face a growing number of threats from other radical organizations and individuals, including homegrown terrorists and extremists. Although bin Laden's death is an enormous blow to al-Qaida, we must make sure we remain vigilant in all our efforts to defeat terrorism and never lose sight of our objectives, which is not the death of one man, but the dismantling of all terrorist networks that seek to do us harm.

In closing, I want to again thank our intelligence professionals and military personnel for their service and dedication. I also want to remind everyone that while this is our greatest success to date in our efforts to combat al-Qaida, we still have a lot of work to do and cannot rest until all of that work is done.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to speak in support of S. Res. 159, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden. I am as happy to rise today as at any time in the past 10 years—and it has been for the last 10 years that I have eagerly awaited the moment when my colleagues and I could take to this floor and celebrate the news we got this Sunday: that we got Osama bin Laden. Justice has been done. The world has become a better place now that bin Laden is no longer in it.

This is a time for national unity and celebration. It is a time to finally close a painful chapter in the history of our Nation, even as our larger fight continues. And, most of all, it is a time to give thanks and recognition to a distinguished group of our fellow citizens

who will forever occupy an honored place in our history.

I want to echo my colleagues in offering my humble thanks to the brave men who carried out the daring operation, as well as to the men and women in uniform who enabled their success. I have been involved in national security my entire life, and I am hard pressed to come up with another military operation that demonstrated such sophistication, such professionalism, such precise and lethal effectiveness to accomplish such a momentous and consequential objective. I am truly in awe of what these young men have accomplished, and I thank God that our Nation continues to produce heroic warriors such as them who are willing to give everything, to sacrifice everything, to devote their lives not to the quest for wealth or fame but to the service of a just and noble cause that is greater than their self-interests. We do not yet know their names, but we honor their achievements and we celebrate their heroism. They have made history and earned their place in it.

I want to offer the same praise for our intelligence professionals. It is a truism that intelligence fails in public and succeeds in private. So it is a great day indeed when we can celebrate such a public success of our intelligence professionals. There are men and women across our intelligence community who have devoted the past 10 years, and many more before that, to finding bin Laden. Despite setbacks and sacrifice, despite the loss of leads and the death of friends, regardless of whether the trail was hot or cold, they woke up every day and carried on the fight. And now we honor the fruits of their perseverance and sacrifice, even as they themselves remain hard at work—exploiting the new information we have recovered, analyzing the new data, and setting up the next operation.

I also want to offer my deepest congratulations and appreciation to the President and his national security team. I credit them with making the elimination of Osama bin Laden their top priority—and for accomplishing it so impressively. Regardless of the myriad groups and parties and factions into which we Americans divide ourselves on a daily basis, the killing of Osama bin Laden is a national triumph and all Americans should feel proud and appreciative of the leadership shown by President Obama and his team on this matter.

I specifically want to credit the President with ordering an airborne assault by ground forces rather than aerial bombardment. It would have been a lot easier to simply turn bin Laden's compound into a smoldering crater, but it would have denied us the certainty we now have that bin Laden is dead. It took real courage to assume the many risks associated with putting boots on the ground, and I strongly commend the President for it.

I would be remiss if I did not also thank President Bush and the many officials who labored with him for 8 years to do what has now been done. I know it is one of President Bush's regrets that he could not eliminate bin Laden on his watch, but he and his team should take solace in the knowledge that they laid the foundation for Sunday's operation, and they deserve credit for that.

Finally, I want to say a word to the many American families for whom this celebration is bittersweet because it recalls memories of the mothers and fathers, spouses and siblings, sons and daughters, who were stolen from them, and from us all—not just in the September 11 attacks but in the many acts of mass murder for which Osama bin Laden was guilty. No act of man can fill the aching emptiness of a loved one lost. For that there is only the grace of God. But it is my sincerest hope that the elimination of Osama bin Laden—this act of justice done—will help to ease the pain and bring closure to what has surely been a decade of torment, as we were daily reminded that the world's most wanted terrorist was still free.

I also want to credit the families of the victims of September 11, 2001. Had it not been for their relentless efforts and advocacy, Congress would not have established the 9/11 Commission and adopted many of its important reforms of our national security establishment—reforms that no doubt were instrumental in facilitating the joint and collaborative operation to find and kill Osama bin Laden. I could not imagine a greater contribution that the 9/11 families could have made.

Of course, the death of Osama bin Laden does not portend the elimination of al-Qaida or the end of terrorist plots and attacks against our country. We must remain vigilant in our pursuit of every enemy who would do harm to us and our friends and allies. And we shall do so. But there is no denying that the death of Osama bin Laden will have a significant impact in this long war. It will enable us to focus more of our time and attention and resources on others who would do us harm. Perhaps more importantly, it will enable our country to look more fully forward—to focus more completely on supporting the peaceful democratic awakenings that are sweeping the Middle East and North Africa, which are the greatest repudiation of al-Qaida that we ever could have imagined or hoped for.

If there is any consolation in the fact that Osama bin Laden lived as long as he did, it is that he got to witness Arabs and Muslims by the tens of millions rising up to demand justice and dignity, not through suicide bombings and mass murder, but through peaceful change, political freedom, and economic opportunity—the very ideas that bin Laden's perverse and murderous ideology seeks to destroy. That could be the truest death knell of al-Qaida, and I for one am very happy that Osama bin Laden got to hear it—just before a team of American heroes ended his wretched life.

Mr. President, I 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. MANCHIN. 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. MANCHIN. Mr. President, Osama bin Laden's death is a historic and just victory for this Nation.

While this is a profound victory in the war on terror, our thoughts must go to the thousands of innocent men and women who lost family members and whose lives were forever changed by the tragedy of September 11.

The families of those lost and our Nation as a whole can take great pride that our brave servicemembers and intelligence community successfully carried out this mission. I could not be more proud of the outstanding men and women of our military who put their lives on the line daily to defend this Nation.

Each and every one of us has a deeply personal connection to the tragic events of September 11. At the time, I was West Virginia's secretary of state. I remember staff coming into my office, and they said: Did you see what is going on? That is all they had to say, and that is all they did say.

So many Americans have similar stories. We watched in horror on live television as the second plane hit the World Trade Center and I knew something we could never anticipate and imagine had just happened to our great country. We didn't know how our lives would change, but we knew they would.

In West Virginia, similar to States all over the country, we are still mourning those we lost: a former WVU quarterback and a WVU economics graduate who were both killed in the World Trade Center's North Tower, a Parkersburg High School graduate, a young lady who perished in the South Tower, and a Marshall University medical school graduate, a doctor who practiced, was killed when the airliner he was on crashed into the Pentagon. Our thoughts and prayers will always be with them and their families.

Just like our world changed that terrible day, it has changed yet again with the killing of Osama bin Laden. It means something different to each of us. Osama bin Laden's death cannot bring back the thousands of lives that were lost that fateful day or the ones who have been lost at the hands of al-Qaida since. It cannot repair the anguish so many have suffered as a result of the evil and hatred Osama bin Laden espoused.

But it is justice, and I hope this Nation and the families of those who were lost on September 11 can take solace in that fact.

Let me also say I am so proud of the resolve, the strength, and the fortitude this Nation showed in pursuing the mission to its end.

With the killing of Osama bin Laden, the United States sent a message loudly and clearly: acts of terrorism against this Nation will not go unpunished. If you seek to do harm to this country or if you plan to hurt the people of our great Nation, we will find you and, I assure you, justice will be served.

While this success belongs to all of us, I especially thank the teams of people who united to accomplish this most important goal. President Obama and his advisers completed the mission, and I congratulate him for that. He was the one who made the difficult decision to order this mission, and he made the right call.

Immense credit must also be given to all the people in the intelligence community who have worked tirelessly to track down the world's most wanted terrorist. I also congratulate Presidents Clinton and Bush and the commitment their teams showed in fighting the war on terror.

Finally, I hope we sustain the spirit of unity we all feel at this moment to put politics aside and remind Americans that as a great nation, we become greater when we unite behind a common purpose.

For these reasons, I strongly support S. Res. 159. May God continue to bless the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I think most Americans are proud that the man who orchestrated the 9/11 attacks and then reveled in the horror of that day is dead.

Today, we recognize the dedicated work of the many intelligence professionals, law enforcement officials, and the many men and women in our armed services who brought us to this day.

The pursuit of Osama bin Laden spanned more than a decade. Following the attacks of September 11, the Senate voted 98 to 0 to authorize the use of force against al-Qaida—an authorization that is still in force today.

At the time, President Bush enjoyed the support of a nation united behind the decision to pursue al-Qaida and to drive the Taliban from power.

We should be equally united today in honoring those brave Americans who are committed to preventing further attacks upon our homeland.

While bin Laden and his followers were building their terror networks, we were patiently and diligently building our intelligence capabilities.

Following the successful raid on Sunday, those who remain committed to al-Qaida and associated terrorist groups should know that one day they too will share bin Laden's fate.

Some might think the success of this raid means the end of the war on terror. But as the President has said, the death of Osama bin Laden does not mean the death of al-Qaida. Our intelligence community and armed services must keep up the pressure on al-Qaida and associated terror networks.

Osama bin Laden launched this war on the false assumption that America didn't have the stomach for the fight. On Sunday night, he learned how wrong he was.

This week, America showed the world we meant it when we said we would not rest until justice was done to those who carried out the 9/11 attacks.

A generation of patriots has pursued al-Qaida for more than a decade, driven by the idea that every day is September 12, 2001. That spirit must persist.

Once again, I commend the President on his decision to go through with this mission. Above all, I thank the remarkable group of men who carried it out.

Not to be forgotten are the thousands of uniformed Americans in Afghanistan, Iraq, and across the globe, defending America's interests as we consider this resolution today.

The resolution reaffirms the Senate's commitment to eliminating safe havens for terrorists in Afghanistan and Pakistan, and we are reminded of the difficult work that remains. But today, those who remember the horror of 9/11 take a certain satisfaction knowing that the last thing Osama bin Laden saw in this world was a small team of Americans who shot him dead. The brave team who killed bin Laden made their Nation proud, and they deserve the Senate's recognition and its praise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I stand, as every Member of this Senate does today, I am sure, in support of not only this resolution but everything this resolution stands for.

The elimination of Osama bin Laden as a symbol of murder, of tyranny, of repression is an important moment. It is a moment that came 10 years after it should have. If we could have found Osama bin Laden 10 years ago when we were looking for him, 9/11 might not have occurred. But it did occur.

The message for him and the message for others is you cannot hide from the forces of freedom and democracy. This was a moment when the forces of freedom and democracy triumphed over the forces of repression. This was a moment when the symbol of one view of the future was eliminated with the kind of violence he himself had perpetrated on so many others.

The President made a great decision to send this team of the best of the best into this compound to find Osama bin Laden, to know for sure face to face that he was either going to be captured by Americans or, in this case, killed by Americans, to be able to take the hard drive, the documents. The information he had surrounding him will tell us a lot about his contacts, and who knows what it might tell us about the network of al-Qaida. The President could have made a decision to bomb the compound. I guess we would be sifting through the ashes today to see if Osama bin Laden was there. We might have been able to confirm that, but we would not have been able to confirm all the information the SEAL team was able to take with them. These are two important decisions made by the President. I think the decision to bury Osama bin Laden in an unknown spot but with the kind of respect his own religion required was also another good decision. I want to be supportive of the President and the decisions made.

There are times when a Predator missile is the right thing to use and times when it is not. One of the things we see from the death of bin Laden is that there is value to capturing our enemies and getting information from them. That thread of information that began maybe as long as 9 years ago finally was able to unravel in a way that made the connection that needed to be made so that Osama bin Laden could be found, so that justice could be done, so that the price would be paid by him, as it has been paid by so many others in defense of freedom.

Certainly, there are questions today about Pakistan, but there is no question that Pakistanis have died fighting alongside Americans in the last decade. There is no question that Pakistanis have been the victim of terrorism. Hopefully, this will be a moment that brings all of those who should want freedom to the same side.

I just returned from a quick visit to Egypt, which could very well be on the right path in the Middle East, a path where, without violence, people stand and want more freedom, they want democracy. That is not the goal of the extremists of Islam, for whom Osama bin Laden became the great symbol.

We do not believe Osama bin Laden has been in operational control of al-Qaida for some time. It would be wonderful if we find out in the next few days that he was and the terror of al-Qaida would be eliminated. I do not think we will find that out. But we do know he was a symbol in a way that is unique, in the way he symbolizes this wrong view of the future, the way he symbolizes the wrong view of the requirement that everybody living together be exactly the same. We, unlike any other country in the world, defy that view of the future. We have proven like no other country has ever proven that people can live together in great diversity, that people can live together with different points of view, and we can live in a society that still flourishes. Of course, we are the enemy of a world view that that is not possible. It is not because of anything we have done to the extremists in the world community; it is because of who we are.

Yesterday, the message of who we are was registered again in a powerful way as we all over this country and people all over the world talked about what happened the evening before, certainly not only the SEALs who went into the compound to see that justice was done but also all of those who are willing to serve, those who could have been among the elite who went in or all those who have served, the over 4,000 Americans, including many Missourians, whose lives have been lost in the last decade, in addition to the 3,000 lives that were brutally taken by the operatives of al-Qaida and Osama bin Laden on September 11, 2001.

This resolution that recognizes the courage to bring justice, that recognizes the evil that was done by Osama bin Laden and his followers, that recognizes the importance of freedom and democracy in a society is a resolution I am proud to support. I am proud of what the men and women did for us in executing this well-planned mission, but also of everybody who serves every day, for all the families who have a missing place in their hearts, for someone whose life was lost serving this country, for all the families who live with someone with a disability because of the kind of war we are in now.

I am pleased to stand here representing my State but hopefully representing, as all of us do, the forces of freedom and democracy that will ultimately triumph over the forces of repression and murder and chaos that one-world view would try to perpetuate. We recognize today another step against that view of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

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

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

Mr. REID. Mr. President, those watching around the world may not be able to see on their screens the scene in the Senate today. We have all come to the floor in a way we rarely do. We have come this afternoon to express with one voice our endless respect and admiration for the men and women of our military and our intelligence organizations.

''Resolution'' is an appropriate name for this legislation that is now before this body. It honors the resolution to a problem that has lingered for nearly a decade, one whose weight has grown heavier each day on the shoulders of the families whose lives were traumatized and the many more bin Laden terrorized. It honors the resolve with which our bravest stared down danger.

The world is still absorbing America's astounding accomplishment—the mission to bring Osama bin Laden to justice, one that began more than 9½ years ago and was accomplished just a little more than a day and a half ago. Mr. President, 9½ years after the worst morning in our memory, we woke up yesterday morning to a world without Osama bin Laden and with a palpable sense of justice.

Our military and intelligence operatives are the best in the world at what they do. As they set out to kill or capture our most valuable target, they captivated us with their skill and expertise, their patriotism, and their professionalism.

A flood of thoughts and emotions and analyses have been shared over the past 36 hours by many. As I said from this desk yesterday, the end of his life is not the end of this fight. It is a victory, but it is not ''the victory.''

A lot has already been said about what bin Laden's death means. So before we vote on this resolution, let me speak briefly about the American men and women who carried out this critical successful mission—a mission that was historically significant and tactically stunning.

Osama bin Laden was the most wanted and most hunted man in the entire world. His was the face of our enemy and the face of evil. There were few faces more recognizable to the American people and to the citizens of the world. Those who carried out the orders of the Commander in Chief this weekend could not be more different. The world doesn't know their names. We wouldn't recognize them if we passed them on the street today. That is exactly how they would want it.

This is the newest proud page in a long story of the American hero—the unknown soldiers, the unsung saviors who sacrifice for our country's flag and our country's freedom. They do not ask for recognition, and they do not ask questions. They just answer the Nation when it calls.

Today the Senate stands in awe of the countless men and women who have toiled in obscurity, in the field and in every corner of the world; professionals who gather one small shred of evidence here and another clue there and pursue another lead somewhere else; the men and women who, over the course of 10 long years, pieced together the most meaningful of puzzles so that a few dozen of their fellow heroes could execute an operation the world will never forget.

These heroes confronted fear with brilliance and bravery. They met the worst of humanity with the best of America. The terrorists who carried out the 9/11 attacks did so with cowardice. The Americans who carried out this mission did so with unfailing courage.

No one has asked how these men and women vote or what their politics are. So we have come to the floor today to vote together on this resolution not as two parties, not even as 100 Senators, but as one body representing one grateful country.

Mr. President, on this resolution, Senator MCCONNELL and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—97

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Lee	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Feinstein	Mikulski	
Franken	Moran	

NOT VOTING—3

Akaka	Ensign	Kirk

The resolution (S. Res. 159) was agreed to, as follows:

S. RES. 159

Whereas, 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;

Whereas 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;

Whereas 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;

Whereas 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;

Whereas, 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;

Whereas 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'';

Whereas 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;

Whereas 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;

Whereas 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.'';

Whereas, 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; and

Whereas 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.'': Now, therefore, be it

Resolved, That the Senate—

(1) declares that the death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 men and women who lost their lives on September 11, 2001, the men and women in the United States and around the world who have been killed by other al Qaeda-sponsored attacks, the men and women of the United States Armed Forces and the intelligence community who have sacrificed their lives pursuing Osama bin Laden and al Qaeda;

(2) commends the men and women of the United States Armed Forces and the United States intelligence community for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in bringing Osama bin Laden to justice;

(3) commends the men and women of the United States Armed Forces and the United States intelligence community for committing themselves to defeating, disrupting, and dismantling al Qaeda;

(4) commends the President for ordering the successful operations to locate and eliminate Osama bin Laden; and

(5) reaffirms its commitment to disrupting, dismantling, and defeating al Qaeda and affiliated organizations around the world that threaten United States national security, eliminating a safe haven for terrorists in Afghanistan and Pakistan, and bringing terrorists to justice.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to and the motions to reconsider are considered made and laid upon the table.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

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

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

NOMINATION OF JOHN J. McCONNELL

Mr. REED. Madam President, I rise today in support of the nomination of John ''Jack'' McConnell to serve as a district court judge in the State of Rhode Island. We have heard and we will hear a number of very strong statements about this nomination. I would argue very vociferously that many assertions that have been made are inaccurate at best and they are not shared by the legal and business community in Rhode Island. In fact, Jack McConnell is supported publicly and enthusiastically by the two former Republican attorneys general of Rhode Island, Arlene Violet and Jeffrey Pine. He is not opposed by the Greater Providence Chamber of Commerce, which knows him and has worked with him. He is supported by our legal community and our business community. He has received the strong endorsement of our leading newspaper, the Providence Journal, which has a record of moderation, indeed if not conservatism, in terms of their judgments about judicial candidates and some issues, but certainly moderation.

Later, Senator WHITEHOUSE and I will respond specifically about the assertions and concerns, but I think it is time at this juncture to make a few brief points about where we are at this Senate. We are at a point where we might be crossing a bridge from which we cannot return; that, unlike our previous history, district judges will be subject routinely to cloture motions because one faction or another decides, not on the merits but procedurally, they should not go forward.

Let me make a few points. Senator WHITEHOUSE and I recommended Mr. McConnell to the President after publicly seeking applicants, talking to attorneys throughout our State, interviewing almost every single applicant. We took this decision seriously, as you would expect. We know it is a reflection both upon ourselves and upon our State. From this pool of applicants we selected Mr. McConnell because we found him to be among the best attorneys of the State, a pillar of our community, one of the most generous philanthropists in our State—and in most cases anonymously—and in many cases not simply writing a check but standing in a soup line early in the morning handing out food to people who need it, without acclaim, without fanfare. This is the character of the individual, and character, I think, ultimately is the test of a judge. He has a true desire to serve this country.

Indeed, Mr. McConnell has practiced law for decades. He has never been subject to an ethics claim, a malpractice claim, a rule 11 motion, and most importantly he has never had a motion for sanctions filed against him concerning his conduct in any litigation in which he has been involved. He has a spotless record.

Moreover, we selected Mr. McConnell because we knew, based upon all of his personal background, his sworn testimony, that he will follow the precedents of the law and of the First Circuit Court of Appeals and of the United States Supreme Court. This is not something we take lightly and it is not something Mr. McConnell takes lightly. We know and he knows that when you step upon the bench you assume huge responsibilities. You have to not only appear to be impartial, you have to in every word and deed go the extra mile to demonstrate that impartiality, that you are not favoring anyone. He is prepared to do that. In fact, I think that is part and parcel of the nature of this gentleman.

Now, we have to stop here and ask ourselves collectively, do we want to go ahead and take this step of cloture for district court nominees? Do we really want to add another front in the battle of partisan political ''gotcha''? Do they really want to cast aside, for example, the blue slip process which allows Senators from a home State, particularly with a district judge, to say yea or nay? It is a process that has been in the Senate, in the informal culture of the Senate for years and years. Do they want to deny a nominee who has been reported out of committee on a bipartisan vote three times, not once, an up-or-down vote? I heard and I have heard for years—particularly under President Bush—many people coming to this floor and claiming everyone who is nominated and comes out of committee deserves an up-or-down vote, particularly a district court nominee, especially a district court nominee. So this is where we are poised—to reject all of them, to enter a new dimension of controversy and conflict in the Senate.

We have a long history in the Senate of precedents and tradition when it comes to nominations, particularly district court nominations. In my State, my predecessors, men such as John Chafee and Claiborne Pell and Lincoln Chafee and John Pastore, clearly adhered to those standards. And we have a record—a strong record

of judges in our State, and they have come from different backgrounds. They have come from the practice of corporate law. They have come from being a former Federal attorney. They have come from being a significant and principal attorney for a major insurance company. They have come from a vast array of legal backgrounds and professions. One thing they have had in common, and which is shared by Jack McConnell, is integrity and commitment to the law. And that we insist upon.

We have long recognized that these district judges serve a critical role, and I think we all recognize, too, here as Senators that this is a special role of the home State Senator. We understand that at the circuit level, when judges have to consider issues of constitutionality, where major policies issues could be resolved—in fact, finally resolved, at least for that circuit—we understand there is another added dimension. But with district courts, we have traditionally recognized the judgment of not only the local Senators but the judgment of the local legal community. And once again, here, both the legal community in Rhode Island and, I cannot emphasis enough, two former Republican Attorneys General, who know him well, who have observed him closely, have come forward of their own volition and enthusiastically supported his candidacy. They know him as a lawyer. They know him as a man of integrity and honor and decency.

There are a number of my colleagues on the other side who recognize this, and they have been very forthright in making the point about the precipice that we are on and how that is not a precedent we want to establish. I thank them for that. I thank them for their consideration. They have literally adhered to consistently—not just in the past but now—the notion that when a judge is given a qualified approval by the ABA, when a nominee goes through the committee, comes to this floor at the district level, that is when a vote should take place. And how you vote on final passage is a function of many things—your judicial philosophy versus their judicial philosophy, your view of the judgment they have and the responsibility a district judge has.

Now, I think we have again been engaged in difficult debates, and they have been particularly difficult when it has come to the circuit court. I do think we recognize collectively that because of the nature of the circuit court, there is a difference. This is the gateway, and many times, the cases never go beyond the circuit court. Constitutional law, principles that apply to whole circuits are affirmed by these panels of judges, and there is a different standard. But we have never really applied that standard to the district court. We have relied—all my colleagues have—on the ability of home State Senators, together with their local lawyers, together with their local communities, to make recommendations to serve on the district court.

Let me point out how extraordinarily unusual the vote tomorrow will be. From our reference, talking to the Congressional Research Service and the Senate Library, as far as we can consider, there have been only three cloture votes on Senate nominees for district courts in the history of the Senate—three times. Tomorrow will be the fourth. Oh, by the way, all three of those individuals ultimately received confirmation. It appears from our reconstruction that they were caught up in a procedural discussion of who should go first; this person should not go first until others had been considered. All three, after the procedural votes on cloture, were confirmed.

But it is quite clear that at least on the part of some, this cloture vote tomorrow is designed to stop and end the confirmation of Mr. McConnell. That would be a first as far as we know in our reconstruction of the history of the Senate.

So we are facing this question, the question of whether we want to establish this precedent, whether we want to disregard the record of this individual, who is a man of integrity and honor, who is strongly supported by our local business community, who is strongly supported by Republican officeholders as well as Democratic officeholders, who has gained the trust and the respect of those who know him best, and who will serve with distinction and integrity on the District Court for the District of Rhode Island.

That is the big issue we face tomorrow. Later, we will come down and we will respond to those issues of specific detail. But I can recall not too long ago when there was a group of Republicans and Democrats who came together and decided that these types of decisions should not be subject to procedural defeats, but they should be based on the merits. That was the Gang of 14's work on trying to pull together a consensus on judges. I also know that both Senator REID and Senator McConnell are working with a group of people on a bipartisan understanding regarding executive nominations—not judicial nominations but executive nominations. These are very hopeful and positive signs. I hope we can build on that process and not tomorrow take a step which I think historically is atypical, unique, in fact, a step in the very wrong direction.

We will come back again, and we will talk about the specifics of Mr. McConnell's nomination and these assertions. But all of these allegations cast, again, not only a cloud upon Mr. McConnell but on the ABA process which looks very carefully at a candidate in terms of their judicial skill but also their character, their integrity, their ability to serve, and the process here in the Senate through the committee process.

So I would hope that we can favorably consider—in fact, I would hope, as is typical, that we would move quickly to a final passage vote, as we do with 99 out of 100 district court nominees.

But this is a serious issue. I fear we are on the precipice of taking a step that will come back repeatedly to haunt us and undercut a custom and a tradition and a sense of this Senate which is necessary to maintain, not to abandon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I know I am in Senator LANDRIEU's time. I appreciate my friend's willingness to allow me just a moment to associate myself with the eloquent and thoughtful remarks of my senior Senator and to urge all of my colleagues, before we steer this body off the precipice to which he referred, to give his words their very careful and objective consideration.

I thank the distinguished Senator from Louisiana.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

SBIR/STTR

Ms. LANDRIEU. Madam President, I would like to speak for the next few minutes as in morning business about the subject that has been before the Senate now for 5 weeks. In some ways, it is unprecedented that a bill of only 100 pages would actually take up 5 weeks of the Senate's time. And you know as a member of the Small Business Committee, Madam President, how important, although only 100 pages and although only in the law since 1982, this program is not just to the Federal Government but to the taxpayers who are relying on this to spend their money wisely on their behalf, and they are looking to us to promote and extend the life of programs that actually work and return a great investment to them, particularly in these challenging budget times and economic times.

This program, which was created by Senator Warren Rudman for the specific purpose of stimulating technological innovation, encouraging greater utilization of small businesses to meet Federal research and development needs, and to increase private sector commercialization of innovations derived from Federal research and development, is a law that we must find a way to reauthorize. We are well overdue. We have now passed the authorization point by 3 years.

We have been unable to reauthorize this important program. It looks as if we may be stuck again although the major arguments about this bill have been resolved. We are actually not arguing over the nuts and bolts of this bill. Is that not sad, that all of the arguments about what percentage venture capitalists should get, by what amount we should increase the allocation—we have worked through all of those because we have worked in good

faith. We have compromised, Democrats and Republicans.

The bill passed out of our committee I believe 18 to 1. Authoring this piece of legislation is myself, the chairperson, Senator SNOWE, a strong supporter of the underlying bill—let me get the other cosponsors. Senator LEVIN is a cosponsor. Senator BROWN of Massachusetts is a cosponsor. Senator KERRY, the former chair, is a cosponsor. The Presiding Officer is an original cosponsor. I thank you. The new Senator, your junior Senator from New Hampshire, is an original cosponsor. Senator CARDIN. Senator PRYOR. So we have a good number of Republican and Democratic Senators.

This is the bill. It is 100 pages. The sad thing is that in 5 weeks, we have had over 150 amendments filed on this bill. Very few of them have anything to do with this bill. That is more amendments than there are pages of the original bill. And you can understand why the majority leader, Senator REID, cannot allow a vote on all 150 amendments. We might be here for another year, which is not fair to the Senate, it is not fair to Congress. There are other important issues we have to get to. So we are trying to compromise. Senator REID has been extremely patient trying to work with Republicans and Democrats. And I think the last offer that was being considered would have made both sides even—with 12 amendments, an equal amount, for both sides, most of which have nothing to do with this bill but that we will accept votes on.

Actually, one big amendment, significant amendment that had nothing to do with this bill has already been voted on, agreed to, detached from this bill, and sent to the President, and he has already signed it. And we are still on this bill. That was the repeal of 1099, which was almost unanimously supported to repeal a very onerous provision of paperwork and regulation that was not proper to put on the backs of small businesses. And I am proud that I led, with others, the effort to repeal that. That has been done. Yet we find ourselves still not in complete agreement that it is time to move on.

I just wish to say a few more things. No. 1, every State will benefit when this program is reauthorized. Most important, taxpayers will see significant results. Let me just tell you one that is quite startling but true and I want it to be in the RECORD.

One company that participated in this program and received a small grant many years ago and then received another grant to help them get started, Qualcomm, is now one of the most successful businesses in the world. That one company pays more taxes to the Federal Government every year than the entire budget of the Small Business Administration. Let me repeat: One company, started in large measure—not solely, but they testified on the record in large measure—because of this program, was created. It grew and grew and grew and now pays more in taxes annually to the Federal Government than the entire budget of the SBA.

You would ask yourself: So what is the problem? Why can't we get this bill passed? I can only say we have Members who think they need to have votes or discussion on 187 amendments that have nothing to do with this bill, and they think the majority leader is being unreasonable when he tries to bring this to an end.

As chair of this committee, I have to say again—and I am going to end with this—this recession we are in will never end—never end—and the budget deficit that is crushing the economic potential of this Nation will never be eliminated if we do not create jobs in America.

This program is a job-creating machine that is being shut down by this inability of us to come to terms over this debate. It is a shame because everyone is counting on us—not just my committee, but the Small Business Committee is one of the important committees here—to put this recession in the rearview mirror. I cannot do it if I cannot pass legislation.

If we want jobs, if we want innovation, if we want to create the kind of jobs the SBIR Program—you can see here: SBIR-awarded firms add five times as many employees. These are kind of our supercompanies. These are companies, the smartest. They are on the edge. They are the best. They have gotten the attention of many smart people in the government. Yes, we do have smart people who work for the Federal Government. These companies and their technology have become known, and they say: Gee, this is the kind of technology that could change this situation, save taxpayer money, and it has such commercial application. Let's give it an award. We might not be able to give it an award because we are stuck talking about 150 amendments that have nothing to do with this program, and the extension to operate this program expires on May 31st.

I am sorry I cannot solve all the problems of the world in the Small Business Committee. I am very sorry. I cannot solve all the health care problems. I cannot resolve the debt situations. I cannot talk about sunset commissions and the Gang of 6 and put every piece of legislation in this bill. We have to stay focused. We have been moving some very good legislation out of this committee, completely with bipartisan support, with a few little bumps here and there.

The small business lending program was not supported by the Republicans. We only had two Senators who crossed the aisle to give us the 60 votes to do it. I understand it is controversial. Not everything here is done in such perfect precision, but we still have high hopes for that program. Six hundred banks have applied. We believe billions of dollars will be lent out and that debate is still going on as the administrators come up. But other than that, everything we have passed in our committee has been with bipartisan support. The same with this bill: It comes out 18 to 1.

I will finally say for the record—and will submit this letter for the RECORD—I was asked by Senator COBURN, who has been cooperative actually—although he has had quite a few amendments, he has been very open to negotiation—but he sent me a letter on January 26, and it basically says: I would like to help you pass your SBIR bill, but would you please get it out of your committee clean because I do not want other extraneous things attached to it because there are ''lesser'' programs—he said—that I do not support. But I support this one.

He is not a member of the committee. He said: Senator, if you can get it out clean, then maybe I can support it on the floor.

So what do I do? I tell all my Members: I am sorry. You cannot have the amendments in committee. I am sorry. We cannot attach anything to this bill because I am trying to move a clean bill to the floor—only to get to the floor and have more than 150 amendments, most of which have nothing to do with this bill put on this bill under the guise of: Well, we have to do it. We need time on the floor to debate our issue.

Madam President, I ask unanimous consent that the letter I referenced from Senator COBURN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
RUSSELL SENATE OFFICE BUILDING,
Washington, DC, January 26, 2011.

Hon. MARY LANDRIEU,
Small Business Committee Chairman, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I wanted to thank you for your letter regarding passage of the SBIR/STTR reauthorization bill and oversight of the Small Business Administration (SBA). I appreciate your commitment to review and eliminate fraud within programs such as 8(a) and HUBZone, to streamline federal regulations and their burden on small businesses, and to eliminate wasteful and duplicative SBA programs that increase our debt and limit expenditures to more worthy SBA programs.

Thank you also for your letters, co-signed by Senator Olympia Snow, Ranking Member of the Committee, to SBA Administrator Karen Mills and SBA Inspector General Peggy Gustafson regarding possible terminations of wasteful and duplicative SBA programs. I applaud your oversight and look forward to working with you and Senator Snowe to eliminate waste, fraud and duplication within SBA and to help small businesses excel.

I believe that should there be another broad extension of SBA programs such as H.R. 366 in four months, any programs that are not fulfilling their purpose, fail to consistently encourage sustainable private growth, or have significant overhead costs should be eliminated. I do not believe longstanding and popular SBA programs like SBIR/STTR should be lumped with lesser SBA programs. It is my hope that we can come to an agreement before another temporary extension bill is considered on what programs at SBA should be terminated.

Again, thank you for your oversight and for your consideration of my concerns. I look forward to working with you this Congress.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

Ms. LANDRIEU. I have tried to be patient. I understand that. But I am asking one last time—I am asking my ranking member, I am asking the other members of my committee, I am asking my Democratic colleagues and Republican colleagues—please, in the next few hours, please, let your voice be heard to your leaders—the minority leader and the majority leader—and please try to come to some reasonable agreement.

I think the cloture motion is quite reasonable, the cloture motion Senator REID has put down. If we could agree to that, get 60 votes or more, we could move on and pass this reauthorization, which is so important for job creation in America.

We are 3 years behind schedule—not 6 months, not 8 months, but 3 years behind schedule. We have been operating this program—a very good program, one of the best—every 3 months, sometimes one month, sometimes a bit longer, but people have to guess whether we are going to extend it. That is no way to run an airline or a train or a bus or even a two-seated car, for that matter. You have to have a long runway here to get good things done and to stop wasting taxpayer money and their time.

So I am going to ask, please, let's try to get cloture.

Finally, the States that are most affected—the Senators who represent these States might want to be heads up—but Colorado, Maryland, Virginia, California, Ohio, Pennsylvania, New York, Florida, Texas and Alabama are among the States that benefit the most from this program. All our States benefit. Companies in my own State of Louisiana have received some of these awards and have gone on to hire hundreds, if not thousands, of people. But these other States have managed to actually get themselves to the front of the line.

I thank Senator BROWN for his cosponsorship of this bill. I thank other Senators from these States. But the Texas and Florida and Alabama Senators, the New York Senators, the Senators from Ohio and Pennsylvania, particularly, Massachusetts and California—the top of the list—have a lot to lose if we cannot get this program reauthorized.

I yield the floor and 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. SHELBY. 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. SHELBY. Madam President, I ask unanimous consent to proceed in morning business for 8 minutes.

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

TORNADO SYSTEM DISASTER IN ALABAMA

Mr. SHELBY. Madam President, I rise to thank my colleagues in the Senate and countless others across the country for their outpouring of support and offers of assistance to my State of Alabama in this time of need.

On April 27—this last week—an unprecedented tornado system struck the State of Alabama, claiming hundreds of lives and destroying thousands of homes and businesses. At last count, 236 people in Alabama alone were dead, with thousands more injured and a lot missing. It will take many years and potentially billions of dollars for my State to fully recover from this catastrophic disaster.

We have received calls from my fellow Senators, many of whom recently experienced destruction in their own States due to floods and deadly storms, with offers of help. To those who have reached out, I wish to offer my sincere gratitude on behalf of the people of Alabama. I also wish to thank President Obama and FEMA Administrator Craig Fugate for their swift response and commitment to restoring our State.

Their words of encouragement to disaster victims during their visit to Alabama helped ease the grief burdening local families, and their work with Gov. Robert Bentley and Alabama Emergency Management Agency Director Art Faulkner has provided vital assistance during these difficult times. This continued level of Federal coordination is critical to ensuring that Alabama gets back on its feet as quickly as possible.

I have never in my life seen such devastation to the extent I saw during my visit to my home State of Alabama recently. Giant oaks lie flattened and splintered. Homes throughout the State were demolished, leaving thousands homeless and reliant on the Red Cross, the Salvation Army, and others for shelter. At one point last week, over 1 million Alabama residents were without power—almost one-quarter of the State's population. It was gut-wrenching to walk through scattered rubble and realize it was once the site of someone's home or someone's business. The scale and the magnitude of destruction can only be described as hell on Earth.

In our State, while larger cities such as Birmingham and Tuscaloosa—my hometown—suffered extensive damage, so did other rural areas. Communities such as Pratt City, Pleasant Grove, Concord, Rainsville, Hackleburg, Cullman, and many others also incurred the wrath of the storm system and are now trying to assess the extent of their damage.

In DeKalb, Marion and Franklin Counties alone, we have seen nearly 100 deaths. Virtually every part of the State was touched by storms, and all of us were affected. The pain and loss that families are experiencing are still fresh. Many remain in shock.

However, we must also recognize that Alabama was not the lone victim of the storm. As we continue our cleanup and recovery efforts, so do the people of Tennessee, Mississippi, Georgia, Virginia, Louisiana, and Kentucky. Our thoughts and prayers are with all of the affected States. We stand willing and able to assist you, as you have offered similar support to us.

I want to reassure the people of Alabama and all the affected States that we will do everything we can on the Federal level to restore life as it was before. My staff and I are working with the State, FEMA, and the other Federal agencies to ensure as quick and efficient a recovery as possible.

Thousands of Alabamians have opened their homes, donated supplies, made contributions, and rushed to help in any way they could. After witnessing the selfless generosity of complete strangers and the sheer resilience of those affected by the storms, I have never been more proud to call Alabama my home.

It will take a lot of work and help from volunteers, but I am convinced that, together, we can overcome this terrible tragedy.

Madam President, I yield the floor.

CONFIRMATION OF KEVIN HUNTER SHARP AND SKIP DALTON

Mr. NELSON of Florida. Madam President, yesterday the Senate confirmed the nominations of Kevin Hunter Sharp to fill a judicial emergency vacancy on the U.S. District Court for the Middle District of Tennessee and Roy ''Skip'' Dalton to fill a judicial emergency vacancy on the U.S. District Court for the Middle District of Florida. Though I was necessarily absent from the vote, if present and voting I would have voted ''yea.'' I fully support the nomination of Mr. Sharp to fill a vacancy in Tennessee, and I am pleased that Mr. Dalton was confirmed by unanimous consent.

Roy Dalton, nominee for the Middle District of Florida, is currently a partner at Dalton & Carpenter. Mr. Dalton previously worked as a counsel to my friend, Senator Mel Martinez of Florida, and had a long career in private practice in Orlando, FL. I have known Mr. Dalton for many years, and I am pleased that the Senate has acted on his nomination.

Madam President, the high level of judicial vacancies puts at serious risk the ability of all Americans to have a fair hearing in court. I congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.

VOTE EXPLANATION

Mr. UDALL of Colorado. Madam President, I was unable to return to Washington, DC, and was therefore unable to cast a vote for rollcall vote No. 62, the nomination of Kevin Hunter Sharp, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee. Had I been present, I would have voted yea to confirm the nominee.

HONORING OUR ARMED FORCES

STAFF SERGEANT JAMES A. JUSTICE

Mr. GRASSLEY. Madam Presdient, it is with a solemn heart that I must honor the life and service of a soldier from my home State today, SSG James A. Justice of Grimes, IA. He was killed by enemy small arms fire in Kapisa Province, Afghanistan, at the age of 32. Staff Sergeant Justice died trying to rescue the crew of a downed helicopter that made a hard landing in Alah Say District, Kapisa Province, Afghanistan.

Staff Sergeant Justice has served in the U.S. Armed Forces since September of 1998. He was assigned to Troop A, 1st Squadron, 113th Cavalry, Camp Dodge, Johnston, IA. He was deployed to Kuwait as part of Operation Desert Spring in 2001, the Multinational Force Observer peacekeeping mission in the Sinai Peninsula, Egypt in 2003–2004, and Operation Iraqi Freedom in 2005–2006. He volunteered to deploy to Afghanistan in November of 2010. In Afghanistan, he was one of approximately 2,800 members of the 2nd Brigade Combat Team, 34th Infantry Division.

Staff Sergeant Justice is survived by his wife Amanda Jo and daughter Caydence Lillian; his father and mother Larry and Lillian Justice; a brother and two sisters; as well as many other family and friends.

Sergeant Justice's family remembers him as a caring individual who was proud of the work he was doing for his country. He wanted nothing more than to serve side by side with his brothers and sisters in arms. His fellow soldiers remember him as a charismatic, natural leader and an integral part of his unit's community. The loss of Sergeant Justice is one that will be felt not only by his family and loved ones but by the entire Iowa Army National Guard and all those that were privileged enough to have known him.

My thoughts and prayers are with the Justice family in this incredibly trying time. While words cannot express the debt that we as a Nation owe to Sergeant Justice and his family, I would like to take this time to remember the sacrifice that he made so that we can enjoy the freedoms that this Nation provides.

TRIBUTE TO JOE RICHARDSON

Mr. HARKIN. Madam President, when most people think of how our government works, they tend to think of the elected officials, the President, Senators, House Members, and of the institutions in which they serve. However, in order for elected officials to fulfill their constitutional duties, Members of Congress rely on many individuals and institutions whose work is vital to the basic functions of government. These are individuals who often work in relative obscurity, but whose contributions are often no less important than those of the more visible actors and institutions who stand before the public.

I rise today to recognize one such individual who, over his decades-long career of service at the Congressional Research Service, the nonpartisan research branch of the U.S. Congress, has had provided a profound and lasting contribution to the U.S. Congress. That individual, Joe Richardson, the food and nutrition policy analyst of CRS, will soon be leaving CRS and I, for one, feel that it is not only important, but vital, for Joe to be recognized for his decades of public service to the U.S. Congress and to the American public.

As a long-time member of the Agriculture Committee, on which I served as both the chair and ranking Democrat on several occasions, my staff and I relied heavily on Joe Richardson on numerous occasions. He provided technical assistance and professional judgment in the formulation of the nutrition title of the 2002 and 2007 farm bills, and also played a key role in the committee's successful enactment of the 2004 and 2010 child nutrition reauthorization. In each of these cases, Joe went above and beyond the call of duty—in many cases enduring, like the rest of us, long, late night conference committee meetings that would carry on for weeks, even months. As a result of his efforts, I can say with confidence that, absent Joe's efforts, the legislation that we produced would not have been nearly as sound. More importantly, because of Joe's help, each of these pieces of legislation succeeded in its core mission—helping to ensure that millions of Americans are able to obtain a sufficient and nutritious diet.

Each of us, in one way or another, takes for granted the work of others as we do our own jobs. This is not because their efforts are not noticeable, but rather, because the efforts are so consistent and steadfast, carried out with humility and without any expectation of praise or recognition. This is exactly how Joe has carried out his duties over the years. But I would be remiss in not taking the opportunity to stand up and thank Joe for his truly remarkable service to the Congressional Research Service, to Congress, and to the country. I have no doubt, after such long service, that moving on to new opportunities and challenges is not without its bittersweet moments for Joe. But I know that Joe can move on to these challenges secure in his knowledge that he has discharged his duties with the utmost professionalism and competence. He has been a pillar of the food and nutrition assistance policy community for years. For his service, I am grateful.

Mr. COCHRAN. Madam President, I am pleased to recognize and commend Joe Richardson for his dedicated service as a Specialist in Social Policy at the Congressional Research Service.

The Congressional Research Service, CRS, was formed in 1914 as a Federal agency within the legislative branch to provide Congress with a nonpartisan source of information. For nearly a century, CRS has supplied valuable policy analysis to committees and Members of both the House and Senate, and it continues to play a vital role in all stages of the legislative process.

Joe Richardson has been with CRS for nearly 40 years and has proven himself to be an expert agricultural policy analyst, particularly with regard to our domestic food assistance programs. These programs address many needs of America's poor, youth, and elderly, and continue to be very important in assisting our rural and underserved communities. Joe's contributions throughout his tenure have been invaluable in this effort, and his insightful input will undoubtedly be missed.

As a member and former chairman of the Senate Agriculture Committee, I have greatly benefitted from Joe's knowledge and experience. His expertise has helped the committee formulate and pass a number of important pieces of legislation, such as the past several farm bills which authorize a wide range of agricultural and food assistance programs. His timely reports and analyses have allowed Congress to better monitor, update, and improve nutrition programs as economic conditions change and the need for efficiency greatens.

We are forever grateful for Joe's service and commitment to agriculture policy and the U.S. Congress, and I wish him the very best in his future endeavors.

Mr. LUGAR. Madam President, from 1987 until 2002, I served as either the chairman or ranking minority member of the Senate Committee on Agriculture, Nutrition and Forestry. The jurisdiction of the committee is quite broad. One important portion of that jurisdiction is food and nutrition programs.

During my years of service on the Agriculture Committee, the committee has considered several significant changes in the food and nutrition programs. However, one constant presence throughout all those changes was Joe Richardson of the Congressional Research Service. Now, after 40 years at the Congressional Research Service, Joe has decided to retire.

Joe's thorough knowledge of the history and programmatic details of nutrition programs was vitally important in those deliberations. Moreover, his cogent, thoughtful, and nonpartisan analysis was respected on, and sought after by, both sides of the aisle, both chambers of Congress, and within the administrations of both parties. During

deliberations on important legislation, Joe's willingness to be available to committee staff on evenings, weekends and holidays was much appreciated.

I am pleased to join my colleagues in thanking Joe Richardson for his 40 years of service and wishing him well in his future endeavors.

Mr. ROBERTS. Madam President, I rise to congratulate Joe Richardson on his pending retirement. Joe exemplifies the meaning of public servant. I have served as chairman and ranking member of the House Committee on Agriculture, and today I serve as the ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry. All along the way, Joe has served the Congressional Research Service and thereby the Congress with excellence and distinction over the course of 40 years. His focus has included the nutrition assistance programs, almost from their inception. From programs ranging from SNAP, WIC, school meals, and faith-based initiatives, Joe is a recognized expert, a prolific writer, and unparalleled in his field.

A nonpartisan professional, Joe has been an invaluable resource for Members and staff and has regularly been relied upon to navigate the complexities of statutes, rules, and regulations, and the myriad of forms public assistance has taken over the last several decades. From farm bills to child nutrition reauthorizations and related legislation in-between, he has been a compendium of information on the ideas generated, efforts attempted, reforms enacted, and the effects and changes to society our laws have made. He is a tribute to his profession, and our Nation is a better place to live for all Americans as a direct result of his efforts.

I and my staff have greatly appreciated Joe's counsel. Whenever called upon, Joe would answer, be it during regular business hours, late into the night, or early the next morning, always helpful, and always forthright. I appreciate the dedication demonstrated by public servant Joe Richardson. Thank you Joe, you will be missed.

Ms. STABENOW. Madam President, as the chairwoman of the Committee on Agriculture, Nutrition and Forestry, I know we will sorely miss the expertise and dedication of Joe Richardson as we work this year to write the next farm bill. Since 1971, Joe has shared his expertise on a wide range of issues with Members of the House and Senate. He has an incredible understanding of social policy programs, and knows their history inside and out. He seems to know everything about everything. His expertise has been absolutely invaluable to my staff over the years.

In his four decades of service, Joe has played a key role in writing seven farm bills in 1977, 1981, 1985, 1990, 1996, 2002, and 2008. His understanding of Federal nutrition programs, which represent a significant majority of the farm bill, has helped the committee address the issues of hunger in America and has helped keep millions of Americans out of poverty.

While Joe is leaving us to spend time closer to his family in California, his work will continue to guide and inform us as we begin work on the 2012 farm bill. He is a wonderful example of a great public servant, and I wish him well in his retirement.

Mr. LEAHY. Madam President, there is an old saying that ''where there is a will there is a way.'' That was very true of the many pieces of legislation I worked on as chairman and ranking member of the Senate Agriculture Committee. The Senate Agriculture Committee has proven time and again that Congress can work together when it wants to get a job done.

But I have to share with you that we had a secret weapon, at least when it came to the farm bill nutrition titles and the child nutrition bills. I know that we would have had a much tougher time getting that job done successfully without the assistance and technical expertise of Joe Richardson of the Congressional Research Service. Since 1971 Joe has played an important part of nutrition policy discussions and has played a key role behind the scenes working on countless pieces of legislation over these past four decades, including seven farm bills. As a member of the Agriculture Committee during most of those 40 years, including turns as chairman and ranking member of the Agriculture Committee, I have been fortunate to benefit innumerable times from Joe's institutional memory and impressive encyclopedic knowledge of our Nation's critical nutrition programs.

Very few Americans have ever heard about the Congressional Research Service, but for the men and women who served in the U.S. Senate and for all of our staff, we know the important role that this branch of the Library of Congress plays. The Congressional Service is a legislative branch agency within the Library of Congress and works exclusively and directly for Members of Congress, their committees and staff on a confidential, nonpartisan basis. The Congressional Research Service, Congress, and the American people have been well served by Joe Richardson and his impressive public career.

For the last four decades Joe Richardson has gone above and beyond to serve the Senate and House of Representatives with his objective and always helpful information and often 24 hours a day if needed. I know that Members of both sides of the aisle have the highest regard for his work, attention to detail, and dedication.

With the retirement of Joe Richardson, we are losing an important perspective and historical knowledge that I fear that no other single person will be able to fill. To say that he will be missed is a true understatement. While I wish Joe all the best in retirement, I certainly hope that he will make sure his replacement at the Congressional Research Service and the Senate Agriculture Committee still know how to get ahold of him during development of the next farm bill.

WORLD PRESS FREEDOM DAY 2011

Mr. LEAHY. Madam President, today, people from across the country and around the world celebrate World Press Freedom Day—a time to commemorate and honor the principles of freedom of expression. World Press Freedom Day was established by the United Nations General Assembly in 1993 and provides an important opportunity for us all to remember the journalists and other members of the news media—of all nationalities—who have sacrificed their personal safety, and in some cases their lives, to ensure the free flow of information to the public.

The Nation's Founders prized and protected a free and vibrant press. Its prominence is found in the first amendment of the Constitution. Since the founding of this great Nation, American journalists have courageously documented volatile turning points in our history and the world's history. Elijah Lovejoy, the first of too many American journalists who have paid the ultimate price in service to press freedom, remains a stalwart figure in media history, even today.

The International Federation of Journalists reports that at least 94 journalists and other members of the media have been killed in the line of duty during 2010. Countless others have been detained or arrested simply for performing their professional duties.

In recent months, we have witnessed the troubling case of American and foreign journalists being detained, assaulted, and even killed in their efforts to tell the world about the democratic uprisings in the Middle East. Last month, Oscar-nominated war-film director and photojournalist Tim Hetherington and photojournalist Chris Hondros were both killed while reporting on a battle between Libyan Government forces and rebels in the city of Misrata. In February, CBS war correspondent Lara Logan was brutally attacked and sexually assaulted while reporting on the historic uprising in Egypt. The recent news that Osama bin Laden has been killed—a price paid for his crimes against the American people and the world—has focused even more attention on the unrest in the Middle East. The efforts of journalists and members of the media in that region now have even greater significance.

Preserving press freedoms and freedom of expression remains one of my highest legislative priorities as chairman of the Judiciary Committee. That is why I have once again joined with Republican Senator JOHN CORNYN to introduce the Faster FOIA Act. This bill would create a bipartisan Commission

to help ensure that the Freedom of Information Act one of the most important tools by which the press can obtain critical information about what our government is doing is not hindered by excessive delays.

A few days ago, President Obama observed that ''in the last months, we've seen journalists threatened, arrested, beaten, attacked, and in some cases even killed simply for doing their best to bring us the story, to give people a voice, and to hold leaders accountable. And through it all, we've seen daring men and women risk their lives for the simple idea that no one should be silenced, and everyone deserves to know the truth.''

As we celebrate World Press Freedom Day, we are reminded that an open and accountable society comes with not only the right of its citizens to know the truth but the duty to empower themselves with that knowledge. All of us—Democrats, Republicans, and Independents—have an interest in preserving press freedoms and protecting the public's right to know. Enacting the Faster FOIA Act will help to accomplish this goal. For this reason, I strongly encourage all Members to join me in celebrating World Press Freedom Day and in supporting this very important bipartisan bill.

THE CIVIL RIGHTS OF ALL AMERICANS

Mr. LEAHY. Madam President, I recently joined Senator DURBIN and Senator GRAHAM at an important Senate Judiciary Committee hearing focused on the civil rights of American Muslims. This bipartisan hearing was a positive statement from the committee that its members believe strongly that all Americans enjoy the rights and freedoms provided by our Constitution and our civil rights laws.

Today, I wanted to highlight a recent column written by the U.S. attorney in Cleveland, OH, Steven Dettelbach, which addressed the same subject. As one of our leading Federal prosecutors, Mr. Dettelbach is known for protecting the people of northern Ohio by enforcing our Federal laws. But he is also known for his wise counsel which is no doubt why the Attorney General selected him to serve on his advisory committee.

At the Attorney General's direction, several U.S. attorneys have been trying to better understand the needs of American Muslims. This is a laudable initiative, given that there have been attacks targeting the American Muslim community in the past few years.

To make matters worse, some leaders have sought to sow fear and divisiveness against American Muslims. Fanning the flames of hate against those with different faith traditions runs contrary to our American values because this Nation was founded in large part on the importance of religious freedom.

In his April 29 piece, Mr. Dettelbach wrote, ''Our enemies seek not only to kill our citizens and destroy our cities, they also want to attack the most fundamental American principle of all—our free, open and diverse society. We cannot and will not let them succeed.''

I could not agree more.

All Americans deserve civil rights protections and the freedoms provided in the Constitution. This does not end with the vital protections afforded by the first amendment. It continues to ensure due process and equal protection. It is bolstered by important civil rights laws that we have passed to protect the practice of religion without discrimination.

Religious freedom has long been a bipartisan issue in the Senate, but more importantly it has been a consistent American value. American Muslims, like all Americans, must be protected by the rule of law that upholds these constitutional and statutory protections.

I agree with Mr. Dettelbach when he noted that, ''[w]e find ourselves facing foreign-based terrorists, including al-Qaida, seeking to radicalize people here in the United States in new ways. Using sleek ad campaigns on the Internet, these terrorists try to recruit Americans to attack their neighbors. We must counter these efforts, but must do it wisely and without sacrificing our ideals. ''

As the President said when he announced the news that the world's No. 1 terrorist was dead, Osama bin Laden was not a Muslim leader. He had killed scores of Muslims. I hope that in the coming days, we will not see misguided passions lead to more attacks on American Muslims. In order to live up to our American values we must protect all Americans from attack. I thank the President and the Attorney General for their unwavering leadership on civil rights issues.

I ask unanimous consent that Mr. Dettelbach's short article be printed in the RECORD. I hope all Senators will read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Apr. 29, 2011]

OHIO'S MUSLIM, ARAB NEIGHBORS

(By Steven M. Dettelbach)

Those of us in law enforcement know all too well that terrorists continue to target the United States. We have seen the dangerous consequences take hold in places like Fort Hood, Texas, and Times Square in New York, and even reach here in Ohio, where our office and the FBI prosecuted a homegrown terror cell plotting to kill Americans abroad. Preventing these kinds of attacks is our top priority.

Our enemies seek not only to kill our citizens and destroy our cities, they also want to attack the most fundamental American principle of all—our free, open and diverse society. We cannot and will not let them succeed.

We find ourselves facing foreign-based terrorists, including al-Qaida, seeking to radicalize people here in the United States in new ways. Using sleek ad campaigns on the Internet, these terrorists try to recruit Americans to attack their neighbors. We must counter these efforts, but must do it wisely and without sacrificing our ideals.

Some, however, have wrongly resorted to portraying American Arab or Muslim communities, or the Islamic faith itself, as a threat to our country. While we must repel attempts by foreign terrorists to radicalize Americans, vilifying Islam or all Arab-Americans will not make our nation safer. Indeed, suggesting these Americans are less loyal than their countrymen is not only inaccurate and irresponsible, it also adds an air of legitimacy to violent extremism of another kind: directed not by American Muslims and Arabs, but at them.

In the past year, a passenger stabbed a New York cabbie after learning he was Muslim, and an arsonist in Tennessee burned a mosque, among other examples. Such acts are not only illegal, they are also profoundly at odds with one of our nation's bedrock values: ''E pluribus unum,'' or ''Out of many, one.''

Stigmatizing Muslim communities not only contradicts our nation's commitment to religious freedom, it also makes it easier for al-Qaida to radicalize Americans. Since the day a band of religious refugees stumbled off their ship near Cape Cod in what eventually would become the commonwealth of Massachusetts, practitioners of every faith have come and worshiped freely in this country.

Acts of violence and hostility against American Muslims risk obscuring these truths and feeding the enemy's false narrative that America is at war with Islam.

We must recognize that American Muslim and Arab communities are a vital part of the solution to the problem of radicalization. Terrorists do not radicalize entire communities; they recruit individuals. American Muslims and Arabs who recognized threats have worked with law enforcement when they suspect a problem. For this we owe them gratitude, not sideways glances.

In an effort to improve communication, collaboration and trust with Muslims and Arab-Americans, I have been part of a group of U.S. attorneys across the country having a series of conversations to better understand the needs of these American communities. The people of these communities should understand that the Department of Justice is here to protect them.

I have met with hundreds of American Muslims in Northern Ohio over the past few months. Not surprisingly, they want for their children what everyone wants—a good education, freedom from bullying and the opportunity for their children to grow and become productive citizens.

I heard troubling stories from parents whose children's trust in this country was shaken by various indignities suffered in our community, which they perceived to have stemmed from their religion or ethnicity. This is wrong. It is not the Ohio I know and love, and none of us should stand silently by and tolerate such intolerance.

I heard from doctors, architects and workers who have a deep love for their nation. I spoke with their American-born children who, just like the youth in our Irish, Italian and Eastern European communities, are working on their resumes, fiddling far too much with their Blackberrys and who think of themselves as American more than anything else—because that is who they are.

Law enforcement alone cannot eradicate the root causes of terrorism and hate crimes. Each of us must do all we can to forge lasting relationships with our Muslim and Arab neighbors. We need to affirm loudly that they, too, are Ohioans, our neighbors in a wonderfully diverse state that thrives on its many faiths, languages and ethnicities.

2011 AMERICAN AMBULANCE ASSOCIATION STARS OF LIFE

Mr. LEAHY. Madam President, I rise today to honor the brave men and women of the emergency medical services, EMS, profession all across the country who dedicate their lives to providing lifesaving health care and first responder services to people in need.

In particular, I would like to recognize the 81 EMS professionals being recognized today by the American Ambulance Association as ''Stars of Life.'' These 81 Stars of Life will be on Capitol Hill for the next couple of days, and I strongly encourage my colleagues to take the time to meet with these exceptional individuals.

Every year, the dispatch of an ambulance is the first response to millions of medical emergencies. Often, the survival of a patient is enhanced by the prompt medical attention provided by paramedics and emergency medical technicians, EMTs, prior to the arrival at an emergency room. As a result of the selfless acts of these courageous and devoted men and women, the lives of thousands of Americans are saved each year. While these professionals do not expect to receive recognition for their work, they deserve our outmost gratitude.

For the past 20 years, the American Ambulance Association has honored those paramedics, EMTs, dispatchers, and other ambulance service personnel who exemplify what is best about the EMS field. The American Ambulance Association has appropriately designated these individuals as ''Stars of Life.'' Past Stars of Life have included paramedics and EMTs who were part of the rescue efforts at the terrorist attacks on the World Trade Center or provided evacuation and response to the victims of Hurricanes Katrina and Rita and the recent flooding and storms in the South and Midwest. Of equal importance, this program also pays tribute to those ambulance service personnel whose heroic acts or community service activities may not have made the news but were just as meaningful to the people they aided. I consider myself fortunate to have met with many Vermont paramedics and EMTs over the years, and I have heard firsthand accounts of the tireless efforts that they perform on a daily basis for their communities. They are truly America's health care safety net.

One of the Stars of Life from Vermont left a lasting impression on me. His name was Dale Long—a 2008 Stars of Life awardee. Just several weeks after I had the opportunity to meet him, Dale was killed in the line of duty as a paramedic with the Bennington Rescue Squad. Since Dale was employed by a private nonprofit agency, he was not covered by the Department of Justice's Public Safety Officer Benefit, PSOB, program—even though his agency is the 9–1–1 emergency ambulance service agency for Bennington, VT. In honor of Dale, I introduced the Dale Long Emergency Medical Services Provider Protection Act, S. 385, which would make paramedics and EMTs who work for a private nonprofit EMS agency eligible for the PSOB program. In February, the Senate unanimously approved the Dale Long Act as an amendment to the FAA reauthorization bill, and I am hopeful that the Dale Long provision will be retained in the final conference report.

Madam President, I ask unanimous consent that the names of the 2011 American Ambulance Association Stars of Life honorees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST NAME	LAST NAME	COMPANY	CITY	STATE
Daniel	Griswold	Arizona Ambulance Transport	Sierra Vista	AZ
John	Sullivan	Arizona Ambulance Transport	Sierra Vista	AZ
Michael	Atwell	American Medical Response	Victorville	CA
Michael	O'Grady	American Medical Response	San Mateo	CA
Kevin	Smith	American Medical Response	Sonoma	CA
Gary	Smotrys	American Medical Response	Palm Springs	CA
Forrest	Uhland	American Medical Response	San Mateo	CA
Thomas	Westbrook	American Medical Response	Concord	CA
Matt	Berckefeldt	American Medical Response	Pueblo	CO
Autumn	DePolo	American Medical Response	Colorado Springs	CO
Chris	Erickson	Ute Pass Regional Ambulance District	Woodland Park	CO
Jim	Hollman	Ute Pass Regional Ambulance District	Woodland Park	CO
William	Broadbridge	Hunter's Ambulance Service	Meriden	CT
Kelly	Brunell	Hunter's Ambulance Service	Meriden	CT
Marisa	Carriveau	American Medical Response	West Hartford	CT
Katrina	Perrelli	Hunter's Ambulance Service	Meriden	CT
John	Pourciau	American Medical Response	Waterbury	CT
Jared	Yager	Hunter's Ambulance Service	Meriden	CT
Donald	Anderson	American Medical Response	Broward County	FL
Thomas	Dawiczkowski	Nature Coast EMS	Lecanto	FL
Marvin ''Happy''	Montgomery	Mid Georgia Ambulance	Macon	GA
Tito	Villanueva	American Medical Response	Lihue	HI
Jane	Hagen	Iowa EMS Association	Urbandale	IA
Nathan	Wilzbacher	American Medical Response	Evansville	IN
Steven	Simon	Acadian Ambulance Service	Lafayette	LA
Todd	Weir	Acadian Ambulance Service	Lafayette	LA
Michelle	Borden	Action Ambulance Service	Wilmington	MA
Christopher	Borges	Cataldo Ambulance Service	Somerville	MA
Theodore	Crosby	Action Ambulance Service	Wilmington	MA
Clayton	Davis	Cataldo Ambulance Service	Somerville	MA
Kris	Keraghan	Armstrong Ambulance Service	Arlington	MA
Ann	McGrath	Armstrong Ambulance Service	Arlington	MA
Jeff	Simmons	Cataldo Ambulance Service	Somerville	MA
Angela	Spofford	Action Ambulance Service	Wilmington	MA
Martin	Tyrrell	American Medical Response	Brockton	MA
Rachael	Goeman	American Medical Response	Grand Rapids	MI
Robert	Kirkland	Community EMS	Southfield	MI
Matt	Mills	LifeCare Ambulance Service	Battle Creek	MI
Erik	Olsen	Life EMS Ambulance	Grand Rapids	MI
Velvet	Whitt	Tri-Township EMS	Atlanta	MI
Tracy	Woodard	Huron Valley Ambulance	Ann Arbor	MI
Michelle	Anderson	Lakes Region EMS	North Branch	MN
Todd	Fisk	Lakes Region EMS	North Branch	MN
Brian	Murley	Mayo Clinic Medical Transport	Rochester	MN
Tommy	Walker	American Medical Response/Abbott EMS	St. Louis	MO
Derek	Poole	American Medical Response	Jackson	MS
Thomas	White	American Medical Response	Natchez	MS
Cathy	Jordan	Medic, Mecklenburg EMS Agency	Charlotte	NC
Virgil	Leggett	Medic, Mecklenburg EMS Agency	Charlotte	NC
Jamie	Stanford	Medic, Mecklenburg EMS Agency	Charlotte	NC
Marnie	Olson	North Dakota EMS Association	Bismarck	ND
Keith	Monaghan	American Medical Response	Egg Harbor Township	NJ
Jessica	Bauer	REMSA	Reno	NV
Debi	Kubiak	REMSA	Reno	NV
Leonard	Spice	American Medical Response	Las Vegas	NV
Mark	Camplese	Community Care Ambulance	Ashtabula	OH
Jason	Fellows	Community Care Ambulance	Ashtabula	OH
Shane	McKenzie	Community Ambulance Service	Zanesville	OH
Beth	Sundman	Community Care Ambulance	Ashtabula	OH
Ron	Causby	EMSA	Tulsa	OK
Mark E.	Hopping	Life EMS	Enid	OK
Mike	McWilliams	Oklahoma Ambulance Association	Muskogee	OK

FIRST NAME	LAST NAME	COMPANY	CITY	STATE
Preston	White	EMSA	Tulsa	OK
Robert	Breihof, III	Metro West Ambulance	Hillsboro	OR
Rose	Durschmidt	Woodburn Ambulance Service	Woodburn	OR
Daren	Groff	Bay Cities Ambulance	Coos Bay	OR
Christopher	Pfingsten	Metro West Ambulance	Hillsboro	OR
Philip	Reid	Metro West Ambulance	Hillsboro	OR
Tracy	Schroeder	Medix Ambulance	Warrenton	OR
Monica	Stephens	Pacific West Ambulance	Newport	OR
Nicholas	Yoder	American Medical Response	Milwaukie	OR
Andy	Brijmohansingh	Global Medical Response	Santa Rosa Heights, Arima	Trinidad & Tobago
Rick	Dodd	LifeNet	Texarkana	TX
David	Macias	Life Ambulance Service	El Paso	TX
Alejandro	Munoz	Life Ambulance Service	El Paso	TX
Pablo	Rios	American Medical Response	San Antonio	TX
Bryan	Shelton	LifeNet	Texarkana	TX
William	Mapes	Regional Ambulance Service	Rutland	VT
Lawrence J.	Salisbury	Bennington Resque Squad	Bennington	VT
Rebecca	Ainley	American Medical Response	Seattle	WA
Niccole	Gibbs	American Medical Response	Vancouver	WA

WOMEN'S PREVENTIVE HEALTH SERVICES

Ms. CANTWELL. Madam President, I join my colleagues to come to the floor this afternoon and talk about tomorrow's votes on two different resolutions and to say that I am proud to join my female Senate Democratic colleagues in this effort and to speak out about this important issue.

To me the American people have sent us a clear message. They want us to focus on job creation, promoting innovation and putting Americans back to work. But instead tomorrow we will be on the Senate floor trying to defend access to health care for women. We will vote tomorrow on whether to defund Planned Parenthood, an agency that serves hundreds of thousands of people in my State on important exams such as breast examination and helping to prevent infections and various things.

And just a few weeks ago I talked about one of our constituents, a 22-year-old woman from Seattle, who was diagnosed with an abnormal growth on her cervix at Planned Parenthood and was able to receive life-saving treatment. She was uninsured, and without Planned Parenthood, she would not have been able to get that kind of treatment and certainly her health would have been in major danger in the future. I tell her story to emphasize the importance of Planned Parenthood on prevention and that they are centers of prevention for many, many women who have no other access to health care.

And so we cannot jeopardize the access to that preventive health care at a time when it is so important for us to reduce long-term costs. In fact, even in the investment area, every dollar invested in family planning and publicly funded family planning clinics saves about $4 in Medicaid-related costs alone. So prevention of health care is good for us in saving dollars and it is certainly good for our individual constituents who have a lack of access to health care.

That is why I am so disappointed and the situation that we are having now where our colleagues are saying to us, you can get a budget deal, but you have to defund women's health care access to do so. The avoidance of a government shutdown has also brought on, I think, a challenge on the backs of women in the District of Columbia because it included a provision denying DC leaders the option of using locally raised funds to provide abortion services to low-income women.

For those who argue against big government this is a contradiction because this is a real imposition on the ability of elected officials in the District of Columbia to decide what to do with their locally raised funds. I know because I am in the Hart Building, what the Mayor and others on the council had to say about this. This is an imposition on the health services of low-income women in the District of Columbia and certainly has gone almost unnoticed in the eleventh hour. And I think sets a precedent for a dangerous slippery slope with what we are telling local governments to do.

But it is time for us to focus on our budget, living within our means, and getting back to work, but certainly not to try to do all of that on the backs of women. And it is not time to shut down access to women's health care. Republicans in the house have decided to wage war and to say women should be a bargaining chip.

Well, I think the American people have sent us a clear message. They want us to get back to work and they support Planned Parenthood and the efforts of Planned Parenthood on preventive health care and health care delivery services. A recent CNN poll showed that 65 percent of Americans polled support continued funding of Planned Parenthood.

And I know my colleagues on the other side of the aisle would like to say that these funds are used and helped in funding organizations that may be involved in doing full reproductive choice services. But I ask them to think about that issue and that logic. Where will they stop? It is Planned Parenthood today, but are they going to stop every institution in America from receiving Federal dollars?

It is illegal for Planned Parenthood to use Federal dollars for the full reproductive choice including abortion. It is illegal. You cannot use those funds. And yet the other side would like to say that this is an issue where they would like to stop Planned Parenthood today and then they will try to stop other organizations in the future.

It is time to say no to this tomorrow and to say no on trying to pull back from the full health care funding bill at a time when we need to implement the reforms to keep costs down and to increase access for those who currently don't have access to health care and come back to the system with much more expensive health care needs in the future.

So I am very disappointed that at the eleventh hour of a budget debate that is about living within our means, about how we take the limited recovery we have had and move it forward economically, that instead we are saying we cannot move forward on a budget in a recovery until we take everything that we can away from women and access to women's health care.

We will fight this tomorrow and I am proud to be here with my colleagues to say we will be the last line of defense for women in America who are going about their busy lives right now, taking their kids to school, trying to juggle many things at home and work and they are every day as the budget people within their own homes trying to figure out how to live within their means and the national budget debate has broken to this point? We can only have a budget agreement if you defund women's full access to health care. That is wrong and we will be here tomorrow to fight this battle and speak up for women.

I just want to point out to my colleague, Senator KIRSTEN GILLIBRAND, that I remember in 1993, in the ''year of the woman,'' when so many women got elected to Congress, it was the first time in the House of Representatives we had a woman on every single committee.

And the end result of that is we had an increase in funding for women's health research. So much of the research had been up to this point focused on men. Why? Because there wasn't anybody on the committee to speak up about how women had uniquely different health care needs and deserved to have a bigger share of funding for health care needs of women than were currently being funded.

That is what you get when you get representation and the women Senators will be here tomorrow to fight, to say that women deserve to have access to health care through Planned Parenthood and title X and, please, for those working moms who are out there juggling dealing with children and

childcare, dealing with their jobs, dealing with pay equity at work, dealing with all of these other issues that women are struggling with, that they don't have to be a pawn in the debate on the budget. That there are people who believe just like the majority of Americans do that we should move forward with this kind of preventive health care for women in America.

REMEMBERING MAX VAN DER STOEL

Mr. CARDIN. Madam President, as the Senate chairman of the U.S. Helsinki Commission, I rise today to pay tribute to Max van der Stoel, the first High Commissioner on National Minorities at the Organization for Security and Cooperation in Europe, OSCE, who died last week at his home in The Hague at the age of 86. Van der Stoel, a two-time Dutch foreign minister, worked tirelessly throughout the OSCE region as High Commissioner from 1992 to 2001 to prevent crises involving minority issues.

Max van der Stoel had a life-long commitment to human rights. From his early life in Nazi-occupied Netherlands to defining moments spent with Soviet-era dissidents, van der Stoel was deeply affected by the abuses he witnessed. He described one such encounter, in then-Czechoslovakia in 1977, when as foreign minister he met with Charter 77 activist, Jan Patocka in full view of Czechoslovak authorities. Van der Stoel commented that, ''This support was of great concern to the Communist authorities. After our short meeting, Professor Patocka was arrested and rigorously interrogated. He died of a heart attack the next day.''

Following the first gulf war, van der Stoel was appointed U.N. Human Rights Representative for Iraq, and he continued to raise human rights concerns in Iraq throughout the 1990s.

In 1992, he was appointed as the OSCE's first High Commissioner on National Minorities, HCNM, with a mandate aimed at preventing conflict through quiet diplomacy and early warning to the OSCE countries. His successes in that role are largely unrecognized, as they lie in what did not happen rather than in what did. He traveled to countries where tensions were rising, encouraged dialogue, and made practical recommendations to address underlying issues related to ethnic tension.

He worked in Estonia and Latvia in the early 1990s to address the processing for acquiring citizenship—which at the time disadvantaged particularly ethnic Russians in the newly independent states because of stringent language testing. He was the OSCE Chairmanship's Personal Representative on Kosovo—although unfortunately his early warnings in 1997 and 1998 went unheeded by policymakers. His work on inter-ethnic relations and education in Macedonia resulted in the establishment of the South Eastern European University in Tetovo in 2001, which is still a model for integrated education. Throughout his time as HCNM, he promoted rights for Roma, the single largest minority in the OSCE region as a whole.

His job was not easy, but his integrity, commitment, and diplomatic skills paved the way for his successors and built the position of the HCNM into one of the most effective OSCE tools for conflict prevention. His legacy to the OSCE is not only the work he did as HCNM, but the advice he left behind on the importance of early action to prevent conflict.

In his last statement to the OSCE Permanent Council in 2001, he said:

> Governments should see the self-interest in protecting minority rights and living in peaceful and prosperous multi-ethnic states. The only people who profit from inter-ethnic conflict are nationalist entrepreneurs. That is not a business that reaps long term profits. In the end, intolerance, violence and instability hurt us all.
>
> I maintain that preventing inter-ethnic conflict will continue to be one of the organization's biggest challenges in the near future. Despite improvements in many OSCE states, conflicts still rage and tensions boil below the surface. We have to sharpen our tools and invest sufficient resources to ensure that we remain on the cutting edge of conflict prevention. . . . Collectively, we must do more to act in response to the warning signs. It is not enough to admonish States for falling short of their commitments. A concerted response by the international community must be resolute, targeted, and timely.
>
> . . . When a crisis becomes acute, everyone wonders what went wrong or what steps should be taken to contain the situation. Things do not need to get to that point. While Foreign Ministries seem to be increasingly sensitive to the benefits of relatively limited funding, treasuries are still hesitant to invest in preventing the conflicts of tomorrow. We need to put our money where our mouth is. It makes political and financial sense to put resources into keeping multi-ethnic states together, rather than bailing them out after they have fallen apart.

His words are as timely and relevant today as they were 10 years ago. It is my hope that, inspired by the dedication and accomplishments of Max van der Stoel, the United States and its allies will strive to ensure that ethic tension and human rights violations are not allowed to fester until they erupt into conflict.

TRIBUTE TO ROBERT McCARTHY

Mr. BROWN of Massachusetts. Madam President, today I wish to recognize Robert McCarthy of Watertown, MA, who is retiring after 23 years as president of the Professional Fire Fighters of Massachusetts. As a fire fighter, Bob McCarthy fought to save lives and property from fires and accidents. As head of the PFFM, Bob fought to protect and defend his 12,000 PFFM brothers and sisters.

Thanks to his leadership, the Commonwealth's professional fire fighters are healthier, safer, better equipped and better trained. And of course, better equipped, better trained fire fighters mean increased public safety.

For Bob McCarthy, fire fighting came naturally; you might say it was in his blood. Like his father and grandfather before him, Bob was a Watertown fireman, rising through the ranks to become captain of the Watertown Fire Department. When he retired from actively fighting fires, he dedicated his life to fighting for his fellow firemen.

Bob McCarthy served as the union's legislative agent for 2 years before being elected president of the PFFM in 1987. As president, Bob was a highly effective advocate for Massachusetts' professional fire fighters. Believe me; as soon as an issue arose that impacted his members, it was usually about thirty seconds before my office phone rang.

I would like to note just a few of Bob McCarthy's many accomplishments as president of the PFFM. Bob McCarthy was a major force in the passage of a cancer presumption law which protects firefighters for 5 additional years after they retire. He worked diligently to maintain laws pertaining to fire fighters' heart and lung health and to preserve grants for better safety gear. He played a major role in funding critical incident stress management for the fire service. And one of his greatest legacies are the biennial educational seminars which play a vital role in ensuring that Massachusetts' professional fire fighters receive ongoing education on the latest safety issues.

Bob McCarthy hasn't limited his service to fire fighters; he was also a valued member of numerous boards of directors of leading firms and organizations in my State. It is hard to gauge just how many people's lives he has not only impacted but actually saved. All too often the focus is on what is lost in fires. What goes unreported is what professional firefighters save. Not only thousands of lives and homes, but pets and items of sentimental value.

Bob leaves the PFFM in the very able hands of Mr. Ed Kelly who was sworn in as president last month. This evening, the Professional Firefighters of Massachusetts will celebrate Bob's 26 years of service to his community at their annual dinner. I join their 12,000 members in honoring Bob McCarthy for his service to the PFFM and my Commonwealth, and wish Bob and his wife Dorothy all the very best in the years ahead.

FRATERNAL BENEFIT SOCIETIES

Mr. KOHL. Madam President, I rise today to praise the work of fraternal benefit societies, little-known but critical nonprofit organizations that meet the needs of millions of Americans day in and day out. There are over 9 million fraternal members across the country.

Every day, their volunteers supplement the social services provided by overburdened government agencies—

serving children, the elderly, veterans, and others who need help. In the past year alone, fraternal members invested 91 million hours in community service and contributed $400 million to charitable programs. In the State of Wisconsin, there are 252,232 fraternal members, and in the last year, these members spent over 4 million hours volunteering and donated over $25 million throughout the state.

Fraternal benefit societies are tax-exempt organizations that sell financial products such as life insurance and annuities, and use the profits to meet community needs. From a small Federal investment of $50 million a year, over $400 million is put back directly into communities. A recent study found that fraternal benefit societies contribute more than $3 billion annually to society. The fraternal benefit societies leverage additional community resources through fund matching programs and by bringing people together to do good. These community needs would not be met without fraternal benefit societies, especially at this time of shrinking federal, state and local resources.

From acting as a first-response network in the face of natural disasters, to building homes for families in need, to assisting families struggling with overwhelming medical bills, to providing scholarships to deserving students, fraternals are dedicated to improving the lives of their members, families, and communities.

Many of these societies have been around for over a century. They began, in large part to meet needs of immigrant populations that could not otherwise be met—helping families when a breadwinner got sick or died; helping a community member find a place to stay or meet medical needs. While the organizations have evolved, today they still meet needs that are otherwise not met. They help pay for medical bills, have scholarship funds, assist in neighborhood playground builds, clean up after disasters, stock food pantries and bring meals to seniors.

I want to honor these groups during their annual meeting. I want to take the opportunity to thank the 9 million fraternal members for all of the great work they do around the country.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL ALLEN E. TACKETT

• Mr. MANCHIN. Madam President, I would like to take this opportunity to pay tribute to MG Allen E. Tackett, a great West Virginian who shepherded an evolutionary change in the role of the West Virginia National Guard during his 15-year tenure as adjutant general.

Across our Nation, the Guard mission has been synonymous with being the first on the scene for disaster relief and keeping the peace at home—that mission remains true today. However, since the terrorist attacks of September 11, 2001, the members of the National Guard have pulled double duty, becoming the essential soldiers in our military missions overseas.

This new role for the Guard often means long and frequent deployments away from home, disruption to civilian careers, and new readiness challenges for the Guard's leadership. For global peacekeeping missions in Bosnia, Kosovo, and for the wars in Iraq and Afghanistan, Guard leadership has to ensure their troops have the right equipment at the right time, the proper training for uncommon dangers, and as needed, be the glue that mends and holds together the families of Guard members. Under General Tackett's leadership, the West Virginia National Guard has received all this and more. With tenacious grace, the General asked for—and received—new training facilities, planes, new runways, and congressional backing for family support programs.

Under General Tackett's leadership, the readiness of the West Virginia National Guard skyrocketed to the best in the Nation.

Under General Tackett's leadership, the soldier, especially the new and uninitiated, took center stage. General Tackett believes a soldier's success depends on higher education, the best training, and personal initiative.

Under General Tackett's guidance, future leaders of the West Virginia National Guard have a head start because of his dogged support for the National Guard Youth Challenge Program, the Guard's Tuition Assistance Program, and the technical skills program known as Helmets to Hard Hats.

And, under General Tackett's leadership and vision, our Nation's Guard and Reserve components, Active-Duty servicemembers, and our first responders use state-of-the-art training resources at the Memorial Tunnel and Camp Dawson to prepare defenses in response to 21st century national security threats.

Like other Golden Gloves champions, General Tackett struck his own path in his youth; he honed his individual athletic skills and refined the meaning of a disciplined work ethic. His pride in his home State of West Virginia kept him giving back to the Mountaineer State with years of civilian successes while rising in the ranks of the Special Forces.

His stellar leadership as Adjutant General for the West Virginia National Guard began on September 11, 1995, under Governor Gaston Caperton. I would like to recall a list of his accomplishments in order to recognize the contributions of MG Allen E. Tackett.

Upon his retirement on January 31, 2011, MG Allen E. Tackett remains the longest serving Adjutant General in the history of the State of West Virginia and the United States.

As Adjutant General of the West Virginia National Guard, General Tackett commanded more than 6,000 soldiers and airmen, including more than 10,000 West Virginia National Guard, soldiers, and airmen that have deployed since September 11, 2001 in support of the global war on terrorism.

General Tackett directed the West Virginia National Guard in response to more than 80 emergencies in the State of West Virginia.

General Tackett has served five Governors of the State of West Virginia, representing both political parties.

The West Virginia National Guard, under the leadership of General Tackett, rose from the rank of 24th in the United States in readiness to first in an 18-month period, has continued to demonstrate its superior level of readiness as judged by the Army readiness criteria, and has remained at or near the top rank in readiness for 15 years.

Under the leadership of General Tackett, the West Virginia National Guard undertook a significant modernizaton program to ensure that modern facilities are constructed to meet the demands placed upon soldiers and airmen in the 21st century, including projects to replace outdated armories, build new hangars, acquire ramp space to protect the 130th Airlift Wing from the base realignment and closure process, and to convert the Martinsburg Air National Guard base for a fleet of C–5s.

Under the leadership of General Tackett, the Joint Interagency Training and Education Center was built to provide homeland security training to Department of Defense assets, other Federal agencies, and first responders at Camp Dawson and the Memorial Tunnel. As a result, he was described in a 2001 U.S. News & World Report article as someone who could soon be ''the nation's defacto chief of anti-terror preparedness.''

Under the leadership of General Tackett, the West Virginia National Guard maintained 36 armories and was present in 34 communities.

Under the leadership of General Tackett, the West Virginia National Guard has had a significant positive economic impact across the State of West Virginia, including the addition of nearly 1,500 full-time jobs.

Under the leadership of Major General Tackett, the West Virginia National Guard sponsored and operated the Mountaineer ChalleNGe Academy, which provides at-risk youth with an opportunity to earn a general education diploma.

And, under the leadership of Major General Tackett, 43 percent of the members of the West Virginia National Guard have earned a degree from an institution of higher education or are enrolled in an institution of higher education and participate in the State of West Virginia tuition assistance program.

As his one-time commander, I am proud to share with the American people General Tackett's distinguished and exemplary career, to take this opportunity to publicly thank him, and

to wish him continued success and future happiness in his well-deserved retirement.●

VERMONTS' JUNIOR IRON CHEF COMPETITION

● Mr. SANDERS. Madam President, today I wish to honor the students who participated in Vermont's fourth annual Junior Iron Chef Competition. Forty Vermont middle schools and 16 Vermont high schools sent teams to the day-long event, a cooking competition which promotes local agriculture and healthy choices in school nutrition. I was very impressed, when I attended the competition, to see the creativity and energy the students brought to this endeavor.

Vermont's Junior Iron Chef Competition brings aspiring chefs together for a timed ''cook-off.'' Middle schools face off in one division and high schools in another. Each team is composed of up to five students and is accompanied by an adult supervisor who is allowed to offer guidance but not take part in the actual cooking.

Contestants must use their culinary skills to create original school lunch dishes using at least five ingredients produced by local farmers. Prizes were awarded in three categories. I would like to recognize the winners from each category and commend the students from all competing schools for their excellent effort. Teams from Twin Valley swept the Best in Show prizes; Team Murdock winning at the middle school level and Hakuna Matata for high school. The Barre City Chefs of Barre City Elementary Middle School won the award for Most Creative Dish for middle schools and the Food Fighters from Centerpoint School won in the high school category. The awards for Greatest Number and Best Use of Local Ingredients went to the Barretown Bobcats of Barre Town Middle School and the Rebel Chefs from South Burlington High School.

In addition to extending education beyond the traditional classroom, I admire the competition for promoting local agriculture and healthy eating choices. Junior Iron Chef attempts to change the often stale homogeneity of school lunches by bolstering what is now a statewide effort, led by groups like Vermont Food Education Every Day, FEED, and the Burlington School Food Project. It attempts, successfully, to reconnect young Vermonters with our state's agricultural roots and to restore a bond between our schools and the food that Vermont produces.

Vermont is, I believe, among the leaders in promoting small scale agriculture. While Vermont has long been known for its dairy farms, smaller scale agriculture is growing rapidly in our State.

Scientific studies have shown that the health of Americans is threatened by an overdependence on fast food, on sugar-enhanced drinks, on snacks low in nutrition and high in fats. Too often we, adults and children alike, turn to processed fast foods instead of eating nutritionally balanced meals. Our national diet is, unfortunately, responsible for many unhealthy results, including a surge in both childhood obesity and childhood diabetes. Creative efforts like Vermont's Junior Iron Chef Competition are terribly important in the effort to effectively combat unhealthy diets and the rise of childhood obesity and childhood diabetes.

To the Junior Iron Chef Competition sponsors, Vermont's agriculture community and its forward thinking school systems, to those who organized the event, to the adult supervisors, and especially to the Vermont students who participated in the Junior Iron Chef Competition, let me offer my congratulations.●

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 362. An act to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

H.R. 1423. An act to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 362. An act to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''; to the Committee on Environment and Public Works.

H.R. 1423. An act to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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. MENENDEZ:

S. 867. A bill to fight criminal gangs; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. COBURN, Mr. CORNYN, Mr. JOHANNS, and Mr. KYL):

S. 868. A bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program; to the Committee on Finance.

By Mr. GRAHAM:

S. 869. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 870. A bill to amend the Federal Water Pollution Control Act to modify oil and hazardous substance liability, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. WEBB, Mr. BURR, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH):

S. 871. A bill to repeal the Volumetric Ethanol Excise Tax Credit; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 872. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

By Mr. AKAKA:

S. 873. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 874. A bill to amend title 38, United States Code, to modify the provision of compensation and pension to surviving spouses of veterans in the months of the deaths of the veterans, to improve housing loan benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S. 875. A bill to amend the Safe Drinking Water Act to require additional monitoring of certain contaminants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 876. A bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr.

LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 159. A resolution honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes; submitted and read.

By Mr. BURR (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. Res. 160. A resolution designating May 6, 2011, as ''Military Spouse Appreciation Day''; considered and agreed to.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. COONS):

S. Res. 161. A resolution designating May 2011, as ''National Inventors Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 164

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 219

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 253

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 490

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 490, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 530

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 530, a bill to modify certain subsidies for ethanol production, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 595

At the request of Mrs. MURRAY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 596

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Ms. CANTWELL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 657

At the request of Mr. CARDIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 712

At the request of Mr. DEMINT, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 745

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 745, a bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

S. 747

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 747, a bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past due.

S. 770

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 770, a bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes.

S. 778

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 818

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 830

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 830, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 838

At the request of Mr. TESTER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S.J. RES. 4

At the request of Mr. SHELBY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year.

S. RES. 80

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 116

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 116, a resolution to provide for expedited Senate consideration of certain nominations subject to advice and consent.

S. RES. 144

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. SNOWE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 144, a resolution supporting early detection for breast cancer.

AMENDMENT NO. 212

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 212 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 299

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 299 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER:

S. 870. A bill to amend the Federal Water Pollution Control Act to modify oil and hazardous substance liability, and for other purposes; to the Committee on Environment and Public Works.

Mr. TESTER. Mr. President, on April 20, 2010, an explosion and fire destroyed BP's Deepwater Horizon oil rig, killing 11 workers and causing the largest oil spill in American history.

A year later, the well is capped and Americans who live near and rely on the Gulf of Mexico are still struggling with the ramifications of the Deepwater Horizon spill, while facing destruction from unprecedented storms ripping across the region. Meantime, BP, the second largest oil company in the United States who just reported 7.1 billion dollars in profits last quarter, is attempting to skirt their fines for this unprecedented disaster.

In early April, BP indicated it is exploring wording in the Federal Water Pollution Prevention Act or the Clean Water Act which allows the court to determine the fines by either the number of days of the incident, or by the number of barrels of oil spilled. Current law leaves the determination of which metric to use up to the court. In this case, the difference between these two metrics is enormous. At the low end, using the per-day charge of $32,500, BP could pay less than $3 million for the whole incident. This amount of money isn't sufficient to change BP's safety culture and improve its workplace and environmental safety.

Per barrel fines range from $1,000 to $4,300 per barrel. Under this metric, BP's fines would total between $5 billion and $18 billion, which is a much more appropriate fine for the environmental damage that was done.

We must address this outrageous loophole to prevent corporate polluters from skirting accountability and responsibility if they wreak havoc on our land and in our water. We must speak the only language that corporations understand and that is profit. These fines, which are the only penalties the corporation cannot write off on their taxes, are critically important to sending a message that pollution doesn't profit; that corporations act responsibly to protect workers and the resources they use. If we accept minimal fines, we are condoning this irresponsible behavior.

Many will argue that we don't need this legislation, because the court will fine them accordingly. But to date, the largest Clean Water Act fine ever levied was $13 million. $13 million is less than BP spent in 2009 on lobbying.

That is why I am introducing the Pollution Accountability Act of 2011, which requires the court to fine violators of the Clean Water Act whichever fine is higher, per day or per barrel. If you pollute, there will be consequences. There will be accountability. We will demand responsibility.

I urge my colleagues to join me in supporting this legislation and expeditiously passing it into law.

By Mrs. FEINSTEIN:

S. 872. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Lytton Gaming Oversight Act. This legislation will ensure that regular process under Federal law is followed when Native American tribes take land into trust for operating gaming facilities.

Congress passed the Omnibus Indian Advancement Act in 2000, which included a provision to re-recognize the Lytton Band of Pomo Indians and allow them to acquire trust land in the San Francisco Bay area.

The Lytton Band has had a long and difficult history in my state, and by all accounts the Tribe deserved to be recognized and have a homeland.

But the Omnibus Indian Advancement Act did so in a way that was both controversial and unfair in how it granted an individual tribe an unprecedented exemption to the law.

The land taken into trust for the Lytton Band was miles away from their historical homeland and it treated the acquisition as if it was completed before 1988.

Why would something like that matter?

The answer is simple: the land the tribe acquired was home to an existing casino and 1988 is the year that Congress passed the Indian Gaming Regulatory Act.

Therefore, by treating the land as if it were taken into trust before 1988, the Tribe is able to operate the casino outside the framework set up by Congress to govern how and where tribes may open casinos.

The Omnibus Indian Advancement Act set aside well-established rules and procedures, and left the government with little ability to regulate the Lytton Band's gaming operation.

The result: the Lytton Band acquired land and a casino without having to go through the normal oversight process. No local input. No community feedback and no consideration for the best interest of the region.

The Lytton Gaming Oversight Act would implement a reasonable solution to this problem.

It does so by taking two simple steps.

It protects the sovereignty of the Tribe by allowing continued operation of existing gaming activities, provided the tribe follows standards established by the Indian Gaming Regulatory Act for gaming on newly-acquired lands in the future.

Secondly it protects the interest of the surrounding community by precluding any physical or operational expansion of the Tribe's current gaming facility unless the Tribe consults with locals and obtains the consent of the Governor and the Secretary of the Interior as required by current law.

The bill does not modify or eliminate the tribe's federal recognition status. It does not alter the trust status of the Tribe's land. It does not take away the Tribe's ability to conduct gaming through the standard process prescribed by current law.

Circumventing the Indian Gaming Regulatory Act process deprives local and tribal governments the ability to weigh in on this incredibly important issue.

A 2006 report entitled Gambling in the Golden State found serious problems associated with gambling establishments; casinos are associated with a 10 percent increase in violent crime, a 10 percent increase in bankruptcy rates, and a per capita increase of $15.34 for law enforcement.

If this bill is not approved, the Lytton Tribe could take the existing casino that serves as their reservation and turn it into a large Nevada-style gambling complex. In fact, this is exactly what was proposed in the summer of 2004. I am pleased that the tribe has abandoned the plan seeking a sizable Class III casino, but without this legislation the tribe could reverse their decision at any time.

Identical legislation passed this body in the past two Congresses. It had unanimous approval from both Democrats and Republicans. This is in large part because I have worked and negotiated with the Tribe to ensure that this legislation is fair and balanced.

The bill is simple, straightforward, and reasonable. It restores the intent of Congress and preserves the sovereignty of the Lytton Band.

I urge my colleagues to support this bill, and look forward to working with you to ensure its passage again in the coming year.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 872

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

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106–568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking ''Notwithstanding'' and inserting the following:

''(a) ACCEPTANCE OF LAND.—Notwithstanding'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(b) DECLARATION.—The Secretary''; and

(3) by striking the third sentence and inserting the following:

''(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

''(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

''(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

''(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 159—HONORING THE MEMBERS OF THE MILITARY AND INTELLIGENCE COMMUNITY WHO CARRIED OUT THE MISSION THAT KILLED OSAMA BIN LADEN, AND FOR OTHER PURPOSES

Mr. REID of Nevada (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MILULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr.

WYDEN) submitted the following resolution; which was submitted and read:

S. RES. 159

Whereas, 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;

Whereas 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;

Whereas 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;

Whereas 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;

Whereas, 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;

Whereas 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'';

Whereas 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;

Whereas 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;

Whereas 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.'';

Whereas, 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; and

Whereas 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.'': Now, therefore, be it

Resolved, That the Senate—

(1) declares that the death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 men and women who lost their lives on September 11, 2001, the men and women in the United States and around the world who have been killed by other al Qaeda-sponsored attacks, the men and women of the United States Armed Forces and the intelligence community who have sacrificed their lives pursuing Osama bin Laden and al Qaeda;

(2) commends the men and women of the United States Armed Forces and the United States intelligence community for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in bringing Osama bin Laden to justice;

(3) commends the men and women of the United States Armed Forces and the United States intelligence community for committing themselves to defeating, disrupting, and dismantling al Qaeda;

(4) commends the President for ordering the successful operations to locate and eliminate Osama bin Laden; and

(5) reaffirms its commitment to disrupting, dismantling, and defeating al Qaeda and affiliated organizations around the world that threaten United States national security, eliminating a safe haven for terrorists in Afghanistan and Pakistan, and bringing terrorists to justice.

SENATE RESOLUTION 160—DESIGNATING MAY 6, 2011, AS ''MILITARY SPOUSE APPRECIATION DAY''

Mr. BURR (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas the month of May marks ''National Military Appreciation Month'';

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make the service of such men and women in the Armed Forces possible;

Whereas military spouses have been separated from loved ones because of deployment in support of overseas contingency operations and other military missions carried out by the Armed Forces;

Whereas the establishment of ''Military Spouse Appreciation Day'' is an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 6, 2011, would be an appropriate date to establish as ''Military Spouse Appreciation Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2011, as ''Military Spouse Appreciation Day'';

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe ''Military Spouse Appreciation Day'' to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of the role of military spouses in the lives of members of the Armed Forces and veterans.

SENATE RESOLUTION 161—DESIGNATING MAY 2011, AS ''NATIONAL INVENTORS MONTH''

Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas the first United States patent was issued in 1790 to Samuel Hopkins of the State of Vermont for a process to make better fertilizer;

Whereas American inventors have contributed to advances in life sciences, technology, and manufacturing;

Whereas the Constitution specifically provides for the granting of exclusive rights to inventors for their discoveries;

Whereas the United States patent system is intended to implement that constitutional imperative and incentivize inventions;

Whereas American inventors benefit from an up-to-date and efficient patent system and the economy, jobs, and consumers of the United States benefit from the inventions;

Whereas the next great American invention could be among the 700,000 patent applications pending as of the date of approval of this resolution in the United States Patent and Trademark Office;

Whereas the last changes to the United States patent system were made nearly 60 years ago;

Whereas an updated patent system will unleash innovation and create jobs in the United States without adding to the deficit;

Whereas every May, a new class of inventors is inducted into the National Inventors Hall of Fame;

Whereas in the 112th Congress, a bill was introduced in the House of Representatives entitled the ''America Invents Act'' (H.R. 1249) to make reforms to the United States patent system; and

Whereas the Senate on March 8, 2011, passed the bill entitled the ''America Invents Act'' (S. 23), which will make the first comprehensive reforms to the United States patent system in nearly 60 years: Now, therefore, be it

Resolved, That the Senate designates May 2011, as ''National Inventors Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 303. Mr. ALEXANDER (for himself, Mr. GRAHAM, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 304. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 305. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 306. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 307. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 308. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 309. Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. WEBB, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 310. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 311. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 312. Mr. MCCAIN submitted an amendment intended to be proposed by him to the

bill S. 493, supra; which was ordered to lie on the table.

SA 313. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 314. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 315. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 316. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 317. Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table .

TEXT OF AMENDMENTS

SA 303. Mr. ALEXANDER (for himself, Mr. GRAHAM, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF RIGHT TO WORK.

(a) APPLICABILITY OF NLRA TO STATE RIGHT TO WORK LAWS.—Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by striking subsection (b) and inserting the following:

''(b) Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and employers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

(b) APPLICABILITY OF RAILWAY LABOR ACT TO STATE RIGHT TO WORK LAWS.—Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 209. EFFECT ON STATE RIGHT TO WORK LAWS.

''Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and carriers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

SA 304. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 16, strike ''and'' and all that follows through line 18 and insert the following:

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(C) in subparagraph (C), by striking ''and'' at the end;

(D) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

SA 305. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 15, strike ''and'' and all that follows through line 22 and insert the following:

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program; and

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;'';

SA 306. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 10, strike ''and'' and all that follows through line 13 and insert the following:

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency;

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

SA 307. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 20, strike ''and'' and all that follows through line 22 and insert the following:

''(3) the dollar amount of the Phase III award; and

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

SA 308. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 8, insert after ''programs'' the following: '', including the impact on production and manufacturing in the United States''.

SA 309. Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. WEBB, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. _____. REPEAL OF VEETC.

(a) SHORT TITLE.—This section may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

(b) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act''.

(c) ELIMINATION OF INCOME TAX CREDIT.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act'',

(2) by adding at the end the following:

''After such date	zero	zero''.

(d) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

SEC. _____. REMOVAL OF TARIFFS ON ETHANOL.

(a) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

''Subchapter XXIII
Alternative Fuels

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9823.01.01	Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses	Free	Free	20%''.

(b) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. notes 2 and 3.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

SA 310. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. PROHIBITION ON CERTAIN NO-BID CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate official'' means the official of the Department who is designated to approve the award of sole-source contracts;

(2) the term ''covered participant'' means an Indian tribe, Alaska Native Corporation or Alaska Native Village, Native Hawaiian Organization, or community development corporation participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(3) the term ''Department'' means the Department of Homeland Security; and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

(b) IN GENERAL.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to provide that the Secretary may not award a sole-source contract under the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to a covered participant for an amount exceeding $4,000,000, if the covered contract is for the procurement of services, or $6,500,000 if the covered contract is for the procurement of property, unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public.

(c) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required under subsection (b) shall include—

(1) a description of the needs of the Department for the matters covered by the contract;

(2) a specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract;

(3) a determination that the use of a sole-source contract is in the best interest of the Department;

(4) a determination that the anticipated cost of the contract will be fair and reasonable; and

(5) such other matters as the Secretary shall specify for purposes of this section.

(d) ADJUSTMENT OF AMOUNTS.—The dollar amounts described in subsection (b) shall be adjusted for inflation in accordance with section 1908 of title 41, United States Code.

SA 311. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL RIGHT-TO-WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 312. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. OVERSIGHT BY THE SMALL BUSINESS ADMINISTRATION OF NO-BID CONTRACTS AWARDED TO TRIBALLY-OWNED SMALL BUSINESS CONCERNS.

The Administrator of the Small Business Administration shall amend section 124.604 of title 13, Code of Federal Regulations, to specify that the information required to be submitted under such section 124.604—

(1) is required to be submitted to the Small Business Administration as part of any annual review submission made on or after September 14, 2011; and

(2) shall include, for each contract entered into under the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a))—

(A) the total number of Tribal or native members employed under each contract; and

(B) the ratio of Tribal or native members to other individuals directly employed under each contract.

SA 313. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. ALASKA NATIVE CORPORATIONS AND ALASKA NATIVE VILLAGES.

(a) IN GENERAL.—Section 29(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)) is amended—

(1) in paragraph (1), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of'';

(2) in paragraph (2), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of''; and

(3) by adding at the end the following:

''(5) For purposes of sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)), whether a Native Corporation or Native village or a direct and indirect subsidiary corporation, joint venture, or partnership of a Native Corporation or Native village is economically disadvantaged shall be determined in accordance with section 8(a)(6) of the Small Business Act.''.

(b) STANDARDS.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting ''including an Alaska Native Corporation or Alaska Native Village,'' after ''Indian tribe,''; and

(2) by adding at the end the following:

''(F) For purposes of this subsection and section 7(j)(10), the Administrator shall annually determine whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged in the same manner as for an applicant for or participant in the program under this subsection that—

''(i) is an Indian tribe; and

''(ii) is not an Alaska Native Corporation or Alaska Native Village.''.

(c) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section, which shall include establishing criteria for determining whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged.

SA 314. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, strike lines 15 and 16 and insert the following:

SEC. 503. CREATING DOMESTIC MANUFACTURING JOBS.

(a) TECHNICAL ASSISTANCE.—Section 9(q)(1) of the Small Business Act (15 U.S.C. 638(q)(1)), as amended by this Act, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

(b) SBIR DATA COLLECTION.—Section 9(g)(8)(A) of the Small Business Act, as added by this Act, is amended—

(1) in clause (vi), by striking ''or'' at the end;

(2) in clause (vii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and''.

(c) STTR DATA COLLECTION.—Section 9(o)(9)(A) of the Small Business Act, as added by this Act, is amended—

(1) in clause (vi), by striking ''or'' at the end;

(2) in clause (vii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and''.

(d) PUBLIC DATABASE.—Section 9(k)(1)(F) of the Small Business Act, as added by this Act, is amended—

(1) in clause (iv), by striking ''or'' at the end;

(2) in clause (v), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.''.

(e) GOVERNMENT DATABASE.—Section 9(k)(2)(A) of the Small Business Act (15 U.S.C. 638(k)(2)(A)), as amended by this Act, is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) in clause (viii), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;''.

(f) EVALUATION BY NATIONAL ACADEMY OF SCIENCIES.—Section 108(e)(1) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), as added by this Act, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.''.

(g) TECHNOLOGY INSERTION REPORTING REQUIREMENTS.—Section 9(ii) of the Small Business Act, as added by this Act, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

(h) INTERAGENCY POLICY COMMITTEE.—In addition to the duties established under section 314 of this Act, the Interagency SBIR/STTR Policy Committee established under section 314 of this Act shall identify ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States.

(i) REPORT ON PROGRAM GOALS.—Section 9(ll)(1)(C) of the Small Business Act, as added by this Act, is amended by inserting before the period at the end the following: '', including the impact on production and manufacturing in the United States''.

(j) COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.—Section 9(ff) of the Small Business Act, as added by this Act, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, manufacture or commercialize a product or service in the United States.''.

SEC. 504. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

SA 315. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 16, strike ''and'' and all that follows through page 115, line 8, and insert the following:

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(C) in subparagraph (C), by striking ''and'' at the end;

(D) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, or manufacture a product or service in the United States.

''(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. 207. CLARIFYING THE DEFINITION OF "PHASE III".

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. 208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(vii) is located in a State described in subsection (u)(3); or

''(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; or

''(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.''.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies;

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program; and

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or

use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2);

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency; and

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award;

''(3) the dollar amount of the Phase III award; and

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates

in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies;

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(C) ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

SEC. 316. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE V—OTHER PROVISIONS

SEC. 501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs, including the impact on production and manufacturing in the United States.

SA 316. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike line 16 and all that follows through page 57, line 4, and insert the following:

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, or manufacture a product or service in the United States.

''(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this subsection—

SA 317. Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. STARTUP VISA ACT OF 2011.

(a) SHORT TITLE.—This section may be cited as the ''StartUp Visa Act of 2011''.

(b) STARTUP VISAS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 203(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

''(6) SPONSORED ENTREPRENEURS.—

''(A) IN GENERAL.—StartUp visas shall be made available, from the number of visas allocated under paragraph (5), to qualified immigrant entrepreneurs—

''(i)(I) who have proven that a qualified venture capitalist, a qualified super angel investor, or a qualified government entity, as determined by the Secretary of Homeland Security, has invested not less than $100,000 on behalf of each such entrepreneur; and

''(II) whose commercial activities will, during the 2-year period beginning on the date on which the visa is issued under this subparagraph—

''(aa) create not fewer than 5 new full-time jobs in the United States employing people other than the immigrant's spouse, sons, or daughters;

''(bb) raise not less than $500,000 in capital investment in furtherance of a commercial entity based in the United States; or

''(cc) generate not less than $500,000 in revenue;

''(ii)(I) who—

''(aa) hold an unexpired H1–B visa; or

''(bb) have completed a graduate level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States college, university, or other institution of higher education;

''(II) who demonstrate—

''(aa) annual income of not less than 250 percent of the Federal poverty level; or

''(bb) the possession of assets equivalent to not less than 2 years of income at 250 percent of the Federal poverty level; and

''(III) who have proven that a qualified venture capitalist, a qualified super angel investor, or a qualified government entity, as determined by the Secretary of Homeland Security, has invested not less than $20,000 on behalf of each such entrepreneur; or

''(iii) who have a controlling interest in a foreign company—

''(I) that has generated, during the most recent 12-month period, not less than $100,000 in revenue from sales in the United States; and

''(II) whose commercial activities, during the 2-year period beginning on the date on which the visa is issued under this subparagraph, will—

''(aa) create not fewer than 3 new full-time jobs in the United States that employ people other than the immigrant's spouse, sons, or daughters;

''(bb) raise not less than $100,000 in capital investment in furtherance of a commercial entity based in the United States; or

''(cc) generate not less than $100,000 in revenue.

''(B) REVOCATION.—If the Secretary of Homeland Security determines that the commercial activities of an alien who received a StartUp visa pursuant to subparagraph (A)(i)(II) fail to meet the requirements under such subparagraph, the Secretary shall, not later than 1 year after the end of the applicable 2-year period described in such subparagraph—

''(i) revoke such visa; and

''(ii) notify the alien that he or she—

''(I) may voluntarily depart from the United States in accordance to section 240B; or

''(II) will be subject to removal proceedings under section 240 if the alien does not depart from the United States not later than 6 months after receiving such notification.

''(C) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED SUPER ANGEL INVESTOR.—The term 'qualified super angel investor' means an individual who—

''(I) is an accredited investor (as defined in section 230.501(a) of title 17, Code of Federal Regulations);

''(II) is a United States citizen; and

''(III) has made at least 2 equity investments of not less than $50,000 in each of the previous 3 years.

''(ii) QUALIFIED VENTURE CAPITALIST.—The term 'qualified venture capitalist' means an entity that—

''(I) is classified as a 'venture capital operating company' under section 2510.3–101(d) of title 29, Code of Federal Regulations;

''(II) is based in the United States;

''(III) is comprised of partners, the majority of whom are United States citizens;

''(IV) has capital commitments of not less than $10,000,000;

''(V) has been operating for at least 2 years; and

''(VI) has made at least 2 investments of not less than $500,000 during each of the most recent 2 years.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(as defined in subsection (f)(1))'' and inserting '', sponsored entrepreneur''; and

(ii) by striking ''(as defined in subsection (f)(2)) shall'' and inserting ''shall each''; and

(B) in paragraph (2)(A), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur,'';

(3) in subsection (b), by adding at the end the following:

''(3) SPONSORED ENTREPRENEURS.—The Secretary of Homeland Security shall terminate the permanent resident status of a sponsored

entrepreneur and the alien spouse and children of such entrepreneur if the Secretary determines, not later than 3 years after the date on which such permanent resident status was conferred, that—

''(A) the qualified venture capitalist or qualified super angel investor who sponsored the entrepreneur failed to meet the investment requirements under section 203(b)(6)(A)(i); or

''(B) the entrepreneur failed to meet the job creation, capital investment, or revenue generation requirements under section 203(b)(6)(A)(ii).'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur,''; and

(ii) by striking ''alien entrepreneur must'' each place such term appears and inserting ''entrepreneur shall''; and

(B) in paragraph (3)—

(i) in subparagraph (A)(ii), by inserting ''or sponsored entrepreneur'' after ''alien entrepreneur''; and

(ii) in subparagraph (C), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur'';

(5) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by striking ''alien'' and inserting ''alien entrepreneur or sponsored entrepreneur, as applicable'';

(B) in clause (i), by striking ''invested, or is actively in the process of investing,'' and inserting ''has invested, is actively in the process of investing, or has been sponsored by a qualified super angel investor or qualified venture capitalist who has invested,''; and

(C) in clause (ii), by inserting ''or 203(b)(6), as applicable'' before the period at the end; and

(6) in subsection (f), by adding at the end the following:

''(4) The term 'sponsored entrepreneur' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 203(b)(6).''.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the StartUp Visa Program, authorized under section 203(b)(6) of the Immigration and Nationality Act, as added by subsection (b).

(2) CONTENTS.—The report described in paragraph (1) shall include information regarding—

(A) the number of immigrant entrepreneurs who have received a visa under the immigrant entrepreneurs program established under section 203(b)(6) of the Immigration and Nationality Act, listed by country of origin;

(B) the localities in which such immigrant entrepreneurs have initially settled;

(C) whether such immigrant entrepreneurs generally remain in the localities in which they initially settle;

(D) the types of commercial enterprises that such immigrant entrepreneurs have established; and

(E) the types and number of jobs created by such immigrant entrepreneurs.

NOTICE OF INTENT TO SUSPEND THE RULE

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 309 on S. 493 (text of the amendment can be found in the section denoted ''Text of Amendments'').

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 10, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on new developments in upstream oil and gas technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BLUMENTHAL. 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 May 3, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m. in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Is the Distribution of Tax Burdens and Tax Benefits Equitable?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m., to hold a hearing entitled, ''Afghanistan: What is an Acceptable End-State and How Do We Get There?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 3, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Blake Tice Taylor, Emily Wei, and Lynae Gruber of my staff be granted floor privileges for the duration of today's proceedings.

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

MILITARY SPOUSE APPRECIATION DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 160.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 160) designating May 6, 2011, as ''Military Spouse Appreciation Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas the month of May marks ''National Military Appreciation Month'';

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make the service of such men and women in the Armed Forces possible;

Whereas military spouses have been separated from loved ones because of deployment in support of overseas contingency operations and other military missions carried out by the Armed Forces;

Whereas the establishment of ''Military Spouse Appreciation Day'' is an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 6, 2011, would be an appropriate date to establish as ''Military Spouse Appreciation Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2011, as ''Military Spouse Appreciation Day'';

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe ''Military Spouse Appreciation Day'' to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of the role of military spouses in the lives of members of the Armed Forces and veterans.

NATIONAL INVENTORS MONTH

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 161.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 161) designating May 2011 as ''National Inventors Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas the first United States patent was issued in 1790 to Samuel Hopkins of the State of Vermont for a process to make better fertilizer;

Whereas American inventors have contributed to advances in life sciences, technology, and manufacturing;

Whereas the Constitution specifically provides for the granting of exclusive rights to inventors for their discoveries;

Whereas the United States patent system is intended to implement that constitutional imperative and incentivize inventions;

Whereas American inventors benefit from an up-to-date and efficient patent system and the economy, jobs, and consumers of the United States benefit from the inventions;

Whereas the next great American invention could be among the 700,000 patent applications pending as of the date of approval of this resolution in the United States Patent and Trademark Office;

Whereas the last changes to the United States patent system were made nearly 60 years ago;

Whereas an updated patent system will unleash innovation and create jobs in the United States without adding to the deficit;

Whereas every May, a new class of inventors is inducted into the National Inventors Hall of Fame;

Whereas in the 112th Congress, a bill was introduced in the House of Representatives entitled the ''America Invents Act'' (H.R. 1249) to make reforms to the United States patent system; and

Whereas the Senate on March 8, 2011, passed the bill entitled the ''America Invents Act'' (S. 23), which will make the first comprehensive reforms to the United States patent system in nearly 60 years: Now, therefore, be it

Resolved, That the Senate designates May 2011, as ''National Inventors Month''.

Mr. LEAHY. Madam President, I am pleased that the Senate has acted quickly to pass a resolution designating May 2011 as National Inventors Month. On May 4, the National Inventors Hall of Fame, in partnership with the United States Patent and Trademark Office, will hold its 39th Annual National Inventors Hall of Fame Induction Ceremony.

Our Nation's inventors are the catalyst of our economy. Their inventions, when protected by a strong, efficient, and balanced patent system lead to new products and processes for American consumers and new jobs for American workers.

Earlier this year, the United States Senate passed overwhelmingly the America Invents Act, to ensure that our Nation's inventors and innovators have a 21st Century patent system that speeds high quality patents to market. The United States House Committee on the Judiciary recently voted to approve a very similar version of this legislation on a strong bipartisan vote. I look forward to working together to get the America Invents Act to the President's desk and providing our inventors with the legal landscape they need to flourish.

I appreciate the efforts of Inventors Digest Magazine and others who have promoted National Inventors Month.

ORDERS FOR WEDNESDAY, MAY 4, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, May 4; 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, and the Senate then proceed to a period for the transaction of morning business for debate only until 12 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; further, that the filing deadline for all second-degree amendments to S. 493 be at 11 a.m.; finally, I ask unanimous consent that the cloture vote with respect to S. 493 occur at 12 p.m. on Wednesday.

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

PROGRAM

Mr. REID. Madam President, there will be up to two rollcall votes at noon tomorrow. The first rollcall vote will be on the motion to invoke cloture on S. 493, the small business jobs bill. If cloture is not invoked on the bill, the Senate will immediately proceed to a rollcall vote on the motion to invoke cloture on the nomination of John McConnell to be a U.S. District Judge for the District of Rhode Island.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:59 p.m., adjourned until Wednesday, May 4, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO THE LIFE OF VALERIE POPE-LUDLAM

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a respected member of the Westside community and civil rights activist, Valerie Pope-Ludlam. Valerie passed away on Sunday, April 24, 2011.

Valerie moved to California from Michigan in 1962. For the following decades Valerie Pope-Ludlam served the community as an outspoken leader and advocate. She began working at Patton State Hospital and continued until 1964 when she started Welfare Rights. The organization advocated for both the rights and educational opportunities for women on welfare.

The following year she started the League of Mothers with Frances Grice and Bonnie Johnson. The three women fought for the rights of African Americans in the educational system and the workplace. They spearheaded a legal battle against the San Bernardino Unified School District to end the de facto segregation in the Westside.

In 1969 Valerie founded the Westside Community Development Corporation (CDC). The CDC trained hundreds of young adults in construction, allowing the organization to rehabilitate houses and sell them to families who would otherwise not be able to afford the down payment. Close friend and niece, Frances Grice, reflects, ''She has done so many wonderful things. . .The Governor used to call her 'the Sun Lady.'" Long before green jobs became popular, Valerie built the first Westside solar energy conservation project. The project cost $2 million and gained national recognition from Ebony Magazine for its success in providing green energy to low income homes.

Valerie will always hold the honor of becoming the first African American female 6th ward council person. Other council members describe her as a sounding board and a valued mentor. She will leave a lasting impact on both the individuals she touched and the community at large. Professionally, Valerie was known for confidence and tenacity. On a more personal note, she was a loving mother and grandmother. She always put her family at the forefront throughout her public service.

Valerie leaves with cherished memories three children: Marshall Griffin, Michelle Beauregard, and George Beauregard as well as nine grandchildren, seventeen great-grandchildren and one great-great-grandchild. My thoughts and prayers, along with those of my wife, Barbara, and my children, Mayor Pro Tem Joe Baca Jr., Jeremy, Natalie, Jennifer are with Valerie's family at this time. Mr. Speaker, I ask my colleagues to join me today in honoring and remembering a tireless advocate Valerie Pope-Ludlam.

IN HONOR OF DAVID YOST, THE CHIEF EXECUTIVE OFFICER OF AMERISOURCEBERGEN

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. GERLACH. Mr. Speaker, I rise to salute the career and many contributions of David Yost, the Chief Executive Officer of AmerisourceBergen, one of the world's largest pharmaceutical distribution and services companies headquartered in my district in Valley Forge, Pennsylvania.

Mr. Yost will retire this July. Following his graduation from the U.S. Air Force Academy and military service, Dave spent most of his professional career with Amerisource Health Corporation and, after the 2001 merger with Bergen Brunswig Corporation in 2001, AmerisourceBergen Corporation. In a career spanning 37 years, he has served as CEO for 14 years and has guided the company successfully through a rapidly changing business environment. The company has experienced astonishing growth from $40 billion in revenues in 2002 to nearly $80 billion this year and it continues to handle many challenges presented by our evolving health care system.

David Yost is an exceptional leader with impeccable commitment to the highest ethical standards. He has led a company that is a shining example of how our health care marketplace should operate today—a company that delivers savings, efficiency, security and integrity of product for patients who need these medicines. In addition, he has a history of giving, including as a Founding Director of the U.S. Air Force Academy Endowment Fund which provides cadets with facilities and programs for their professional development. He has generously initiated employee-company match contributions for those affected by disasters such as Hurricane Katrina and the recent Japanese earthquake disaster.

David Yost has provided a long-term vision for the industry, reforming the entire enterprise by reducing inventory size and its associated costs, and stressing the importance of technology and strategic partnerships in moving the company forward. AmerisourceBergen was the first national distributor to announce that it would only purchase pharmaceuticals directly from the manufacturer to ensure the integrity of products to patients. He also instilled pride in the company's workforce for the important work they do. There is a sign over the door of every AmerisourceBergen distribution center that reads ''Thank you for what you do. People's lives depend on it.''

Through it all, David Yost has been a devoted husband and father and active in his community. He now prepares for a well-deserved retirement to spend more time with family and pursue other interests.

Mr. Speaker, it is a privilege to represent many of the fine employees of AmerisourceBergen and I join them in saluting David Yost for his vision, leadership and outstanding service during a long and exemplary career.

IN HONOR OF POLISH CONSTITUTION DAY, 2011

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Poles, Polish-Americans and the Honorable Ambassador from Poland, Robert Kupiecki, and his wife, Malgorzata Kupiecki, on the occasion of Polish Constitution Day, celebrated on May 3, 2011.

Polish Constitution Day is a day when people of all cultures join with the people of Poland to celebrate the rich culture, traditions and history of Poland. After almost five centuries of struggle and perseverance, the Governmental Statute of Poland became the first written constitution in Europe on May 3, 1791. The Polish Constitution established the separation of government powers, freedom of religion, and abolished elements of serfdom, all of these are key elements of freedom and democracy.

The Polish American Congress strives to make Americans of Polish heritage more successful and involved U.S. citizens by encouraging them to assume the responsibilities of leadership. Since its foundation over sixty years ago, the group has created programs to successfully integrate people of Polish decent in the U.S. and enrich Cleveland's social fabric. These programs include the Displaced Persons Program, which allowed almost 150,000 Polish immigrants to enter the U.S. after World War Two. The group also won American veterans benefits for Polish Veterans of both World War One and World War Two. The Polish American Congress has played a crucial role in the Polish Community, and in its many years of support and service has been an invaluable contribution to the City of Cleveland and this nation. This year, the Greater Cleveland Community can celebrate Poland's rich history and culture by joining Cleveland's Polish community in attending events such as the Polonia Ball, the Grand Parade and the Photographic Exhibition.

Mr. Speaker and colleagues, please join me today, Polish Constitution Day, in honoring the struggles, courage and triumphs of the people of Poland and honoring all people of Polish descent. Through their successive struggles for freedom, the people of Poland have given the world hope.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012

SPEECH OF

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H. Con. Res. 34) establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021:

Mr. YOUNG of Indiana. Mr. Chair, the good people of Indiana want jobs. And you know what? We know how to create them. In Indiana, under Gov. Mitch Daniels, we've seen a government that spends less and taxes modestly. And we've seen that lead to job growth. That's why Indiana, during these tough economic times, is a national leader in private sector job growth. The Budget Committee crafted a budget for our Federal Government that, like Indiana, spends less and taxes less. The result is a plan that will help create 2.5 million jobs by the end of this decade. Recent economic history isn't good to the big spenders. It shows that borrowing and spending trillions of taxpayer dollars we don't have doesn't create jobs. And jobs won't be created if we go along with the President's plan, or the plan from the other side of the aisle, to increase taxes. It's no great secret that the job creators in this country aren't hiring because unchecked spending, of course, leads to fears. It leads to fears that we're going to have to raise taxes in the future. It leads to fears of future inflation. And it leads to fears that interest rates are going to go up. By calling for a measure of spending discipline, as we do, we replace fear with hope—hope that we can restore conditions where job creators can go out and put Americans back to work. That's what the people of southern Indiana want. Now, I mentioned Indiana a minute ago and the success we've had there in creating private sector jobs. We didn't do it all with respect to our policies on spending. Instead, we also looked at tax policy. We understood that it just didn't make sense to jack up taxes during a down economy. Instead, we kept them steady, and we made our tax code more efficient—just as some of our neighboring States were doing the opposite. As a result, many businesses chose to move back to Indiana, or to move to Indiana for the first time. We see the reverse trend nationally, unfortunately. Many businesses are leaving this great country, or are not getting off the ground because of our job-destroying tax code and our punitive corporate tax rates. Mr. Chair, we improve upon those previous policies, we learn from the errors of the past. I urge my colleagues to help us create those jobs by voting yes on this House Republican budget.

IN RECOGNITION AND HONOR OF GREG BUNKER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. MATSUI. Mr. Speaker, I rise today to honor the memory of Greg Bunker and his remarkable leadership as Executive Director of the Francis House, a Sacramento-based homeless services agency. Greg passed away in December, and his contributions to Sacramento are being recognized at this year's Feast for the Streets fundraiser. For 21 years, he was a tireless advocate for Sacramento's homeless population.

Greg was a remarkable leader who inspired an entire community with his unrelenting optimism. He cared deeply about his work and the people around him. He will be sorely missed.

Born in Ohio, Greg moved to California after serving in the Vietnam War. He intended to make a change in the world, and his unrelenting support for the needy allowed him to do so. He soon joined the Francis House and led it as it grew and prospered.

Through the years, the Francis House has offered a wide range of services and resources for Sacramento's homeless population, and, because of Greg, it has become well-known in the Sacramento area and beyond as a non-profit that passionately fights for the needs of the homeless.

Greg initiated a campaign for a safe place for the city's homeless, and he brought the issue of poverty to the forefront of the public's attention. For over two decades, he made sure that the thousands of people who needed help were not overlooked, and Sacramento is a better place because of him.

Around 30,000 people come to the Francis House each year for assistance, and Greg's daily vigor and hunger for change was a blessing for them. Whether it was through transportation vouchers, emergency housing, or simply emotional support, Greg was always there to help.

His sincere and long-term dedication to the homeless cause truly made a difference to many people. He never turned anyone away from the Francis House, and his kindness was a light for people who rarely encountered true compassion.

Sadly, Greg passed away much too early in December. The outpouring of support has been inspiring, as the tens of thousands of people that he helped through the Francis House, as well as the countless others who have been touched by Greg's selflessness, have shown their gratitude to his family.

In addition to Greg's achievements helping the homeless, he was a loving husband and father. I would like to recognize Greg's wife Stephanie and his two sons, Jesse and Simon, and express my sincere condolences for their loss.

Mr. Speaker, I feel honored to join the many Sacramentans who are paying tribute to this incredible man. I ask all of my colleagues to join me in remembering Greg Bunker, and to continue his work by being passionate about helping those less fortunate.

IN HONOR OF BRENT LARKIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Brent Larkin, a lifelong resident of Cleveland who is being recognized as Voices of Ohio's Children's 2011 Champion for Children.

Mr. Larkin was born and raised in the greater Cleveland area. He graduated from Brush High School and went on to Ohio University, where he received a degree in journalism in 1969. Soon after graduating, he became a reporter for the Cleveland Press, thus beginning an illustrious career. In 1981, Larkin began working for the Cleveland Plain Dealer, and in 1991, he was named head of the Plain Dealer's opinion page. As head of the opinion page, he wrote many thoughtful editorials addressing the concerns of children within the social welfare and juvenile justice system. He was inducted into the Cleveland Press Club Hall of Fame in 2002.

In addition to his newspaper career, Brent Larkin has long been an advocate for young people. He has worked to raise awareness of the importance of early childhood programs and services. He has also served as a volunteer with Invest in Children, Cuyahoga County's initiative to promote investment in and support of children through programs such as Home Visiting, Early Literacy, Healthy Start Outreach, Universal Pre-Kindergarten, and Special Needs Child Care. It is this dedication to the young people of his community that has prompted Voices for Ohio's Children to name him 2011 Champion for Children.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Brent Larkin, a distinguished journalist dedicated to improving the lives of children within his community.

HONORING THE AFRICAN AMERICAN EDUCATION TASK FORCE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. LEE. Mr. Speaker, I rise today to honor the African American Education Task Force, co-chaired by Mr. Oscar Wright and Mrs. Wandra Boyd, for its record of success in encouraging and acknowledging academic achievement by African American youth in California's Oakland Unified School District.

Today, the African American Education Task Force and the Oakland Unified School District will celebrate a successful decade of recognizing our local African American students' Honor Roll status. The African American Education Task Force Academic Achievement Celebration takes place at the ACTS Full Gospel Church, pastored by Bishop Bob Jackson in Oakland, California.

During this year's event, 1,150 African American students from the 8th through 12th grades will be honored for attaining grade point averages of 3.00 or above for the 2010–2011 school year. This outstanding group of young people has accomplished a great deal, and we are pleased to commend them for

their academic dedication and success. Especially in light of the great budgetary challenges faced by the State of California and the City of Oakland, these students have proven themselves to be bright, capable and resourceful.

I would like to take this opportunity to congratulate each and every student for earning this distinction. Thank you for understanding and promoting the importance of staying in school. By continuing to be the best students possible and by making the most of your education, you will enjoy a full range of opportunities to achieve your personal goals, as well as give back to your communities.

Your accomplishments represent the strength of your initiative and a commitment to excellence. The skills and discipline you have developed will be of great use as you continue to follow your dreams toward success. I am so very proud of you for taking personal pride in your studies. Oakland's future leaders are certainly present at this celebration of academic achievement, and I welcome your many civic contributions in the years to come.

On behalf of the residents of California's 9th Congressional District, I again salute you for your exemplary academic performance. I am confident that you will continue this fine record of scholarship, service and success. Keep up the good work, and I wish you the very best in all of your future endeavors.

INTRODUCING THE EVERY CHILD DESERVES A FAMILY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce legislation that will give thousands of children in our foster care system a chance at having the one thing many of them say is all they have ever truly wanted—a family. There are approximately 500,000 children in our foster care system right now. Over 125,000 of those are waiting to be adopted, but there are just not enough qualified adoptive and foster parents. That leads to nearly 25,000 youth ''aging out'' of care each year with no permanent family. These young people are more likely than nearly any other group to become homeless or incarcerated, or to suffer with mental illness or substance abuse.

There is an acute shortage of adoptive and foster parents. Yet, despite this fact and the documented terrible consequences of long stays in the child welfare system, some states have enacted discriminatory bans prohibiting children from being placed with qualified parents due solely to the parent's marital status or sexual orientation. A number of additional states are actively considering similar discriminatory restrictions. Most recently, Arizona enacted a law to restrict the ability of unmarried and gay and lesbian individuals from adopting. Only six states affirmatively allow gay and lesbian couples to adopt jointly.

This is unfair to good people who want to open their homes to youth, unimaginable for kids who just want a family to love them, and unsafe for children for whom we in this body are responsible. If states will not do the right thing, the Federal government should.

Congress invests over $7 billion in the child welfare system each year. We should not accept policies that use Federal funds to enact discriminatory barriers to adoption and close the door to thousands of potential homes. Studies suggest that upwards of 2 million gay and lesbian individuals are interested in adopting or fostering a child. There are already approximately 1 million lesbian, gay, bisexual, and transgendered (LGBT) parents raising about 2 million children in the U.S. Leading child welfare, public health, medical and legal organizations agree that opening up the homes of all qualified prospective parents can help support the unique needs of foster youth. Groups including the Child Welfare League of America, the National Association of Social Workers, the American Psychological Association, and the American Bar Association, all support the ability of qualified unmarried and LGBT couples to foster and adopt. More than 30 years of research indicates optimal development for children is based on the stable attachments to committed and nurturing parents, not on the marital status, sexual orientation or gender identity of the parents. This research consistently demonstrates that children raised by same-sex parents exhibit the same level of emotional, cognitive, social and sexual development outcomes as children raised by straight parents.

When considering a potential placement for a child, the only criteria should be what is in the child's best interest and whether the prospective parent can provide a safe and nurturing home. Bigotry should play no part in this decision. That is why I am introducing the ''Every Child Deserves a Family Act.'' This legislation would simply prohibit any entity that receives Federal child welfare funds from denying or delaying adoption or foster care placements based solely on the prospective parent's marital status or sexual orientation. States and child welfare agencies that fail to end discriminatory practices would face financial penalties. This is the same approach that has put an end to race discrimination in adoption and foster care placements.

Children in our foster care system are some of our most precious—and vulnerable—youth. They depend on us to do all we can to find them supportive and loving families, and it is our obligation to act in their best interests when doing so. To fail in our task of opening every possible door to stable, permanent and loving homes is a grave disservice to these children and to our country. We cannot allow divisive politics and the culture war to further harm these children by shrinking the number of prospective adoptive and foster parents. I hope that all of my colleagues will join me in saying yes to children and no to bigotry by cosponsoring the ''Every Child Deserves a Family Act.''

IN REMEMBRANCE OF DAVID BRODER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of the life of David Broder, who was a great servant and patriot to this country.

Mr. Broder was born in Chicago Heights, Illinois in 1929. He received his bachelor's degree in liberal arts and soon began writing for two prominent newspapers, The Chicago Maroon and the Hyde Park Herald. By 1960, he was writing for the New York Times covering the presidential race between John F. Kennedy and Richard Nixon. He soon took a job writing for the Washington Post, where he remained for more than 40 years.

Throughout his career, Mr. Broder achieved many milestones and was recognized for his superb skills in the art of journalism. He won a Pulitzer Prize in 1973 for his political commentary and was the recipient of the 4th Estate Award from the National Press Club in 1988. He was honored by Washingtonian Magazine as one of the best 50 journalists in both 2005 and 2009. Mr. Broder boasted the most appearances for a journalist on Meet the Press with over 400 since 1963.

Though David, unfortunately, left us one month ago, he will always remain in our memories because of his work and service covering the issues that matter most to this country.

Mr. Speaker and colleagues, please join me in remembering the life of David Broder and his devotion to uncovering the truth. David was truly a remarkable individual and a phenomenal asset to all of us here in Washington and around the world.

HONORING SGT. JOHN STONE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. ENGEL. Mr. Speaker, we go to baseball games to relax, root for our heroes on the field, and enjoy the company of other fans. But on April 14, 2010, for John Stone it was a day to be a hero in the stands at Yankee Stadium when he saw a woman choking on a piece of food.

Mr. Stone, a staff sergeant and medic in the Connecticut National Guard who served in Iraq, was enjoying the game in his Don Mattingly jersey when he saw a crowd of people around a woman 15 rows away who was choking. It was Toby Weiss who came to root for the Yankees but was now choking on a piece of food.

Seeing the crowd, Sgt. Stone assumed all was well, but then he realized no one was able to help the terrified woman who was already turning blue. He ran to her and performed the Heimlich maneuver and jarred loose the food.

Mrs. Weiss, the wife of Rabbi Avi Weiss of the Hebrew Institute of Riverdale, was checked out at the aid station at the stadium and was well enough to return to the game and to thank Sgt. Stone.

Rabbi Weiss said other people rushed to help his wife but they weren't able to help. ''Suddenly,'' he said, ''this kind of Elijah figure appeared from nowhere. He knew exactly what to do.'' Mrs. Weiss also insisted Sgt. Stone was heaven-sent. ''God sent me an angel,'' she said, noting that her unassuming hero blushed over the praise.

Following the scare, fans applauded, hugged and high-fived Sgt. Stone on his way back up to his seat. Stone, who lives in Montville, Connecticut, was at the Stadium with his brother Jamie, an Army infantry soldier on leave from duty in Afghanistan.

Sgt. Stone is being honored at Rabbi Weiss's Hebrew Institute of Riverdale and I want to join everyone there in congratulating him and thanking him for his heroic deed.

Jews have a saying that to save a life is to save the world. Sgt. John Stone has indeed saved a very large part of our world here in Riverdale. Sgt. Stone, from his service in Iraq treating our wounded to his saving Mrs. Weiss at Yankee Stadium, represents the true character of America. I am proud to join in thanking him for his heroic actions.

RECOGNIZING CHILDREN'S MENTAL HEALTH AWARENESS DAY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Children's Mental Health Awareness Day, which occurs each year during National Children's Mental Health Awareness Week.

In 2004, the National Federation of Families for Children's Mental Health began designating the first full week of May as Children's Mental Health Awareness Week to promote the positive development of our youth. Additionally, since 2006, the Substance Abuse and Mental Health Services Administration's Center for Mental Health Services has declared one day during the week National Children's Mental Health Awareness Day.

On this special day, a distinguished coalition is gathering in Wisconsin. Groups like Wisconsin Family Ties, the Wisconsin Alliance for Infant Mental Health, Wisconsin United for Mental Health, the Supporting Families Together Association, and Wisconsin Public Broadcasting are joining with affected youth, their families, and others in our community. They stand together at the Madison Children's Museum to focus our attention on this important public health issue.

In Wisconsin the statistics paint a startling picture. One out of every five children who appear healthy is, in fact, suffering from mental health problems. Children with mental illness and disabilities have a far greater likelihood of being suspended or expelled from school, abusing drugs or alcohol, or ending up in the juvenile justice system. In 2008, only 11 percent of Wisconsin children living with serious mental health disorders received any public mental health services, less than one third the rate for adults.

However, not all hope is lost. At the federal level, the passage of the Patient Protection and Affordable Care Act includes numerous provisions that will help diagnose, treat, and support children with mental illness and their families. For example, the law immediately eliminates pre-existing condition clauses for children. This will help ensure that more families can afford to seek treatment for their child and may do so without fear of losing their coverage.

We must continue to pursue a course of action that works to not only identify and diagnose mental illness as early as possible, but also provide comprehensive treatment to those affected. The better we are able to serve the needs of our youth who suffer from mental illness, the sooner we can reduce long term costs associated with dropout rates, substance abuse, homelessness, and the justice system. We know that children with mental illness can live full and productive lives as long as we provide them with the support they need.

In the 1800s, the color green was used to identify people who were labeled "insane." Since then, the color has taken on a very different meaning, one that now signifies new life, new growth, and new beginnings. Today, I join with children, families, and supporters both in south central Wisconsin and across the nation in wearing the color green to show our support. Above all, I salute all those who are working to raise awareness of this crucial issue and hope today serves as a reminder that each one of us can and must do better to address children's mental health issues.

IN HONOR OF LIEUTENANT NICK DiMARCO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Lieutenant Nick DiMarco of the Garfield Heights Police Department and his well-deserved retirement. As a long-serving officer of the law, and the founder of the acclaimed Shop with a Cop Program, Lt. DiMarco has served the people of the greater Cleveland area with honor and professionalism.

Lt. Nick DiMarco was appointed to the Garfield Heights Police Department in 1966. On February 1st, 1986, he was promoted to the rank of Sergeant, and on January 11th, 1990, he rose to the rank of Lieutenant. After 45 years of service, Lt. DiMarco retired from a long career of serving the public on February 16th, 2011.

Besides serving valiantly as an officer of the law for so many years, Lt. DiMarco also established the Shop with a Cop Program in 1995. The program, which occurs annually during the holiday season, raises money to purchase gifts for underprivileged children. On the day of the event, children are escorted to a major retail store via a police-accompanied motorcade and allocated $120 to shop. Each child is accompanied by a police officer from the various participating departments. The program, now in its 15th year, has helped over 1,000 children in the greater Cleveland area, and involves officers from 17 police departments who volunteer their time to share the holiday spirit with those less fortunate. This past year, the program raised $38,900; 391 children participated.

In addition to his dedicated career with the Garfield Heights Police Department, Lt. Nick DiMarco served as the President of the Fraternal Order of the Police of Ohio from 1990 to 2011, where he fought to protect the rights and privileges of law enforcement officers in Ohio.

Mr. Speaker and colleagues, please join me in honoring Lt. Nick DiMarco's long career of public service and civic virtue.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. BOSWELL. Mr. Speaker, I regret my absence in the House yesterday, May 2, 2011, as I was in my district attending to personal business. Had I been present, I would have voted "yes" on rollcall vote 278.

HONORING BILL KNOWLES

HON. CHARLES J. "CHUCK" FLEISCHMANN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor an outstanding individual whose commitment and dedication has done so much to provide exceptional government services to the residents of Hamilton County, Tennessee. Those of us who live and work in Hamilton County can be thankful for the tireless efforts of Mr. Bill Knowles in his 36 years of service as Hamilton County Clerk.

First elected in 1974, County Clerk Bill Knowles has made it his priority to not just provide excellent services to his constituents, but to also manage an office that provides innovative ideas and consistently exceeds expectations. Shortly after being elected to his position, Bill Knowles solved the problem of long waits for vehicle registration tags by making it possible to renew tags by mail. Mr. Knowles's initiative was soon followed by the Tennessee legislature, which passed a law requiring tags to be mailed in throughout the state.

The exceptional work ethic and innovative ideas that are the hallmark of Bill Knowles have resulted in many firsts for Hamilton County. Hamilton County was the first county in Tennessee to allow for tag renewal by Internet. It was the first to have on-the-spot vehicle title printing. The county led the way with electronic record keeping and continued this development by computerizing marriage records in 2009.

In recognition of a litany of impressive accomplishments over a 36 year career, I hereby salute Clerk Bill Knowles and thank him for his service to the people of Hamilton County. I, for one, am grateful for his service, and I know that the fine residents of Hamilton County join me in honoring him.

IN HONOR OF LESLIE L. MEGYERI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor Leslie L. Megyeri, who is being honored by the American Hungarian Foundation. Leslie will be the recipient of the Abraham Lincoln award for his courageous actions during the 1956 Hungarian Revolution.

During Mr. Megyeri's adolescence he read the great Hungarian poet Petöfi, whose words

he took to heart. These words were: ''Stand up Hungarians—Your Country is calling, the question is do you want to be a slave or free?'' Although he was only a teenager at the time, on October 23rd, 1956, he followed his father and took up arms against the Communists in power. However, the Soviets arrived to support the now collapsed Hungarian Communist government against the revolutionaries. He was one of 10,000 Hungarian freedom fighters who fought to defend his homeland; they were overwhelmed and Mr. Megyeri was driven into Austria.

Following the 1956 Hungarian Revolution Mr. Megyeri emigrated to the United States and embraced freedom with open arms. He attained his extension education at several American universities and worked numerous jobs. Throughout his long career he has worked as an attorney for the Federal Aviation Administration, an audit manager for the Government Accountability Office, and on several congressional committee staffs. After spending several years practicing private law, in 2003, Mr. Megyeri began his tenure as President of the Hungarian Reformed Federation of America.

Among other noteworthy achievements, Leslie has received the Gold Cross of Merit from the President of Hungary for his involvement in assisting Hungary in their efforts to join the North Atlantic Treaty Organization.

Mr. Speaker and colleagues, please join me in honoring an outstanding individual who has committed himself toward the cause of freedom and liberty.

IN RECOGNITION OF PHIL DALY HOSE COMPANY #2

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Phil Daly Hose Company #2 of Long Branch, New Jersey, as its members gather to celebrate its 125th Anniversary. Since its founding in 1886, Phil Daly Hose Company has faithfully protected the local residents, businesses and visitors of the City. Their honorable and courageous actions are undoubtedly deserving of this body's recognition.

Phil Daly Hose Company continues to expand their capabilities through the acquisition of new technology. The Art Smeal Pumper, capable of delivering 2000 gallons of water per minute, will provide the fire company with greater capabilities to assist residents and provide greater services to the citizens of Long Branch. Similarly, the addition of the Emergency One Rescue Truck has expanded the fire company's abilities to assist with rescue mission throughout the area. Phil Daly Hose Company has a proud and long standing history of valor and sacrifice. Their heroic actions while serving their community is a testament to the selfless actions of the members to protect and serve the residents of Long Branch. The members of this fire company continue to exemplify their unwavering dedication and service for their fellow citizens and community.

Mr. Speaker, please join me in honoring Phil Daly Hose Company #2 on its 125th Anniversary and thanking the men and women who have served and protected the City of Long Branch.

HONORING JIM WELLEHAN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor Jim Wellehan, the Vice President of Maine's Lamey-Wellehan's shoe stores and the 2011 Auburn Business Association Citizen of the Year Award.

Jim is an exceptional businessman, helping to win Lamey-Wellehan the Boston Shoe Travelers Association award for 2011 Retailer of the Year. More importantly, Jim's commitment to a quality product goes hand in hand with helping to build a quality community.

Jim is committed to the environment, already having cut carbon emissions at Lamey-Wellehan by 23 percent and is on pace to achieve his company's ultimate goal of a 50 percent reduction by 2020. It's no coincidence that among the many honors that Jim has received is the 2007 Maine Sierra Club Business of the Year.

In recent years, Jim has served on the Lewiston Planning Board, the Board of Overseers at St. Joseph's College, the Board of the Finance Authority of Maine, President of the Board of the Lewiston Auburn Occupational Center, a member of the Maine Small Business Coalition and a youth soccer league coach.

There are few individuals more deserving of this award than Jim. His commitment to his state, community and customers is unprecedented, and I am pleased that he is being recognized.

Mr. Speaker, I hope you will join me in honoring Jim Wellehan, the 2011 recipient of the Auburn Business Association Good Citizen Award.

IN HONOR OF CEDRIC THORBES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Cedric Thorbes, a young man who has displayed outstanding leadership. Mr. Thorbes has been named 2011's Youth Champion by Voices for Ohio's Children.

Cedric Thorbes was born in Liberal, Kansas and raised in Cleveland, Ohio. He is currently a senior at Glenville High School, where he is a merit-roll student and President of his senior class. Outside of school, Mr. Thorbes can often be found giving back to his community. He currently serves as the President of the Cleveland NAACP Youth Council, Chapter President of the Southern Christian Leadership Conference, and the Youth President of the Brotherhood, Respect, Intelligence, Conduct, and Knowledge (BRICK) program. Cedric has also served as a leadership ambassador for the Cleveland Metropolitan School District.

Cedric has been recognized by the Cleveland community for his service and was the recipient of this year's Dr. Martin Luther King Jr. Community Service Award. Cedric was also recently awarded a $25,000 scholarship after participating in the Maltz Museum of Jewish Heritage's ''Stop the Hate! Youth Speak Out'' essay contest.

Mr. Speaker and Colleagues, please join me in honoring Mr. Cedric Thorbes for his unwavering dedication to leadership in his community and being named 2011's Youth Champion. I wish him the best in all of his future endeavors.

A TRIBUTE TO DR. DERO G. DOWNING

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor the memory of a remarkable Kentuckian, Dr. Dero G. Downing. On April 4, Dr. Downing, Western Kentucky University's fourth president, passed on at the age of 89, leaving behind a lasting impression that will live on for years to come.

Dr. Downing served many roles throughout his lifetime but was best known for his time spent as WKU's president. Before serving as president, Dr. Downing became the university's registrar in 1959. Three years later, he was named dean of admissions. He then took the administrative affairs vice president position when it was created and held that position until becoming WKU's president in 1969.

During his decade long tenure as president, Dr. Downing could be found socializing with students, staying involved with WKU sports, and consistently keeping the campus in praiseworthy shape. He resigned as president in 1979, but not without first leaving his legacy on the hill.

Dr. Downing always conducted himself as a man of honor, loyalty and spirit. He exemplified to the fullest extent how indeed ''The Spirit Makes the Master.''

I ask my colleagues to join me in honoring Dr. Dero G. Downing for his many great contributions to the Commonwealth of Kentucky and as an architect in contributing to the successes of Western Kentucky University throughout his adult life.

SERGEANT KINTERKNECHT, OFFICER RAGSDALE AND OFFICER WITTE TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. TIPTON. Mr. Speaker, it is a true honor to stand and pay tribute to three members of the Montrose Police Community that displayed courage exceeding the call of duty. On July 25th, 2009, Sergeant Kinterknecht, along with Officers Ragsdale and Witte, and other members of the Montrose Police Department and Montrose County Sheriff's Department responded to a domestic violence call that quickly turned violent.

Soon after authorities arrived, gunfire erupted, tragically leaving Sergeant Kinterknecht fatally wounded, and Officers Ragsdale and

Witte severely wounded in both of their legs. In the chaos that followed many other police personnel responded boldly providing CPR and other life saving techniques as needed, while securing the crime scene.

Sergeant Kinterknecht, a Montrose native, has been posthumously awarded the Purple Heart and the Medal of Honor by the Montrose Police Department for his valor in the face of great and imminent danger. Sergeant David Kinterknecht had been involved with law enforcement since he was 14, as a member of the Montrose Police Explorers, a local youth group. He was a committed family man who is survived by his wife Kathy and his daughters Andrea and Amanda.

Officer Rodney Ragsdale, who made his way to Montrose from Suburban Denver, was another man who had been deeply involved in law enforcement. Officer Ragsdale was shot in both of his legs, and for his display of bravery he was also awarded the Purple Heart and the Medal of Honor by the Montrose Police Department.

Officer Larry Witte was just 23 at the time of the incident, and only two years out of Western State College in Gunnison. Officer Witte was also severely wounded from gunshot wounds in both of his legs, and for his steadfastness in dire circumstances he was also awarded the Purple Heart and the Medal of Honor. Officer Witte has a lovely wife, Chelsea, and a beautiful young daughter, Julia. He has recovered from his wounds and is back on patrol in Montrose.

Mr. Speaker, it has been an honor to rise in tribute to these three brave men. We should never forget the sacrifices the men and women in law enforcement make every day to insure our safety, and the sacrifices of their families. To Officer Ragsdale and Officer Witte, thank you for your service and gallantry. To the Kinterknecht family, our thoughts and prayers have, and continue to be, with you all. Sergeant Kinterknecht gave his life in service, and he shall not be forgotten.

KATHRYNN MERRILLS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathrynn Merrills for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kathrynn Merrills is a 7th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kathrynn Merrills is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kathrynn Merrills for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING CROATION PRESIDENT IVO JOSIPOVIĆ

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. GALLEGLY. Mr. Speaker, I would first like to thank Croatian President Ivo Josipović for traveling to the United States and taking part in the Congressional Croatian Caucus kick-off event.

Although President Josipović has been in office for little over a year, his record in promoting an environment of genuine regional dialogue, better mutual understanding, across-the-board cooperation, and a Euro-Atlantic perspective for the whole of South East Europe has been noteworthy.

Since taking office he has pursued the path of regional reconciliation, a policy that has been matched with concrete action. For example, President Josipović expressed regret for all the victims of the tragic events of the 1990s irrespective of their ethnic background, religious identity, or country of origin. He has also pursued open dialogue with all the key partners in the region of South East Europe, but in particular with Serbian and Bosnian and Herzegovinian high officials.

His efforts at promoting the eventual membership of all the countries in the region into the EU and NATO, have been widely recognized. President Josipović's effort in realizing ''Europe, whole, free and at peace'' is acknowledged and has been highly commended by the Administration and prominent members of Congress, as it complements U.S. efforts in that part of the world.

Croatia's two-year-long record of NATO membership already bears his mark. President Josipović showed strong leadership and responsibility at the December 2010 NATO summit in Lisbon, in regard to Croatian contributions to NATO led peace-keeping missions. Moreover, he has offered his strong support to Allied efforts in Afghanistan, where Croatian troops and experts assist in transitioning this country to stability and security, using its own capabilities, which was clearly expressed on his recent visit to Kabul.

Again, on behalf of the Congressional Croatian Caucus, I would like to welcome President Josipović to the United States and for his role in building a closer friendship between our two nations.

LANCE ORTIZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lance Ortiz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lance Ortiz is a 12th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lance Ortiz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lance Ortiz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN TRIBUTE TO TEMPLE BETH EMETH V'OHR PROGRESSIVE SHAARI ZEDEK ON THE OCCASION OF THEIR CENTENNIAL YEAR

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. WEINER. Mr. Speaker, I rise to recognize Temple Beth Emeth v'Ohr Progressive Shaari Zedek on their 100th Anniversary. The temple has provided faithful and devoted service to the Brooklyn community and has shown great commitment to the Jewish religion.

For 100 years, Temple Beth Emeth v'Ohr Progressive Shaari Zedek has shown great dedication to the Brooklyn community and has instilled their members with a strong sense of Jewish identity. I commend this outstanding temple and the excellent work they have done in the Brooklyn community and the City of New York.

Temple Beth Emeth v'Ohr Progressive Shaari Zedek represents the best of the Brooklyn community. They have dedicated their talents to provide their neighbors time for spiritual reflection and renewal with weekly Shabbat services and have improved the quality of life for their neighbors, friends, and family.

Temple Beth Emeth v'Ohr Progressive Shaari Zedek is truly a pillar of strength built on the support of their faithful members. Their members' generous and active involvement has contributed to the many years of phenomenal service that the temple has provided.

I am honored to recognize Temple Beth Emeth v'Ohr Progressive Shaari Zedek on the occasion of their centennial year and further extend my gratitude for their many loyal years of service to the Brooklyn community and I hope they continue to grow and provide the quality service for which they are so well known.

75TH ANNIVERSARY OF ST. GEORGE ORTHODOX CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KILDEE. Mr. Speaker, I rise today to recognize the 75th anniversary of St. George Orthodox Church. The parish celebrated this occasion this past weekend with a banquet and brunch.

The parish was organized in 1936 by families that had immigrated from Lebanon, Syria and Palestine. Due to the success of these immigrants the parish thrived and the first church was built in 1938. Many of the original

members remain a vibrant part of parish life to this day. The parish relocated to the existing church 40 years ago in 1971. Currently there are 230 families that make their spiritual home at St. George Orthodox Church. Despite the diversity of cultures among the parishioners, the Church members are united in their Orthodox Faith rooted in Apostolic Succession.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Father Joseph Abud, the parishioners, clergy, staff, and friends of St. George Orthodox Church for 75 years of worship, fellowship, and inspiration. May God continue to bless the parish with enthusiasm and spiritual growth for many, many years to come.

VIVIAN FIELD MIDDLE SCHOOL CELEBRATING 50 YEARS OF EDUCATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise today to recognize the 50th anniversary of Vivian Field Middle School. As a former student of Carrollton-Farmers Branch ISD, it gives me great satisfaction to recognize Vivian Field Middle School for its five decades of educational excellence.

In 1960, Tom Field, a former county commissioner and staunch supporter of public education, donated 7.5 acres of land to Carrollton-Farmers Branch ISD for a new school. Mr. Field, however, had one requirement of the school district: the new school had to be named after his wife, Vivian. The school district honored his wish and constructed Vivian Field Junior High School.

Vivian Field Junior High School opened in the fall of 1961. The school consisted of the sixth, seventh, and eighth grades. The main building was structured with three wings which were connected by a gymnasium on the southeast side and a cafeteria on the west side. In 1969, to accommodate its growing student body, Vivian Field Junior High School constructed an additional wing, providing a formal entrance and additional classrooms. Since opening, the school has changed its name to Vivian Field Middle School to better reflect the grades and programs.

Today, Vivian Field Middle School has approximately 900 students across three grades. The middle school has been honored by the Texas Education Agency as a ''Recognized'' school from 2005 to 2010, and has been commended on the State and National level for continually providing an outstanding education for its students.

Mr. Speaker, on behalf of the 24th District of Texas, I ask all my distinguished colleagues to join me in commending the administrators, teachers, and students of Vivian Field Middle School for its five decades of exemplary education in our community.

LYDIA AGEDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lydia Agede for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lydia Agede is a 12th grader at Standley Lake High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lydia Agede is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lydia Agede for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

TRIBUTE TO USMC MASTER SERGEANT FRANK MASON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. HUNTER. Mr. Speaker, every so often, the heroism of America's greatest generation is relived through personal accounts, ceremony and celebration. It was these Americans who lead our nation to victory in Europe and the Pacific during World War II, and then returned home to build an economy and set the gold standard for future generations to not only admire, but to follow.

One of these great Americans, Marine Corps Master Sergeant Frank Mason, is celebrating his 90th birthday, a significant milestone that encompasses a lifetime of service and sacrifice. Frank's story, starting with his childhood and carrying through his career in the Marine Corps, is truly inspiring. And his courage as a prisoner of war following the fall of the Philippines is an example of the same American selflessness and fighting spirit that continues to motivate the men and women of the Marine Corps, and every other American who understands that freedom comes at a cost.

Seeing both an obligation of duty and opportunity in the Marine Corps, Frank enlisted in the Marines in 1937 at 17 years of age. Frank was assigned to the 1st Battalion, 4th Marine Regiment and, after a year in Hawaii, he joined the Battalion in Shanghai, China—0a part of the world that, outside of books and maps, was unfamiliar to most Americans—until the threat of a Japanese attack forced the evacuation of all American troops on November 28, 1941—days before the bombing of Pearl Harbor. Frank's next stop was the Philippines, where the Marines would soon put up a valiant fight against a determined and relentless Japanese enemy committed to fighting until the last man.

The Philippines was a strategic asset for both the U.S. and the Japanese during World War II. And the Island of Corregidor was the culmination of the Japanese campaign for the Philippines. It was on Corregidor that Frank and others, cornered and outnumbered, endured multiple waves of attacks. They held their ground. The fighting intensified until Japanese tanks went into action and stacked the odds against the Marines on the Island.

Many were wounded, and under fear that Japanese landings would continue overnight, General Jonathan Wainright made the decision to surrender.

General Wainright's famous words to President Roosevelt provide a clear window into the conditions facing Marines on Corregidor, saying ''There is a limit of human endurance, and that point has long passed.'' On May 6, 1942, the Corregidor garrison, with two officers sent forward with a white flag, surrendered to the Japanese.

Frank's account of these events aptly reflects the attitude of a Marine rifleman. An attitude, in fact, that reflects the tradition and honor of the Marine Corps to this day. Franks asserts that, ''we never surrendered. We were ordered to stop fighting.''

Frank was put on a ''hell ship'' and transported to japan with other Prisoners of War, where he was starved and nearly worked to death in a nickel and lead mine for over three years. Still, Frank did not lose his spirit or his desire to live. With some incredible fortune and personal resourcefulness, Frank survived. And when most people might say they've done their part and try restoring some normalcy to their lives, Frank made the conscious decision to stay in the Marine Corps. His extraordinary levels of experience, fortitude and resilience, would be needed yet again, this time in Korea.

Less than a decade after the World War II victory parades rolled through America, Frank's next test would come during the Korean War and the historic battle of the Chosin Reservoir—a badge of pride for the Marine Corps, which, once again, faced insurmountable odds against a formidable enemy. Frank showed that the right leadership and experience is invaluable, under even the most difficult and dangerous conditions.

It's impossible to quantify Frank's contribution to the nation, but what's certain is that there are only a few Americans whose experience and sacrifice compare to his. Frank is part of an elite class of Americans who deserve our unending appreciation.

It was Ronald Reagan who famously said, ''Some people live an entire lifetime and wonder if they have made a difference in the world. Marines don't have that problem.'' Mr. Speaker, I believe Frank is an example of the type of Marine President Reagan had in mind. Frank made a difference and we are all thankful for his service.

On the occasion of his 90th birthday, I ask that my colleagues join me in paying tribute to Master Sergeant Frank Mason—a true American hero.

LIZBETH BLANCO-RAMOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lizbeth Blanco-Ramos for receiving the Arvada Wheat

Ridge Service Ambassadors for Youth award. Lizbeth Blanco-Ramos is a 12th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lizbeth Blanco-Ramos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lizbeth Blanco-Ramos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING COMMAND SERGEANT MAJOR ROBERT VAN PELT

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. GIBSON. Mr. Speaker, I rise today on behalf of the people in New York's 20th District to express our sincere appreciation for the dedication and sacrifices of one of our own, Command Sergeant Major Robert Van Pelt.

CSM Van Pelt selflessly and courageously served in the United States Army between March 1969 and December 1971, after which he joined the New York National Guard. During his time in both the Army and National Guard, CSM Van Pelt served a vital role as a Fixed Station Autodin Technical Controller and NCO in other units related to Signal corps operations. He served with distinction and honor and achieved the impressive rank of Command Sergeant Major of the NY Army National Guard in 1991. During this period, CSM Van Pelt served in the Vietnam War, most notably in the First Signal Brigade in Phu Lam, Republic of Vietnam and earned numerous medals and commendations, including Meritorious Service Medal with Oak Leaf Cluster, the Vietnam Service Medal with one star, and the Humanitarian Service Medal, among many others.

Outside of this service, CSM Van Pelt also achieved many other milestones, including completing Advanced Signal NCO Course Phase 2 at Ft. Gordon, GA, and the USA Sergeants' Major Academy, Class #37 at Ft. Bliss, TX, as well as receiving a Bachelor of Science Degree at State University of New York. In addition, he has been happily married for almost 40 years to his wife, Deborah, with whom he has two daughters, Stephanie and Sandra. He continues his professional advancement through the electrical industry as an Instrumentation and Controls supervisor and his membership in IBEW Local Union #25.

It is an honor to know that such impressive and dedicated men and women like CSM Van Pelt are willing to sacrifice so much in the name of freedom. It is even more moving that my family and I have the privilege of their protection in our home state and district. I thank CSM Van Pelt and his family for their service.

IN RECOGNITION OF ROBERT ''BOB'' FLETCHER, JR.

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. MATSUI. Mr. Speaker, I rise today to recognize and honor Mr. Robert Fletcher, Jr. for his commendable service to Sacramento Japanese-American families during World War II and his work in the Sacramento community.

Bob Fletcher was born on July 26, 1911 in San Francisco, California to Robert Fletcher, Sr. and Olive Barkley. Following his upbringing in Redwood, Bob attended the University of California, Davis, where he received a degree in Agriculture Science in 1933.

Following his graduation from UC Davis, Bob worked as a state fruit and vegetable inspector at various locations, including the Florin Train Station, where he became friends with several local Japanese-American farm owners. In 1940, Bob became the director of the Sacramento County Farm Bureau.

After the December 7, 1941 attack on Pearl Harbor and the subsequent internment of Japanese-Americans, Bob quit his job as a state agriculture inspector and took control of three Japanese-American family farms belonging to the Tsukamotos, Nittas and Okamotos. He farmed the 90 acres of land until they returned home in 1945, when he returned their land to them and split half the profits.

Bob's desire to improve his community continued, and, in 1953, he helped form the Florin Fire Protection District, a local volunteer fire department at which he served as a volunteer Assistant Chief for 20 years, then served as the Chief for an additional 12 years. He retired in November of 1974.

In October of 1959, Bob helped found the Florin County Water District, to protect the water rights of local farmers and provide clean water to the community. After more than 40 years, Bob continues to serve as a board member to this day.

In 1985, Bob helped form the Florin Historical Society, and donated five acres of his land to build the Florin Community History Center and adjacent park, to preserve the history of the Florin community.

Mr. Speaker, I am honored to recognize Mr. Robert Fletcher, Jr. for his meritorious work in the Sacramento community, his ability to look past racial barriers and help save the farms of three Japanese-American families, and his more than 80 years of outstanding civil service. I ask all my colleagues to join me in commending Bob Fletcher for his truly remarkable service.

KAYLA TREJO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayla Trejo for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayla Trejo is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayla Trejo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayla Trejo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN HONOR OF M. SHIRLEY AUSTIN, OF HOLBROOK, MA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. LYNCH. Mr. Speaker, I rise today in honor of M. Shirley Austin, in recognition of her outstanding civic contributions to Holbrook, Massachusetts, and to commend her for a lifetime of dedicated service to her community.

Shirley has dedicated over 45 years of loyal service to her town, beginning in 1966. For 39 of those years, she has tirelessly served Holbrook as Town Clerk. Shirley was first elected as Town Clerk in 1972, and has been elected in 13 consecutive elections over the 39 year time span.

During her distinct career, Shirley has been a continuous member of the New England Town Clerks Association, and served as the Association's Massachusetts representative. In addition, she was also a member of the Tri-County (Norfolk, Plymouth, Bristol) Town Clerks Association and continued her leadership as the organization's secretary.

An active participant in her community, Shirley has been a member of the Holbrook Town Democratic Committee for over 40 years. Her extensive and impressive resume also includes serving as a member of the Holbrook Rotary Club, a leader of the Holbrook Rotary Club's Student Government Day, and a Director for the Randolph Savings Bank.

Lastly and most importantly, Shirley has been a trusted advisor and mentor to the town of Holbrook, providing citizens with valuable and experienced advice for decades.

Mr. Speaker, it is my distinct honor to take the Floor of the House today to join with Shirley's family, friends, and contemporaries to thank her for her remarkable civic service to her hometown of Holbrook, Massachusetts, and to the United States of America. I hope my colleagues will join me in celebrating Shirley's distinguished career and in wishing her good health and success in all of her future endeavors.

KAYLEEN LAWTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayleen Lawton for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Kayleen Lawton is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayleen Lawton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayleen Lawton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING CALIFORNIA STATE SENATOR LONI HANCOCK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary career of California State Senator Loni Hancock as we celebrate 40 years of her dedicated public service. Having served on local, state and federal levels of government throughout her career, she made history as the first woman elected to be Mayor of the City of Berkeley. Senator Hancock continues to be a celebrated, invaluable member of the California State Legislature, and we join together in praise of her remarkable contributions to the Bay Area, California, and beyond.

Raised on the East Coast, Loni Hancock received her B.A. from Ithaca College in 1963. After moving to Berkeley with her family upon graduation, she earned an M.A. in Social Psychology from the Wright Institute in 1978. Her four decades of advocacy for social justice, environmental protection, economic development and access to high-quality, affordable education and health care began with her involvement in the historical political movements of the 1960s and 1970s.

Like many involved in Berkeley's hotbed of political activism, Ms. Hancock's opposition to the war in Vietnam and her work championing racial justice and women's equality led her to community organizing. She was active in the Community for New Politics (which later became the Berkeley Coalition), Women for Peace, and Bay Area Women Against Rape.

In 1971, Loni Hancock began eight years of service as an elected member of Berkeley City Council. In that role, she had the opportunity to shape programs and policies that reflected the nation's burgeoning civic reforms, including affirmative action hiring of women and people of color, job and benefits restructuring for city workers, and the administration of parental leave, rent control, recycling programs and campaign finance reform. As a council member, she also successfully pushed to preserve the Berkeley marina and its surrounding wildlife from development.

From 1986 to 1994, she served two terms as the first elected woman Mayor of Berkeley, resulting in the city's urban renaissance and the revitalization of its downtown. During a tough economic climate, she balanced seven consecutive city budgets, forged innovative city partnerships with the school district and led efforts to secure additional open space (including Ohlone Park and the East Shore State Park).

From there, she served President Clinton's administration as head of the Western Regional Office of the U.S. Department of Education, where she helped direct millions in federal funding to launch after-school, early reading preparation, college preparedness and career-to-school programs in California schools. She also oversaw a host of domestic volunteer programs as President Jimmy Carter's Regional Director for ACTION (the precursor of the Corporation for National Service).

In 2002, Loni Hancock began three terms representing the 14th District in the California State Assembly. She was elected to the California State Senate in 2008, and currently represents the 9th State Senate District. As a State Legislator, Loni Hancock has authored landmark legislation and provided leadership on important issues. Her work has led to policies that improve and preserve our public schools, invest in programs to prevent crime and reduce recidivism, provide multi-faceted protection of our environment and encourage increased efficiency and fair elections in state government

On behalf of California's 9th Congressional District, State Senator Loni Hancock, I salute you. Your 40 years of public service have made an indelible mark in our community. Thank you for your continued work, and best wishes to you and your loved ones in the years to come.

PERSONAL EXPLANATION

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. GRIFFIN of Arkansas. Mr. Speaker, on Monday, May 2, 2011, I missed the rollcall vote No. 278 for unavoidable reasons.

Specifically, my direct flight from Little Rock, Arkansas, to the Baltimore-Washington International Airport (BWI) that was scheduled to depart at 10:40 a.m. (CDT) and to arrive at 2:05 p.m. (EDT) was delayed due to mechanical failure for approximately four hours and did not arrive until 6:15 p.m. (EDT) at BWI. Because of this delay I did not arrive at the Capitol until after rollcall vote No. 278 had concluded.

I would have voted as follows: Rollcall vote No. 278: ''yea'' (H.R. 1423, to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office'').

MALOREY BOPP

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Malorey Bopp for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Malorey Bopp is an 8th grader at Arvada K–8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Malorey Bopp is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Malorey Bopp for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HEMP HISTORY WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PAUL. Mr. Speaker, I rise to speak about Hemp History Week. To celebrate the American heritage of growing industrial hemp, the Hemp Industries Association, Vote Hemp, American manufacturers, and allied companies and organizations have declared May 2 to May 8, 2011 to be Hemp History Week. Throughout the week, people will recognize America's legacy of industrial hemp farming and call for reinstating respect for farmers' basic right to grow industrial hemp.

Industrial hemp was legally grown throughout our country for many years. In fact, George Washington and Thomas Jefferson grew industrial hemp and used it to make cloth. During World War II, the federal government encouraged American farmers to grow hemp to help the war effort.

Despite industrial hemp farming being an important part of American history, the federal government has banned cultivation of this crop. In every other industrialized country, industrial hemp, defined to contain less than 0.3 percent THC—the psychoactive chemical found in marijuana, may be legally grown. Nobody can be psychologically affected by consuming industrial hemp. Unfortunately, because of a federal policy that does not distinguish between growing industrial hemp and growing marijuana, all industrial hemp must be imported. The result is high prices, outsourced jobs, and lost opportunities for American manufacturing.

Reintroducing industrial hemp farming in the United States would bring jobs to communities struggling in today's economy, provide American farmers with another crop alternative, and encourage the development of hemp processing factories near American hemp farming.

Industrial hemp is used in many products. For example, industrial hemp is used in protein supplements, non-dairy milk, and frozen desserts. Hemp flour is in breads, crackers, chips, dips, and dressings. Hemp seeds may be eaten plain or added to prepared foods. Additionally, hemp oil is used in a number of cosmetic and body care products, and hemp fiber is used in cloths. Industrial hemp is also present in bio-composite materials used in buildings and automobiles.

I first introduced the Industrial Hemp Farming Act six years ago to end the federal government's ban on American farmers growing industrial hemp. Since then, the industrial

hemp industry has grown much larger. Despite its American history, industrial hemp is the only crop that we can buy and sell but not farm in the United States. The federal government should change the law to allow American farmers to grow this profitable crop as American farmers have through most of our nation's history. I plan to reintroduce the Industrial Hemp Farming Act next week. Please cosponsor the Industrial Hemp Farming Act and join me in celebrating Hemp History Week.

IN RECOGNITION OF THE FIRST ANNUAL ROOSEVELT ISLAND CHERRY BLOSSOM FESTIVAL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor the First Annual Roosevelt Island Cherry Blossom Festival, which took place last month on Roosevelt Island in the heart of New York City. This ''Celebration of Hope'' featured the dedication of a beautiful grove of cherry trees along the Island's west promenade, which offers breathtaking views of the Manhattan skyline, as well as numerous cross-cultural offerings.

Proceeds from the Festival are being donated to the Roosevelt Island Japanese Association relief drive to aid those affected by the recent devastating earthquake and tsunami in Japan, which is also being supported by the Japan Society in New York City and designated charities.

The Roosevelt Island Cherry Blossom Festival featured performances by four different traditional music groups and by Roosevelt Island's own ''Karate Kids''. It also featured numerous gastronomic exhibits and tastings, including a continuous tea ceremony, a sushi and sake tasting offered by Roosevelt Island's Fuji East Restaurant, and a beer tasting put on by the Roosevelt Island Bar & Grill. In addition, the Festival included many offerings in the visual arts, including origami folding lessons, a photography contest, and an art auction hosted by the Roosevelt Island Visual Art Association (RIVAA) Gallery.

The Roosevelt Island Cherry Blossom Festival truly offered something for everyone: It was free and open to the public, but the proceeds from all sales will be donated toward Japanese earthquake and tsunami relief.

Roosevelt Island holds a unique place in the history of our nation's greatest metropolis. It began to be developed into a largely residential community by the State of New York in 1969 with a master plan designed by the world-renowned architects Philip Johnson and John Burgee as its guideline. This design envisioned a diverse mixed-income community in a largely traffic-free environment, a plan that has been successfully implemented.

The first residential housing complex on Roosevelt Island opened in 1975, followed a year later by three additional developments. Today, Roosevelt Island is famous for its parks, historic landmarks, first-rate health care facilities, and its scenic Tramway, the only commuter tram in the United States. It also offers a warm and comfortable environment to a thriving population of active and involved New Yorkers who call it their home.

Mr. Speaker, I request that my colleagues join me in paying tribute to the first annual Roosevelt Island Cherry Blossom Festival and all its organizers and volunteers. The Festival's mission of serving others offers inspiration to us all.

LORENZO TOLENTINO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lorenzo Tolentino for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lorenzo Tolentino is an 8th grader at Creighton Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lorenzo Tolentino is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lorenzo Tolentino for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN RECOGNITION OF THE CENTENNIAL OF DALY CITY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. SPEIER. Mr. Speaker, I rise to celebrate the 100th birthday of the city of Daly City, California. Known as the ''Gateway to the Peninsula,'' Daly City sits at the northernmost edge of San Mateo County, stretching from the Pacific Ocean to the West to almost San Francisco Bay on the East.

Although the Ohlone Indians occupied much of this area since the 6th century, the Spanish claimed it in the early 16th century. In 1769 the explorer Don Gaspar de Portola learned of the existence of San Francisco Bay and within a few years the Presidio and Mission Dolores were established and European settlers began to inhabit the north peninsula.

After the Mexican-American War, the U.S. government declared the area between San Bruno Mountain and Lake Merced government property that could be acquired by private citizens. This led to a brief land rush by mainly Irish settlers who established ranches and farms in what today are the neighborhoods of Serramonte and Westlake and the cities of Colma and Pacifica. It didn't take the farmers long to discover one of the signature characteristics of the area: fog. Many farmers fled, others converted to dairy and cattle farms. Had Mark Twain visited Daly City instead of San Francisco, he would have changed his well-known statement to ''the coldest winter I ever experienced was a summer in Daly City.''

The tensions before the American Civil War led to a famous duel in 1859 near Lake Merced. California was divided between proslavery and Free Soil advocates. Two of the main figures in this debate were U.S. Senator David Broderick, a Free Soil advocate, and David Terry, a former state chief justice in favor of extending slavery into California. In the duel Terry mortally wounded Broderick who died three days later. This incident is considered the first shot of the Civil War and the location marked with two granite shafts is a designated California Historical Landmark.

Of course Daly City wouldn't be Daly City without its namesake. John Daly was 13 years old when he came to what is now San Mateo County from Boston in 1853. His mother died during the Panama crossing and young Daly had to fend for himself. He found work on a dairy farm and learned the business quickly. He married his boss' daughter and in 1868 bought his own 250 acres on the ''top of the hill.'' He soon supplied milk and dairy products from his own cows and other dairies in the area and became a prominent businessman.

Populations were growing in San Francisco and on the south peninsula, but not in the Daly City area—until 1906. On the morning of April 18, 1906 a major earthquake off the coast near Mussel Rock destroyed much of San Francisco and displaced thousands of people. John Daly, who had moved to San Francisco, but maintained his business on the top of the hill, opened his farmland up to refugees, offering them temporary shelter, milk, butter and eggs. He realized the value of his land and subdivided his property in 1907. As streets and housing tracts emerged, the need for city infrastructure and services grew. The first attempt to incorporate the city of Vista Grande in 1908 failed. Three years later, on January 16, 1911, a petition was filed with the San Mateo County supervisors to incorporate the city of Daly City. In a special election on March 18, the incorporation narrowly passed in a 132 to 130 vote.

Daly City didn't grow much until the late 1940s when the developer Henry Doelger bought 600 acres of sand dunes and built Westlake. Doelger houses kept spreading West and South. Soon, major Daly City landmarks like Seton Medical Center and Serramonte Shopping Center were added.

Today, Daly City is San Mateo County's largest city with a population of over 108,000. Residents love their town and are proud of its diversity. After Honolulu, Daly City has the second largest Asian American community in the United States—about half of the residents are Asian and most are Filipino which is why the city is commonly called ''Pinoy Capital.''

Mr. Speaker, I ask this body to join me in celebrating the history and future of the city of Daly City on this day of its Centennial, March 22, 2011.

IN RECOGNITION OF NATIONAL TEACHER DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. RANGEL. Mr. Speaker, I rise today, on National Teacher Day, to recognize the important work of nearly 4 million teachers in public, private, charter and religious education institutions all throughout our great nation.

Teachers go to work every day to educate, inspire and help children of all backgrounds to achieve their dreams and become successful. Among the eighty thousand educators in New York City is Dr. Althea Bradshaw-Tyson, principal of The Young Women's Leadership School (TYWLS) in my Northern Manhattan congressional district.

I had the privilege of visiting The Young Women's Leadership School (TYWLS) of East Harlem and seeing firsthand the extraordinary impact Dr. Bradshaw-Tyson and the teachers have had on their students. Under their guidance, TYWLS of East Harlem has made history and headlines by providing low-income students of color an outstanding college-prep education and by offering a personalized, dynamic, hands-on learning environment where girls thrive academically. Nearly every student of TYWLS graduates on time and attends four-year colleges.

At a time when our education system needs stronger support, our teachers are faced with innumerable obstacles. They are being blamed for the deficit, their rights taken away and wages slashed. Even worse, their livelihoods are being threatened by mass layoffs in school systems across America. Yet class sizes keep increasing as school budgets keep being cut.

We cannot hope to win the future without an educated and inspired workforce. Throughout this National Teacher Appreciation Week as we honor their invaluable service and efforts, let us remember the life-changing impact of outstanding educators such as Dr. Bradshaw-Tyson, and continue to support our nation's teachers.

DEDICATION OF STATUE OF PRESIDENT GERALD FORD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KILDEE. Mr. Speaker, I rise today to honor the legacy of an extraordinary man, dedicated public servant and proud Michigander: President Gerald Ford.

For 25 years, President Ford served as a Representative from Michigan. As Minority Leader he was respected on both sides of the aisle as a strong and capable leader. As he famously said ''I have had a lot of adversaries in my political life, but no enemies that I can remember.''

He ascended to the Presidency during a difficult chapter in our nation's history. Through his dedicated leadership, he helped guide the country out of the turmoil caused by Watergate and in the process he distinguished himself as truly one of the most honorable Presidents we have ever had.

I have served under seven Presidents in my 34 years in Congress, but President Ford was the first. His State of the Union Address was the first I had the privilege to attend on the floor of the House of Representatives and it is an experience I will never forget.

Mr. Speaker, I rise today to honor this great American patriot and proud Michigander.

LAWRENCE SALAZAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lawrence Salazar for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lawrence Salazar is a 9th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lawrence Salazar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lawrence Salazar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

RECOGNIZING POLISH CONSTITUTION DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Polish Constitution Day and to commemorate the signing of Europe's first codified constitution on May 3, 1791.

Three years after the adoption of our own constitution, Poland became the second nation in the world to codify a constitution. Under the leadership of King Stanislaw August, Poland approved a constitution that contained many of the groundbreaking democratic principles also embraced by America's founding fathers. Among those was the separation of legislative, executive, and judicial powers. The constitution also placed peasants under the protection of the government and established the concept of political equality.

Since the adoption of the 1791 Constitution, Poland has withstood countless hardships to emerge as a strong U.S. friend and ally. Here in the United States, Polish-Americans have made critical contributions to the development of our nation. This weekend, the city of Chicago's vibrant Polish community, the largest outside of Warsaw, will hold its 120th annual parade in honor of this historic document.

I join with people in the United States, Poland, and around the world in commemorating the anniversary of this historic document, celebrating Polish history, and recognizing the important contributions that the Polish people have made to the development of democracy.

RECOGNIZING NATIONAL MPS AWARENESS DAY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. MARCHANT. Mr. Speaker, I would like to recognize the National MPS Society for their 36 years of supporting families while searching for cures. Mucopolysaccharidosis or MPS is a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates. The damage caused by MPS on a cellular level adversely affects the body and damages the heart, respiratory system, bones, internal organs, and central nervous system. MPS often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span.

Symptoms of MPS are usually not apparent at birth and without treatment; the life expectancy of an individual affected begins to decrease at a very early stage in their life. Research has resulted in the development of limited treatments for some of the MPS diseases.

I urge my colleagues and their staff to join me in recognizing May 15, 2011 as National MPS Awareness Day. This is an important time during which the MPS disease community will help increase the awareness of this devastating disease, as well as supporting research to improve treatments, find cures and receive early diagnosis. The MPS families are encouraged to reflect and support each other and to reach out to those families who have lost loved ones to MPS. By wearing their purple ribbons and sharing these ribbons within their community, they are increasing public awareness about this disease. This date is also the start of the national MPS Run/Walk season along with other local community activities to raise awareness along with money for research and for family assistance programs.

I commend the National MPS Society for their unwavering commitment to bring about awareness of this disease and to continue to advocate for federal legislation to streamline the regulatory processes and to speed effective treatments and cures for their loved ones while advocating for funding of respite and enhancing special education. More must be done to find cures and effective treatments.

IN RECOGNITION OF CHARLIE GETZ

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. SPEIER. Mr. Speaker, I rise to congratulate Charlie Getz, a nearly four-decade veteran of the California Attorney General's office, on the occasion of his retirement. Charlie has served the people of the Bay Area and the entire state of California with great distinction.

I got to know Charlie when I first ran for Congress in 1979 and I've considered him a

close and dear friend ever since. He served as co-manager pf my successful campaign for San Mateo County Supervisor in 1980 and has played a significant role in legislative victories at all levels of government.

Charlie has worked in the California Attorney General's office for 38 years in numerous high-level positions, and holds the distinction of being the second-youngest person to be appointed as Deputy Attorney General IV. He investigated the Los Angeles Unified School District when it built a high school on a toxic waste site. He successfully shut down a statewide development scam where local government bonds were being used to finance private developers that preyed on seniors and other people on fixed incomes. Mr. Getz won an Attorney General Award for Excellence, among other honors, for his work on litigation surrounding the infestation of Mediterranean fruit flies (Medfly). A University of California-Berkeley study later concluded that his work on the Medfly saved the state's economy $5 billion per year. During that time, Charlie never lost a single case or motion.

Charlie is an avid model railroader. He is a member of the board of directors of the National Model Railroad Association, has given talks around the world about this popular hobby, and has written for Narrow Gauge and Shortline Gazette magazine for over 30 years. He is an acknowledged expert on the assassination of President Kennedy, has lectured on this subject on numerous occasions and has a library of volumes on JFK that is extraordinary. He is a highly-talented poet and not so gifted comedian. Charlie could have earned a lot more money over his lifetime if he had gone into writing comedy for late night television. Instead, he dedicated his life to statewide public service. Charlie is also passionate about the public's interest at the local level. Despite a demanding daytime schedule at the California Department of Justice, Charlie served for many years on the planning commissions of two communities in which he lived: South San Francisco and San Carlos. Unbeknownst to most of us, his votes and vision shaped the character of these two cities for many decades.

Charlie Getz is a graduate of the University of California at Los Angeles with a bachelor's degree in history and the University of Southern California School of Law.

In short, Charlie Getz is a Renaissance man in our modern era. He is fortunate to be blessed with a wonderful wife, Margaret, who is also brilliant, a computer specialist, teacher, and a professional chef. Margaret will have her hands full ensuring that Charlie stays on track during retirement. I wish both Charlie and Margaret the very best in the next chapter of their lives.

Mr. Speaker, I ask this body to join me in celebrating the extraordinary career of a dedicated public servant, a wise citizen, and an uncommon friend, Charlie Getz.

HONORING RABBI STEVEN CHESTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary career and long-time spiritual guidance of Rabbi Steven Chester as he retires from over 22 years at the helm of East Bay's oldest Synagogue, Temple Sinai, located in the City of Oakland. Under Rabbi Chester's excellent leadership, Temple Sinai has become even more effective in the promotion of worship, education, service and volunteerism within its large congregation, and throughout our community.

Additionally, with the completion of the new Rabbi Steven and Leona Chester Campus, the Rabbi's work and his family's many contributions have formed a tangible legacy within Temple Sinai. Consistent with his many years of service, Rabbi Chester's namesake is a place of gathering and good works that will serve both the modern and traditional needs of his beloved congregation.

Rabbi Steven Chester's multi-faceted career began long before his tenure at Temple Sinai. After receiving his bachelor's degree in History from the University of California, Los Angeles, he earned a B.H.L from Hebrew Union College in Los Angeles and an M.H.L from Hebrew Union College in Cincinnati, Ohio. He spent a seventh year of rabbinical studies in Israel, and was ordained in 1971. By the time of his ordination, Rabbi Chester was already a vocal advocate for many social issues, including supporting civil rights and ending the war in Vietnam. This early penchant for activism and the promotion of peace and human dignity would play a role in Rabbi Chester's spiritual teachings and community service throughout the span of his career.

Spending five years of his rabbinate at Temple Beth Israel in Jackson, Michigan, Rabbi Chester utilized proximity to the state's main prison to provide weekly counseling and spiritual services to its prisoners as the facility's Jewish chaplain. From 1976 to 1989, Rabbi Chester served Temple Israel, located in Stockton, California, where he was also an adjunct professor in the Religious Studies department at the University of the Pacific.

Over two decades ago, he left Stockton to become Rabbi at Temple Sinai. Founded in 1875, the Synagogue is a historic landmark that continues to serve the largest Jewish community in the East Bay and has deep roots in the Oakland community. During Rabbi Chester's tenure, he added a pre-school, introduced adult education programs and supported the congregation's return to more traditional practices, including the re-introduction of Hebrew into the service. He also continued the congregation's history of advocating for social justice by championing local affordable housing and health care for the underserved, supporting women's reproductive rights and protesting the genocide in Darfur.

Whether participating in the Hurricane Katrina prayer service at the Oakland Arena, taking a bold public stance on global conflicts, or sponsoring a school for the poor and orphaned in Siem Reap, Cambodia—Rabbi Chester has inspired many through his insight and actions. In fact, among his many accolades, Rabbi Chester was voted the 2006 Reader's Choice for ''Minister/Rabbi/Imam with the Biggest Heart'' in the East Bay Express.

On behalf of the residents of California's 9th Congressional District, Rabbi Steven Chester, I salute you. I thank you and your wife, Leona, for your countless contributions to the well-being of our East Bay community. Your work promoting the values and traditions of Judaism has served our many Jewish community members and enriched the amazing diversity we enjoy in Oakland. I congratulate you on your many achievements, and I wish you and your loved ones all the best in this next chapter of life.

IN RECOGNITION OF THE CHI STATE ORGANIZATION OF THE DELTA KAPPA GAMMA SOCIETY INTERNATIONAL

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Chi State Organization of the Delta Kappa Gamma Society International as they join together to celebrate their 75th year in California. It is a great pleasure to recognize the Chi State Organization of the Delta Kappa Gamma International Society's dedication to promoting the professional and personal growth of women educators, and excellence in education. Over 6,000 California members will celebrate this historic milestone at their annual convention this year, themed ''Soar on Wings of Transformation.'' I ask all of my colleagues to join me in honoring their leadership in our community, our state, and throughout the country.

Delta Gamma Society International was founded in 1929 and the Chi State Organization was established in 1936. The seven purposes of the organization are: to bring women educators of the world together; to honor women who are committed to distinctive service in the field of education; to advance the professional interest of women in education; to initiate, endorse and support legislation and public policy that is in the interests of education and of women educators; to endow scholarships to aid outstanding women educators; to stimulate the personal and professional growth of members; and to inform the members of current economic, social, political and educational issues so that they may participate effectively in our society.

Over the last 75 years, the Chi State Organization has funded and participated in a number of literacy projects throughout California, given scholarships to members and grants to non-members to pursue continuing education, and volunteered in classrooms and communities.

Mr. Speaker, I am honored to pay tribute to the Chi State Organization of Delta Kappa Gamma Society International on their 75th anniversary, and their outstanding commitment to California's teachers and students, while promoting excellence in education.

KAYLA KOVAL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayla Koval for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayla Koval is a 7th grader at Drake Middle School and received this award because her determination

and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayla Koval is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayla Koval for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

CONGRATULATING ''TEAM WILSON'' OF THE CIVIL AIR PATROL'S ORLANDO, FLORIDA CADET SQUADRON

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. WEBSTER. Mr. Speaker, I congratulate ''Team Wilson'' of the Civil Air Patrol's Orlando, Florida Cadet Squadron for recently earning the Commander in Chief's trophy at the Air Force Association's 2011 CyberPatriot National Championship.

It was almost a year ago that ''Team Wilson'' began to lay the foundation for the success that I am pleased to recognize. In an era when our national security increasingly relies upon protecting vital networks, these young men are committed to acquiring the skills necessary to defend against a cyber threat. Over four hundred and fifty teams competed in the CyberPatriot III tournament for the opportunity to demonstrate their ability to patch and secure computer systems at the National Championship held this past February. I am pleased to acknowledge the achievement of ''Team Wilson,'' who held themselves to the highest standard of performance throughout several rounds of competition and brought home the Commander in Chief's trophy for First Place in the All Service Division.

The members, coaches, parents and mentors of ''Team Wilson'' from the Orlando Civil Air Patrol have certainly earned our recognition. I thank coaches Nina Harding and 1stLt. Mark Strobridge for their steady guidance and dedication to the team's success. I also would like to acknowledge the contributions of Mr. Gary Palmer, whose mentorship and expertise provided ''Team Wilson'' with the tools to match their determination. However, much of the credit for this outstanding victory belongs with team members C/TSgt. Michael Hudson, C/MSgt. Evan Hamrick, C/SrA. Reid Ferguson, and C/SMSgt. Matt Allen. Team Captains C/SSgt. Isaac Harding and C/2ndLt. Shawn Wilson also deserve special recognition.

Meeting the new global challenges of the 21st century is fast hinging upon the capability to protect our critical telecommunications and network infrastructure. I am encouraged when I learn that so many young people are participating in competitions like CyberPatriot III to prepare themselves to serve our Nation on the front lines of the cyber security effort.

In conclusion, I wish all the best to the members of ''Team Wilson'' as they apply their technological competency and commendable work ethic to future pursuits.

HONORING REV. ROBERT A. WILD, S.J.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. MOORE. Mr. Speaker, I rise to honor Rev. Robert A. Wild, S.J., President of Marquette University in Milwaukee, whose leadership has resulted in groundbreaking new educational and research facilities, innovative academic programs, increased donor support, and strong relationships with students, faculty, staff, alumni, and the community.

Rev. Robert A. Wild, S.J., began his duties as president of Marquette University in Milwaukee on June 17, 1996, and will retire on July 31, 2011. During his tenure, Father Wild has built upon the university's core strengths of an academically rigorous, values-centered curriculum; solid, practical preparation of students for work in a world of increasing complexity and diversity; and formation of individuals as ethical and informed leaders in their religious, cultural, professional, and civic communities. Father Wild has also promoted the Catholic, Jesuit identity of Marquette by inspiring its mission of the search for truth, the discovery and sharing of knowledge, the fostering of personal and professional excellence, the promotion of a life of faith, and the development of leadership expressed in service to others, all for the greater glory of God and the common benefit of the human community.

Father Wild has committed Marquette to making a higher education accessible to all students, regardless of financial means, such that more than 20 percent of the student body is now comprised of first-generation students. He has been a tireless supporter of student financial aid and academic support, including the Educational Opportunity Program, which enables low-income and first-generation students to enter and succeed in higher education via four Federal TRIO Programs.

Father Wild has inspired the formation of diverse leaders at an institution that was the first Catholic university in the world to admit women to be educated alongside men in its regular undergraduate programs in 1909. Marquette now receives more than 20,000 undergraduate applications each year to continue to provide a transformative experience for our nation's young men and women.

Numerous faculty and staff have provided their time and talent to serving the city of Milwaukee under Father Wild's leadership including three dental clinics operated by the School of Dentistry that provide oral health care particularly to underserved residents. Father Wild's leadership of the Near West Side of Milwaukee recognizes that the university's success and that of the community are one and that it is important to invest Marquette's work, wisdom and wealth in neighborhood goals. His community involvement has spurred neighborhood investment by numerous others, making a more vibrant and safer community the lasting result. Father Wild has also been a champion for the Milwaukee community through the Milwaukee Water Council, where he serves on the board, and service to the Greater Milwaukee Committee and the Metropolitan Milwaukee Association of Commerce.

Under Father Wild's leadership, Marquette became the first university in the country to partner with the Boys & Girls Clubs of America for full-tuition scholarships; offered the first online master's degree program in Wisconsin; established its first endowed deanship; and received its first eight-figure contribution from an individual. He led Marquette's entry into the BIG EAST Conference in 2005, where intercollegiate athletes vie with the most competitive teams in the country. In the 15 years of Father Wild's tenure, Marquette completed the most successful comprehensive campaign in its history, raising a total of nearly $800 million. More than 36,000 individuals have received a Marquette degree during Father Wild's tenure, individuals rooted in the university's pillars of excellence, faith, leadership and service.

I extend my thanks to Father Wild upon his retirement from Marquette University for his unparalleled leadership in transforming not only the university and its students, but Milwaukee and Wisconsin in so many ways that will have lasting impact for decades to come.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND AND THE 36TH ANNIVERSARY OF THE FALL OF SAIGON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance and recognition of the 36th Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Thirty-six years later, I rise to honor the memory and sacrifice of the hundreds of thousands of South Vietnamese soldiers, American soldiers and civilians who made the ultimate sacrifice in the name of liberty.

Despite the violent takeover and the rule of repression that followed, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the fall of Saigon, thousands of Vietnamese, determined to rebuild their lives, began a treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Mr. Speaker and Colleagues, please join me in honoring and remembering the hundreds of thousands of men and women who struggle for peace and freedom, then and now. We also honor agencies and churches such as The Vietnamese Community of Greater Cleveland and St. Helena Catholic Church, which offer havens of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland

and across America, yet remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders in the ageless quest for peace—from Vietnam to America.

HONORING TIMOTHY EGAN'S ACHIEVEMENTS IN JOURNALISM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. McDERMOTT. Mr. Speaker, I rise to honor Mr. Timothy Egan today because I, and countless other readers, have learned so much from his first-rate reporting and his terrific books. In well-deserved acknowledgement of Mr. Egan's ongoing contributions to our civic discourse and public understanding, the Rainier Club, one of Seattle's oldest urban institutions, has named Mr. Egan its ''Artist Laureate for 2011.''

Many in this chamber will recognize Mr. Egan's byline as the Northwest Correspondent of The New York Times. He is a Pulitzer Prize-winning journalist whose insightful reporting and opinion pieces exemplify outstanding journalism. Even more remarkably, Mr. Egan's talents, and achievements, are not limited to newspaper reporting. Hardly. His six successful books include five works of non-fiction (The Good Rain, Breaking Blue, Lasso the Wind, The Worst Hard Time, and The Big Burn) as well as a novel (The Winemaker's Daughter).

Mr. Egan's books are great reads—his subjects range from the distinctive qualities of the Northwest region and an unsolved Spokane murder case to the powerful mythology of the American West and most recently, an early twentieth century wildfire that triggered permanent and far-reaching changes in land management policy and attitude. In 2006, Mr. Egan published perhaps his best-known book, The Worst Hard Time: The Untold Story of Those Who Survived the Great American Dustbowl, for which he received the National Book Award. This is a powerful account of a truly critical episode in our country's history. Mr. Egan details the almost incomprehensible hardships endured by those American families who fought to survive the Dust Bowl of the Thirties, and in so doing, he brings his subjects and their circumstances fully to life.

His newest book, The Big Burn: Teddy Roosevelt and the Fire that Saved America, recounts the story of the devastating 1910 wildfire in the Rocky Mountain high country that claimed nearly 100 lives and changed forever our commitment to protect our public lands and their precious resources. His research is painstaking, and his commitment to the story unfaltering. Through his lens, we better understand ourselves and our relationship to the natural world.

In addition to the Pulitzer Prize for outstanding newspaper reporting and the National Book Award, Mr. Egan has twice received the Washington State Book Award and the Pacific Northwest Booksellers' Award.

Mr. Speaker, on the occasion of the honoring of Tim Egan's lifetime achievements, the Rainier Club celebrates a son of Seattle who has reached millions with words of purpose and meaning. I extend to him my congratulations and my appreciation. Thank you.

CONGRATULATING THE CITY OF PERRIS ON THEIR CENTENNIAL CELEBRATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the City of Perris, California and congratulate them on the occasion of their Centennial Celebration for 100 years of cityhood.

This unique farming town has grown remarkably over the past century. Founded in 1911 in Riverside County, the City of Perris has flourished as a vibrant and growing community that is rich with culture and history. With fewer than 500 people in the early 1900s, today it is home to more than 50,000 Californians and growing.

Perris was built at the connector of The California Southern Railroad which ran from Barstow to San Diego. Perris has taken great pride in maintaining its heritage by renovating and reopening the Santa Fe railway station in 2009 as home to the Orange Empire Railway Museum building. Its city has also become an internationally recognized epicenter for world class skydivers to test the limits of their sport. Lake Perris is a natural wonderland where people celebrate a national icon through the Bald Eagle Count Project.

I commend the City's history of leaders and am honored to represent this community. As they gather to honor the past, celebrate the present and embrace the future, I applaud the City of Perris and its renowned heritage.

Mr. Speaker, I ask that the House recognize the City of Perris on the occasion of its Centennial Celebration.

HONORING ALVIN J. APPOLD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Alvin J. Appold, retiring after 18 years as the Clerk of Frankenlust Township, Michigan. The township will hold a celebration this evening in his honor at the Township Hall.

Alvin Appold is a lifelong resident of Frankenlust Township. He served as the Township Clerk from 1984–1992 and 2000–2011. Prior to assuming the Clerk's duties, Alvin worked in the construction trade, as a farmer, and as an appraiser. He is an active member of St. Paul Lutheran Church singing in the choir and working as a Sunday Greeter. Alvin enjoys politics and was dedicated to performing his duties in a serious, professional manner. He is very proud of Frankenlust Township and the role he played in its significant development in recent years. Now that he is retired, Alvin plans to spend more time pursuing his leisure activities: working out at Delta College's pool, gardening and playing golf.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Alvin J. Appold as he retires as Frankenlust Township Clerk. I wish him the best in his future endeavors for many, many years to come.

HONORING THE 2011 MAINEBIZ BUSINESS LEADERS OF THE YEAR

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the honorees of the 2011 MaineBiz Business Leaders of the Year Award. Each year, MaineBiz highlights the most outstanding businessmen and women helping to move Maine's business community forward. This year's honorees, Fletcher Kittredge, Martin Grimnes and Andy Shepard are among the best that Maine has to offer.

Fletcher Kittredge is CEO of Great Works Internet, GWI. In 17 years, GWI has grown from a small dial-up Internet company for one Maine community to a statewide Internet company with more than 50 locations. Fletcher has also been instrumental in the Three Ring Binder project, which has begun utilizing funds from the American Recovery and Reinvestment Act to expand broadband service throughout rural Maine.

Martin Grimnes is the example of a true success story. After leaving his $50 million dollar composites corporation in 2000, Martin is now at the helm of Harbor Technologies. In just a few years, Harbor Technologies has performed outstanding work on contracts like the new 103-foot composite pilings for use by the Navy in Pearl Harbor. With a product estimated to last 150 years, Harbor is now expanding overseas. Despite the company's overseas work, Martin is ensuring that Harbor Technologies remains based in Maine.

Andy Shepard, from my district, knows how badly northern rural Maine needs economic development. In only a few years since forming the non-profit Maine Winter Sports Center, Andy has helped to bring Olympic Trials, trainers and the World Cup Biathlon to northern Maine. This has contributed to millions in revenue for the northern part of my state.

Mr. Speaker, please join me in honoring some of the best business leaders that Maine and America have to offer. In addition to their success in the private sector, Fletcher Kittredge, Martin Grimnes and Andy Shepard have remained committed to their local communities and used their entrepreneurial skills to develop economic opportunities throughout Maine.

HONORING RUBYE WINDRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. ENGEL. Mr. Speaker, public service done honestly and well is a boon to our citizens. For 37 years Rubye Windram has adhered to those principles, serving the people of New York at the Social Security Administration. Ms. Windram is now retiring with her numerous performance awards, including two Commissioner's Citations and three Regional Commissioner's Citations.

Ms. Windram started working for the people on September 10, 1973 as a Claims Representative in the Boro Hall Field Office in New York. Two months later she transferred uptown and in 1978 she was named Operations Analyst and after another 2 months she was promoted to Operations Supervisor in East Harlem. She was named Branch Manager of the West Farms office and 4 years later was named Assistant District Manager in the North Bronx.

She continued her ascent at SSA and in 2003 she joined the Regional Office staff, becoming Deputy Assistant Regional Commissioner for Management and Operations Support. Throughout her career Ms. Windram used her growing and extensive knowledge of field operations to serve the agency and the public.

In retirement, Ms. Windram plans to travel and spend more time with her family. She also plans to share her experience and knowledge by teaching. I join her colleagues in wishing her the very best in retirement and in thanking her for her years of serving the public so admirably and well.

RECOGNIZING MEMBERS OF HONOR FLIGHT SOUTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. BONNER. Mr. Speaker, it is with great pride that I rise to commend Honor Flight South Alabama and the 89 World War II veterans this very special organization is bringing to Washington, D.C., on May 4, 2011.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from Mobile, Baldwin, Washington, Clarke, Monroe, Covington, and Escambia counties in Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. armed forces and the more than 400,000 who paid the ultimate sacrifice. Sadly, many veterans did not live long enough to hear their country say ''thank you'' yet, for those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

This Honor Flight begins at dawn when the veterans will gather at historic Fort Whiting in Mobile and travel to Mobile Regional Airport to board a US Airways flight to Washington. During their time in their nation's capital, the veterans will visit the World War II Memorial, Arlington National Cemetery, and other memorials.

The veterans will return to Mobile Regional Airport Wednesday evening, where a very large crowd of family and friends are expected to greet them.

Mr. Speaker, Wednesday's journey of 89 heroes from South Alabama is an appropriate time for us to pause and thank them—and all of our military who fought in World War II—for they collectively and literally saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedom we enjoy.

I salute each of the 89 veterans who made the trip on May 4, 2011. May we never forget their valiant deeds and tremendous sacrifices: Clavis Akridge, Mary Balch, Herbert Barnhart, Harry Bennitt, Nathan Beverly, Blake Blakeney, Jim Botts, Sr., Robert Bryant, Howard Carney, Sr., Harold Childers, Charles Christie, Dale Crittenden, Arthur Days, Jr., Donald Delmarter, Gerald Devuyst, William, Duffy, Sr., John Elliott, Hardy Eubanks, Osburn Flener, Delbert Ganson, Albert Garrett, James Glisson, George Grant, Bobbie Gwin, James Hathcock, Jr., Allen Honeycutt, Andrew Jackson, Jordan Jackson, Ralph Jackson, Weyman Jobe, Ben Johnson, Henry Jones, Emory Jones, Mathew Kautzer, Robert Killam, Kenneth Kollar, Joseph Kress, William Krist, William Lauten, John Loper, Reginald Loper, Charles Loury, James Maupin, Bruce Maynard, Perry McClure, Bryant McDonald, Jr., Glenn Merrill, Robert Middleton, John Mobley, Tristam Mock, James Mullineaux, Albert Murrell, William Nanney, Jr., James Nettles, John Nettles, Jr., Ronald O'Donnell, John Odom, Morgan Odom, Curtis Outlaw, Sr., John Overbeck, Oliver Palanjian, Orin Parker, Jr., William Patterson, Hurshel Paul, Webster Pedersen, Peter Richardson, Tom Robertson, Albert Roll, Jr., Joe Salzmann, Norman Sannes, Frank Schneider, Louis Spadaro, Lamar Stapleton, Bernie Steele, Rene Stiegler, Jr., Orrin Strickler, Floyd Stringfellow, Irvine Tucker, Waid Turner, Donald VanBeek, James Walker, Sr., Eldred Ward, Jr., Hugh Wiggins, Lewis Wilder, Frederick Witzel, Vernon Woodcock, Robert Yearty, Joseph Zulofsky, and Eldred Latham.

HONORING MS. CINDY SMITH FOR HER 32 YEARS OF DEDICATED SERVICE TO AMERICAN AGRICULTURE

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Mr. LUCAS. Mr. Speaker, I rise today to recognize Ms. Cindy Smith, the outgoing Administrator of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). She has served as Administrator of APHIS since September 2007, ably carrying out the mission of APHIS: protecting American agriculture.

Ms. Smith has dedicated her life to public service, and is a true success story. She started out at APHIS in 1979 as a clerk-typist. She worked her way from the bottom to the top of the agency, showing a real commitment to its important mission, no matter the job. She understands the value of leadership development. The APHIS Leadership Development Roadmap she inspired has served as a model for other Federal agencies.

As APHIS Administrator, Ms. Smith led a major regulatory agency that protects U.S. plant and animal health, administers the Animal Welfare Act, and conducts wildlife damage and disease management activities, overseeing more than 8,800 employees.

Ms. Smith has a unique ability to identify emerging issues and determine a course of action to attain high-quality outcomes that are technically sound while still respectful of the taxpayers' dollars. She understands how to build momentum for her ideas, while working closely with stakeholders on all sides of an issue to strengthen support and identify consensus.

When HINT influenza started gaining international attention in 2009, Ms. Smith provided key leadership in shaping USDA's response. She formulated an effective response plan, recognizing what the impacts and implications of detection in the U.S. livestock population would be, and how it would affect the swine industry. She directed APHIS to align animal health and human health officials at the Federal, State, and local levels to coordinate U.S. policy should H1N1 be identified in the U.S. swine herd, and she ensured the swine industry was included in the discussion. Under her leadership, APHIS and its partners developed action and communication plans that government and industry stakeholders praised for their inclusiveness and transparency. Once a case of H1N1 was identified, government officials spoke with one voice, providing a clear message to the public and stakeholders, assuring them of the safety of pork, and how APHIS and government efforts were protecting the swine industry and human health. Due to the groundwork she laid, the United States was able to avoid trade disruptions with Canada, and address concerns raised by Mexico.

With foresight, vision, and an ability to collaborate and get others behind her ideas, Ms. Smith demonstrated genuine leadership in what could have been a major crisis. Her efforts dramatically minimized the impact on American agriculture, and were of innumerable value to this country.

Ms. Smith has always demonstrated forward thinking. While she was Deputy Administrator for APHIS' Biotechnology Regulatory Services program, she recognized the growing importance of biotechnology in agriculture, as well as the need for more rigorous requirements for field tests of GE crops. She was instrumental in developing a program to help companies and researchers enhance their compliance with biotechnology regulatory requirements. Through its proactive approach to compliance, companies who participate in the Biotechnology Quality Management System are better able to analyze their operations, identify vulnerabilities, and see that they're addressed. The program she helped implement ensures accountability by confirming that trials of these necessary and beneficial crops are conducted responsibly. The program she created continues to grow, as more and more universities and small and large businesses recognize the value of participation.

Ms. Smith's integrity, dedication, professionalism—and perhaps most importantly, her leadership—have served the United States well in all these endeavors. While she is not retiring from federal service, and has taken a new role as APHIS' Chief Advisor for Government, Academia, and Industry Partnership, I wanted to thank her for her 32 years of service with APHIS, her successful tenure as administrator, and her continued commitment to the American people and U.S. agriculture.

INTRODUCTION OF THE ASTHMA MANAGEMENT PLANS IN SCHOOL ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

Ms. HIRONO. Mr. Speaker, today I rise to introduce the Asthma Management Plans in School Act.

Asthma is the most common childhood disease in the United States, affecting 7.1 million children.

Every year, children lose more than 13 million school days due to asthma, and their parents must skip work to take care of them.

Hawaii has a higher rate of childhood asthma than any other state. According to the latest data from the Centers for Disease Control, 18.6% of children in Hawaii have had asthma at some point in their life. This is much higher than the national rate of 13.3%. Along with common allergens and irritants, Hawaii's volcanic fog, or ''vog,'' is a common trigger for asthma attacks, due to the continuous eruption of Kilauea volcano on Hawaii Island.

In Kona on Hawaii Island, 13.8% of people with asthma have needed to go to the emergency room for treatment. In the Nanakuli/Waianae area on Oahu, 10.4% went to the emergency room. Asthma costs Hawaii an estimated $18.2 million each year in direct medical costs alone.

Although asthma cannot be cured, it can be controlled with education and the right medicine.

The Asthma Management Plans in School Act will help children who suffer from an asthma attack while in school. My bill will provide grants to schools or local public health agencies in high-asthma areas to develop asthma management plans.

Grantees will be able to purchase emergency asthma medication and devices including inhalers, nebulizers, spacers, valved holding chambers (VHCs), and epinephrine to stop anaphylactic shock. School staff will learn about the disease and gain tools to help children if they have an asthma attack at school.

This bill has been endorsed by the Allergy & Asthma Network Mothers of Asthmatics (AANMA), the leading nonprofit organization dedicated to eliminating suffering and death due to asthma, allergies, and related conditions.

I am proud to work with the Hawaii Department of Health Asthma Control Program and the Hawaii Asthma Initiative.

I also thank my colleague Congresswoman Carol Shea-Porter for her work on this legislation in the previous congress.

I urge my colleagues to support the bill.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2589–S2637

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 867–876, and S. Res. 159–161. **Pages S2621–22**

Measures Passed:

Honoring Members of the Military and Intelligence Community: By a unanimous vote of 97 yeas (Vote No. 63), Senate agreed to S. Res. 159, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden. **Pages S2604–10**

Military Spouse Appreciation Day: Senate agreed to S. Res. 160, designating May 6, 2011, as ''Military Spouse Appreciation Day''. **Pages S2636–37**

National Inventors Month: Senate agreed to S. Res. 161, designating May 2011, as ''National Inventors Month''. **Page S2637**

SBIR/STTR Reauthorization Act—Agreement: A unanimous-consent agreement was reached providing that the filing deadline for all second-degree amendments to S. 493, to reauthorize and improve the SBIR and STTR programs, be at 11 a.m., on Wednesday, May 4, 2011; provided further, that the cloture vote with respect to S. 493, occur at 12 p.m., on Wednesday, May 4, 2011. **Page S2637**

Messages from the House: **Page S2621**

Measures Referred: **Page S2621**

Additional Cosponsors: **Pages S2622–23**

Statements on Introduced Bills/Resolutions: **Pages S2623–25**

Additional Statements: **Pages S2620–21**

Amendments Submitted: **Pages S2625–36**

Notices of Intent: **Page S2636**

Notices of Hearings/Meetings: **Page S2636**

Authorities for Committees to Meet: **Page S2636**

Privileges of the Floor: **Page S2636**

Record Votes: One record vote was taken today. (Total—63) **Page S2609**

Adjournment: Senate convened at 10 a.m. and adjourned at 4:59 p.m., until 10 a.m. on Wednesday, May 4, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2637.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE INDUSTRIAL BASE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine the health and status of the defense industrial base and its science and technology-related elements, after receiving testimony from Frank Kendall, Principal Deputy Under Secretary for Acquisition, Technology, and Logistics, Zachary J. Lemnios, Assistant Secretary for Research and Engineering, and Brett B. Lambert, Deputy Assistant Secretary for Manufacturing and Industrial Base Policy, all of the Department of Defense; Norman R. Augustine, Lockheed Martin Corporation, Bethesda, Maryland; Jacques S. Gansler, University of Maryland School of Public Policy Center for Public Policy and Private Enterprise, College Park; and Philip A. Odeen, Defense Business Board, North Palm Beach, Florida.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes, Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, and Timothy G. Massad, of Connecticut, to be an Assistant Secretary, all of the Department of the Treasury, and Wanda Felton, of New York, to be First Vice President, and Sean Robert Mulvaney, of Illinois, to be a Member, both of the Board of Directors of the Export-Import Bank of the United States, after the nominees testified and answered questions in their own behalf.

AMERICA'S NATURAL DISASTER PREPAREDNESS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine America's natural disaster preparedness, focusing on if Federal investments are paying off, after receiving testimony from William H. Hooke, American Meteorological Society, and Anne S. Kiremidjian, American Society of Civil Engineers (ASCE), both of Washington, D.C.; Robert Ryan, ABC7/WJLA–TV, Arlington, Virginia; and Clint Dawson, The University of Texas at Austin Institute for Computational Engineering and Sciences Department of Aerospace Engineering and Engineering Mechanics, Austin.

AMERICAN CLEAN ENERGY LEADERSHIP ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the proposal for a Clean Energy Deployment Administration as contained in Title I, Subtitle A of the American Clean Energy Leadership Act of 2009, after receiving testimony from Jonathan Silver, Executive Director, Loan Programs Office, Department of Energy; Dan W. Reicher, Stanford University Steyer-Taylor Center for Energy Policy and Finance, Palo Alto, California; Kassia Yanosek, Tana Energy Capital LLC, New York, New York; and Christopher Guith, U.S. Chamber of Commerce Institute for 21st Century Energy, Washington, D.C.

TAX BURDENS AND TAX BENEFITS

Committee on Finance: Committee concluded a hearing to examine if the distribution of tax burdens and tax benefits is equitable, after receiving testimony from Daniel N. Shaviro, New York University Law School, New York, New York; Scott A. Hodge, Tax Foundation, and Alan Reynolds, The Cato Institute, both of Washington, D.C.; and Aviva Aron-Dine, Massachusetts Institute of Technology Department of Economics, Cambridge, Massachusetts.

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine Afghanistan, focusing on what is an acceptable end-state, and how to get there, after receiving testimony from Ronald E. Neumann, American Academy of Diplomacy, Washington, D.C.; Anne-Marie Slaughter, Princeton University, Princeton, New Jersey; and Richard N. Haass, Council on Foreign Relations, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 1681–1704; and 5 resolutions, H. Res. 240–244, were introduced. **Pages H2998–99**

Additional Cosponsors: **Pages H3000–01**

Reports Filed: A report was filed today as follows:

H.R. 754, to authorize appropriations for fiscal year 2011 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, with an amendment (H. Rept. 112–72). **Pages H2997–98**

Speaker: Read a letter from the Speaker wherein he appointed Representative McClintock to act as Speaker pro tempore for today. **Page H2937**

Recess: The House recessed at 10:43 a.m. and reconvened at 12 noon. **Page H2941**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Alan Kieran, Office of the U.S. Senate Chaplain, Washington, DC. **Page H2941**

Committee Re-referral: The House agreed that H.R. 1425 be re-referred to the Committee on Small Business, and in addition, to the Committees on Science, Space, and Technology and Armed Services. **Page H2952**

Repealing mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges: The House passed H.R. 1213, to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, by a recorded vote of 238 ayes to 183 noes, Roll No. 285. **Pages H2952–69, H2977–82**

Rejected the Boswell motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 190 ayes to 233 noes, Roll No. 284. **Pages H2980–81**

Rejected:

Pallone amendment (No. 4 printed in H. Rept. 112–70) that sought to require GAO to report on benefits of funding in setting up state run exchanges

that reflect that state's marketplace, as opposed to state exchanges established and operated by the Federal government; **Pages H2966–67**

Welch amendment in the nature of a substitute (No. 5 printed in H. Rept. 112–70) that sought to preserve funding for establishment of Health Benefit Exchanges for states that apply for early innovator grants before 2012. The funds used would be subject to availability of appropriations up to $1.9 billion; **Pages H2967–69**

Jackson Lee (TX) amendment (No. 1 printed in H. Rept. 112–70) that sought to require the Secretary of Health and Human Services to post notice of rescission of funds and the amount rescinded on the public website of the Department of Health and Human Services (by a recorded vote of 177 ayes to 239 noes, Roll No. 281); **Pages H2962–63, H2978**

Waters amendment (No. 2 printed in H. Rept. 112–70) that sought to require, within 6 months after enactment, the Secretary of Health and Human Services to submit to Congress a report on the extent to which states are expected to have difficulties establishing Health Benefit Exchanges without the Federal assistance repealed and rescinded under this bill (by a recorded vote of 178 ayes to 242 noes, Roll No. 282); and **Pages H2963–64, H2978–79**

Ellison amendment (No. 3 printed in H. Rept. 112–70) that sought to require the Secretary of Health and Human Services to submit to Congress a report on the impact of H.R. 1213 on the possible delays and potential enrollment reductions to Health Benefit Exchanges (by a recorded vote of 180 ayes to 242 noes, Roll No. 283). **Pages H2964–66, H2979–80**

H. Res. 236, the rule providing for consideration of the bills (H.R. 1213) and (H.R. 1214) was agreed to by a recorded vote of 237 ayes to 185 noes, Roll No. 280, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 185 nays, Roll No. 279. **Pages H2943–52**

Moment of Silence: The House observed a moment of silence in honor of the victims of the recent tornadoes that swept through the Southeastern United States. **Page H2979**

Repealing mandatory funding for school-based health center construction: The House began consideration of H.R. 1214, to repeal mandatory funding for school-based health center construction. Consideration is expected to resume tomorrow, May 4th. **Pages H2969–77, H2983–85**

Proceedings Postponed:

Jackson Lee amendment (No. 1 printed in the Congressional Record of May 2, 2011) that seeks to require the Health and Human Services Department to post a notice of rescission and the total amount of unobligated funds rescinded by the bill on the department's website and **Pages H2983–85**

Pallone amendment (No. 2 printed in the Congressional Record of May 2, 2011) that seeks to require a GAO study to determine school districts most in need of constructing or renovating school-based health centers. **Page H2985**

H. Res. 236, the rule providing for consideration of the bills (H.R. 1213) and (H.R. 1214) was agreed to by a recorded vote of 237 ayes to 185 noes, Roll No. 280, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 185 nays, Roll No. 279. **Pages H2943–52**

Quorum Calls—Votes: One yea-and-nay vote and six recorded votes developed during the proceedings of today and appear on pages H2951–52, H2952, H2978, H2978–79, 2979–80, H2981, and H2981–82. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:38 p.m.

Committee Meetings

AT RISK: AMERICAN JOBS, AGRICULTURE, HEALTH AND SPECIES—THE COSTS OF FEDERAL REGULATORY DYSFUNCTION

Committee on Agriculture and Committee on Natural Resources: Held a joint hearing on At Risk: American Jobs, Agriculture, Health and Species—the Costs of Federal Regulatory Dysfunction. Testimony was heard from Joseph Glauber, Chief Economist, Department of Agriculture; Steven Bradbury, Deputy Director, Office of Pesticide Programs, EPA; Rowan Gould, Acting Director, Fish and Wildlife Service, Department of the Interior; Eric Schwab, Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA; Angela Beehler, District Manager, Benton County Mosquito Control District; and public witnesses.

NATIVE AMERICAN PUBLIC WITNESS HEARING

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a morning and an afternoon Native American public witness hearing. Testimony was heard from public witnesses.

WHITE HOUSE TRANSPARENCY, VISITOR LOGS AND LOBBYISTS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "White House Transparency, Visitor Logs and Lobbyists." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets held markup of the following: H.R. 1070, Small Company Capital Formation Act of 2011; H.R. 1062, Burdensome Data Collection Relief Act; H.R. 33, to amend the Securities Act of 1933 to allow church plans to invest in collective trusts; H.R. 940, United States Covered Bonds Act of 2011; H.R. 1082, Small Business Capital Access and Job Preservation Act; H.R. 1539, Asset-Backed Market Stabilization Act of 2011; and H.R. 1610, Business Risk Mitigation and Price Stabilization Act of 2011.

BORDER SECURITY AND ENFORCEMENT

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a hearing entitled ''Border Security and Enforcement—Department of Homeland Security's Cooperation with State and Local Law Enforcement Stakeholders.'' Testimony was heard from Kumar Kibble, Deputy Director, Immigration and Customs Enforcement, Department of Homeland Security; Ronald Vitiello, Deputy Chief, Customs and Border Protection, Department of Homeland Security, Larry Dever, Sheriff, Cochise County, Arizona; Todd Entrekin, Sheriff, Etowah County, Alabama; and Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriff's Office, Texas.

THREAT TO THE U.S. HOMELAND EMANATING FROM PAKISTAN

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled ''The Threat to the U.S. Homeland Emanating from Pakistan.'' Testimony was heard from public witnesses.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Full Committee held a hearing on the Department of Justice. Testimony was heard from Eric Holder, Attorney General, Department of Justice.

PRESIDENTIAL RECORDS IN THE NEW MILLENNIUM

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''Presidential Records in the New Millennium: Updating the Presidential Records Act and Other Federal Recordkeeping Statutes to Improve Electronic Records Preservation.'' Testimony was heard from Brook Colangelo, Chief Information Officer, White House Office of Administration, Executive Office of the President; and David S. Ferriero, Archivist of the United States, National Archives and Records Administration.

SACRED OBLIGATION: RESTORING VETERAN TRUST AND PATIENT SAFETY

Committee on Veterans' Affairs: Full Committee held a hearing on Sacred Obligation: Restoring Veteran Trust and Patient Safety. Testimony was heard from Robert A. Petzel, M.D., Under Secretary for Health, Veterans Health Administration, Department of Veterans Affairs; John D. Daigh Jr., M.D., Assistant Inspector General for Healthcare Inspections, Office of the Inspector General, Department of Veterans Affairs; Randall B. Williamson, Director, Health Care Team, GAO; Michael Bell, M.D., Deputy Director, Division of Healthcare Quality Promotion Centers for Disease Control and Prevention, Department of Health and Human Services; Anthony D. Watson, Director, Division of Anesthesiology, General Hospital, Infection Control, and Dental Devices; Office of Device Evaluation, Center for Devices and Radiological Health, FDA, Department of Health and Human Services.

LEGISLATIVE MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on the following: H.R. 1383, Restoring GI Bill Fairness Act of 2011; H.R. 802, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; H.R. 1657, to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans; and legislation regarding the five year extension of Housing Grant Authority under Section 2102A of Title 38. Testimony was heard from Representative Weiner and public witnesses.

LEGISLATIVE MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following: H.R. 811, Providing Military Honors for our Nation's Heroes Act; H.R. 1407, Veterans' Compensation Cost-of-Living Adjustment Act of 2011; H.R. 1441, to amend title 38, United States Code, to codify the prohibition against the reservation of gravesites at Arlington National Cemetery, and for other purposes; H.R. 1484, Veterans Appeals Improvement Act of 2011; H.R. 1627, to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes; H.R. 1647, Veterans' Choice in Filing Act of 2011; and H. Con. Res. 12, Expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory

of the Jewish chaplains who died while on active duty in the Armed Forces of the United States. Testimony was heard from Senator Warner; Bruce E. Kasold, Chief Judge, U.S. Court of Appeals for Veterans Claims; Diana M. Rubens, Associate Deputy Under Secretary for Field Operations, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

CONSOLIDATED CRYPTOLOGIC PROGRAM

House Permanent Select Committee on Intelligence: Full Committee held a hearing on Consolidated Cryptologic Program FY2012 Budget Overview. This was a Closed hearing. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 4, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Labor, 10 a.m., SD–124.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the Commodity Futures Trading Commission and for the Securities and Exchange Commission, 10 a.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the National Nuclear Security Administration, 2:30 p.m., SD–192.

Committee on Armed Services, with the Select Committee on Intelligence, to receive a joint closed briefing on certain intelligence matters from officials of the intelligence community, 10 a.m., SVC–217.

Subcommittee on Personnel, to resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, 2 p.m., SR–222.

Subcommittee on Strategic Forces, to hold hearings to examine implementation of the New START Treaty and plans for future reductions in nuclear warheads and delivery systems post-New START Treaty; with the possibility of a closed session in SVC–217 following the open session, 2:30 p.m., SR–232A.

Committee on Finance, to hold hearings to examine budget enforcement mechanisms, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine the nominations of Daniel Benjamin Shapiro, of Illinois, to be Ambassador to Israel, Stuart E. Jones, of Virginia, to be Ambassador to the Hashemite Kingdom of Jordan, George Albert Krol, of New Jersey, to be Ambassador to the Republic of Uzbekistan, and Henry S. Ensher, of California, to be Ambassador to the People's Democratic Republic of Algeria, all of the Department of State, 2:45 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs, to hold hearings to examine securing the border, focusing on progress at the Federal level, 10 a.m., SD–342.

Committee on the Judiciary, to hold an oversight hearing to examine the Department of Justice, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of John Andrew Ross, to be United States District Judge for the Eastern District of Missouri, Timothy M. Cain, to be United States District Judge for the District of South Carolina, Nannette Jolivette Brown, to be United States District Judge for the Eastern District of Louisiana, Nancy Torresen, to be United States District Judge for the District of Maine, and William Francis Kuntz II, to be United States District Judge for the Eastern District of New York, 2:30 p.m., SD–226.

Committee on Veterans' Affairs, business meeting to consider the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits, and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs, Time to be announced, Room to be announced.

Select Committee on Intelligence, with the Committee on Armed Services, to receive a joint closed briefing on certain intelligence matters from officials of the intelligence community, 10 a.m., SVC–217.

House

Committee on Agriculture, Full committee, markup of H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption, 10 a.m., 1300 Longworth.

Subcommittee on Livestock, Dairy, and Poultry—Public, hearing to review the state of the pork industry, 2 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, Native American public witness hearing, 9:30 a.m., B–308 Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on Office of Science and Technology Policy FY 2012 Budget, 10 a.m., H–309 Capitol.

Committee on Armed Services, Subcommittee on Military Personnel, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. 10:30 a.m., 2212 Rayburn.

Subcommittee on Emerging Threats and Capabilities, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe

military personnel strengths for fiscal year 2012, and for other purposes. Noon, 2118 Rayburn.

Subcommittee on Strategic Forces, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. 1:30 p.m., 2212 Rayburn.

Subcommittee on Tactical Air and Land Forces, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. 3:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on Modernizing Mine Safety, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled "The Threat of Data Theft to American Consumers." 9:30 a.m., 2322 Rayburn.

Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy, joint hearing entitled "The Role of the Nuclear Regulatory Commission in America's Energy Future." 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions, markup on the following: H.R. 1121, Responsible Consumer Financial Protection Regulations Act of 2011; H.R. 1315, Consumer Financial Protection Safety and Soundness Improvement Act of 2011; and legislation to postpone the date for the transfer of functions to the Bureau of Consumer Financial Protection if the Bureau does not yet have a Director in place. 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets continued markup of the following: H.R. 1070, Small Company Capital Formation Act of 2011; H.R. 1062, Burdensome Data Collection Relief Act; H.R. 33, to amend the Securities Act of 1933 to allow church plans to invest in collective trusts; H.R. 940, United States Covered Bonds Act of 2011; H.R. 1082, Small Business Capital Access and Job Preservation Act; H.R. 1539, Asset-Backed Market Stabilization Act of 2011; and H.R. 1610, Business Risk Mitigation and Price Stabilization Act of 2011. 9:15 a.m., 2128 Rayburn.

Committee on Homeland Security, Full Committee, hearing entitled "Securing Our Nation's Mass Transit Systems Against a Terrorist Attack." 10 a.m., 311 Cannon.

Subcommittee on Transportation Security, markup on legislation on the MODERN Security Credentials Act, 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Courts Commercial and Administrative Law, hearing on Cost-Justifying Regulations: Protecting Jobs and the Economy by Presidential and Judicial Review of Costs and Benefits, 1:30 p.m., 2141 Rayburn.

Subcommittee on Intellectual Property, Competition and the Internet, hearing on ICANN Generic Top-Level Domains (gTLD), 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, markup on the following: H.R. 241, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 290, War Memorial Protection Act; H.R. 320, Distinguished Flying Cross National Monument; H.R. 441, Kantishna Hills Renewable Energy Act of 2010; H.R. 643, Sugar Loaf Fire Protection District Land Exchange Act; H.R. 686, Utah National Guard Readiness Act; H.R. 765, Ski Area Recreational Opportunity Enhancement Act of 2011; H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; H.R. 944, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; H.R. 1022; Buffalo Soldiers in the National Parks Study Act; and H.R. 1141, Rota Cultural and Natural Resources Study Act. 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing entitled "Protecting Federal Hydropower Investments in the West: A Stakeholder's Perspective," 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled "Is This Any Way to Treat Our Troops? Part III: Transition Delays." 9:30 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 1229, Putting the Gulf of Mexico Back to Work; and H.R. 1230, Restarting American Offshore Leasing Now Act, 3 p.m., H–313, Capitol.

Committee on Science, Space, and Technology, Full Committee, markup of H.R. 1425, Creating Jobs Through Small Business Innovation Act of 2011, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing on Stimulus Status: Two Years and Counting, 10 a.m., 2167 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Wednesday, May 4

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 12 noon), Senate will resume consideration of S. 493, SBIR/STTR Reauthorization Act, and at 12 noon, Senate will vote on the motion to invoke cloture on S. 493, and if cloture is not invoked on the bill, Senate will immediately vote on the motion to invoke cloture on the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, May 4

House Chamber

Program for Wednesday: Complete consideration of H.R. 1214—To repeal mandatory funding for school-based health center construction. Consideration of H.R. 3—No Taxpayer Funding for Abortion Act (Subject to a Rule).

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