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No. 186

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. FOXX).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
December 6, 2011.

I hereby appoint the Honorable VIRGINIA FOXX 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.

### CONGRATULATING CONSUMERS ENERGY COMPANY ON ITS 125TH ANNIVERSARY

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

Mr. WALBERG. Madam Speaker, it's my great honor to recognize and congratulate Consumers Energy Company on its 125th anniversary. On this day 125 years ago, Consumers Energy founders William A. Foote and Samuel Jarvis secured a street lighting franchise agreement with the city of Jackson, Michigan. What began as the illumination of a dozen streetlights has

endured 125 years of change, growth, and service. Today, Consumers Energy delivers electricity and natural gas to 6.8 million of Michigan's 10 million residents in all 68 counties of the State's Lower Peninsula.

For the past 125 years, Consumer Energy has operated under the timeless principle: provide customers with safe, reliable, and affordable energy service. This principle has played an integral role of improving the quality of life for generations of Michigan residents. It also has been responsible for the growth of businesses and industries which provide jobs for millions of the State's residents.

Since its beginning in 1886, the goal of Consumers Energy was to deliver power to homes and businesses in cities, towns, villages and even the most rural areas. In 1927, the company installed Michigan's first rural power line, the 7-mile Mason-Dansville line, thereby bringing power to rural farms for the first time.

Today, Consumers Energy continues a proud tradition as an industry and community leader. In celebration of its milestone anniversary, the company will award \$125,000 each to 10 communities for a total of \$1.25 million for programs and services that will strengthen those communities and touch the lives of thousands of our citizens.

Madam Speaker, I ask my colleagues to join me in recognizing Consumers Energy's 125th anniversary and wishing them continued growth and success in the future.

### FRUITS AND VEGETABLES FOR SCHOOL CHILDREN

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

Mr. BLUMENAUER. Madam Speaker, there was a tough article in the Sun-

day, December 4, New York Times entitled, "How the Food Industry Eats Your Kids' Lunch." This has serious consequences for the 32 million children who rely on school lunches, and often the breakfast program as well. Unfortunately, when one-third of our children of school age, 6 to 19, are overweight or obese, this matters.

There's no denying that the institutional and political forces combine to favor giving our kids unhealthy food. It doesn't just shortchange the children and their families with huge medical costs in the future from obesity, from diabetes and other problems. It also poses problems for local farmers and the local economy.

The good news is that we know how to fix this. Without help from the Federal Government—or despite the Federal Government—there are areas where the local governments are leading. In 2001, there were only six programs that were farm-to-school, providing healthy produce and fruit that found its way into the schools. There are now more than 2,300 programs involving more than 10,000 schools across the country.

On this House floor, I have referenced a pilot project that I think is a model in Abernathy School in Portland, Oregon, which I am privileged to represent, but there are dozens more in my community. There are 160 edible gardens around Oregon. California led the way with special payments that are made to local school districts to provide opportunities to purchase local fruits and vegetables. It's been followed by similar programs in D.C. and Maine.

Now, this doesn't just deal with the health of kids. It also deals with the health of local economies. When you are able to buy fresh fruits and vegetables locally and put them into the schools, it has a significant multiplier effect. Each dollar there actually has more economic impact than a dollar spent on infrastructure or a dollar that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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would be spent on food stamps. It's one of the most valuable economic impact generators, almost \$2 of economic impact for each dollar invested, according to a study from Ecotrust.

Let's accept the challenge to try to help improve this process. There are some additional steps that can be taken locally—don't build or remodel schools that don't have kitchens. It's simple, but it's more cost effective to do it when you're constructing or remodeling than to have to come back later.

Let's hold Members of Congress accountable. Last month, we once again on the floor of the House reaffirmed the fact that pizza dough with a little bit of tomato sauce is a vegetable. Maybe people in the course of this next year, when politicians are going to be out campaigning, may be able to pin them down on whether or not they believe pizza is a vegetable and whether they will act to override that outrage.

It's also important to expand the USDA pilot project that's going to be starting next month in Florida and Michigan. Let's see if we can give other States the opportunity for cash instead of commodities, to be able to purchase these local products. This will give opportunities for our school districts to strengthen the local partnerships; to be able to give kids healthy food; to be able to model behaviors that are important; and, most important, for the Federal Government to realign its interests away from large agribusiness and in favor of the health of our children.

Now, in the midst of the rubble of the so-called supercommittee, there was some good that came out of it. One good element was that there was not a secret sort of farm bill that was embedded that would have denied us the opportunity this year to reform farm legislation, because one of the simplest things we can do is to move payments from large agribusiness, put it in the hands of local schools, and local farmers to be able to improve the health of our children and our local economy.

#### CHRISTMAS AND THE EMPTY CHAIR

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

Mr. POE of Texas. Madam Speaker, Thanksgiving is over and Christmas is just around the corner. All throughout America, families will gather to celebrate the traditions and festivities, and be together and celebrate faith. But there are some American families that won't have their entire family with them this year. There will be an empty chair at their table. That's because their loved ones serve in the U.S. military in lands throughout the world.

War at Christmas is not new, and this year will be no exception for many of our warriors that are still on call, still on duty serving America. But there is a way to connect with our troops

throughout the world, and it's a project that we are involved in in southeast Texas through the Red Cross and Operation Interdependence.

□ 1010

And here's how it works. It's a way of having young school-age children connect with troops not only in our war zone, but other places in the world where our troops are serving America.

It started several years ago when I had the opportunity to go see our troops in the Middle East about this time of the year. Before I left, my staff came up with the idea that maybe I should take some Christmas cards and holiday cards to our troops that were serving overseas. And so they did all the work and they were able to get schoolteachers to get their kids to volunteer to make handmade Christmas cards. I took about 6,000 of those handmade cards by third-, fourth-, and fifth-graders overseas.

On my way back from the Middle East, I stopped off at the Landstuhl military base. That's the place in Germany where our wounded warriors are taken before they're brought back to the United States. I distributed those cards not only in the Middle East but to our troops, and even our NATO troops, at Landstuhl.

But here is what happened on the plane when I was going overseas—I checked a couple of bags, but I took one bag on the plane with me. It was a night flight, flying overnight and arriving in the daytime. I started going through one of these suitcases that had all of these cards in it. I was looking at them, and the person next to me wanted to know what I was doing. I told him these were from schoolkids back in southeast Texas. He was passing them around. Before I knew it, these cards were up and down the aisles in that plane and I could hear sobbing and saw tears of emotion from some of the passengers on the plane reading those cards from schoolkids connecting with our troops overseas.

When I came back to the Landstuhl military base, some of our troops who were wounded opened the cards and wanted the nurses to put the cards on the wall. Even NATO troops that were there from foreign countries had these cards that were made from American youth.

Madam Speaker, there's something about a warrior from the United States opening up a handmade Christmas card from some kid in the United States. At that moment, the darkness of war seems to disappear because of the brightness of a child.

I have had the opportunity to have these cards made by the kids in southeast Texas now for 5 years. I say I've had the opportunity. I don't do the work. My staff does the work, along with the chambers of commerce and all the teachers. Everybody volunteers. When my staff does the work, it's not doing it on government hours. It's after work, it's on the weekend, plan-

ning and getting these cards from throughout southeast Texas.

Every year the number of cards that are either taken or shipped gets to be more. The first year, it was 6,000. The next year, 10,000 Christmas cards were shipped overseas. The third year, 16,000 cards. And, Madam Speaker, this year kids from southeast Texas are shipping to our troops overseas 35,000 handmade cards, wishing them well, giving them Christmas greetings, saying some of the most awesome things that only third-, fourth-, and fifth-graders could say.

So I want to thank those kids. I want to thank Rikki Wheeler and the chamber of commerce in Baytown. I want to thank Ross Sterling High School, Horace Mann Junior High, Highlands Elementary, and I want to thank those teachers. God bless our teachers who work to have these kids volunteer to make cards for our volunteers overseas who won't be home for Christmas, because there's an empty chair at the Christmas table where that soldier, that warrior, that sailor, that airman is not there because they're representing the United States in lands far, far away.

And that's just the way it is.

#### COMPUTER SCIENCE EDUCATION WEEK

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

Mr. POLIS. Madam Speaker, I rise today to speak in support of Computer Science Education Week, which started this past Sunday, December 4, 2011, and runs through Saturday, December 10. This week-long celebration of the teaching and learning of computer science is a call to share information and host activities that will elevate computer science education for students at all levels.

In my district in Colorado, the computing achievements of 20 young women will be celebrated at an awards event for the Colorado affiliate of the Aspirations in Computing Award on the campus of the University of Colorado at Boulder.

On Friday, representatives of Computer Science Education Week and the Computer Science Teachers Association will be honored at the White House as Champions of Change, which is part of President Obama's Winning the Future initiative.

Today in Harlem, New York, a company is launching a new national initiative, Tech Girls Rock, in collaboration with the Boys and Girls Clubs of America. On Thursday, 200 third-graders will learn hands-on programming and Web site development at Techie Club. I'm marking this occasion by talking to you about computer science education and urging all my colleagues in the House to support legislation I introduced earlier this year, the Computer Science Education Act, H.R. 3014.

Computing and information technology is transforming our world—

driving innovation, driving job creation, leading to entirely new multi-million-dollar industries, and transforming how we live and work for the better.

Computer science education prepares students for the jobs of the future by engaging and preparing them for careers in high-paying occupations. But our education system is not currently producing enough graduates in computing sciences and IT fields to meet the growing needs of the industry. In fact, the current pipeline of computing graduates will only fill 52 percent of the projected jobs. The other 48 percent will either have to be filled elsewhere in the world or go unfilled.

If the U.S. is to continue to discover and develop the innovations that have created new industries and transformed others, we need to ensure a healthy computer science workforce that's skilled and large enough to meet our growing needs. Women and many minority groups are currently underrepresented among computing and IT professionals as well as students, depriving the Nation of a potential skilled workforce and of the innovation that results from diverse teams.

If we don't address the issues causing too few students to take computer science education classes in kindergarten through 12th grade, as well as college, our pipeline and our Nation's future will be compromised. That's why I've introduced the Computer Science Education Act, which will help ensure that American students not only use technology, but also learn the computing skills to invent technology needed to grow and drive our economy. I look forward to working with my colleagues to include this piece of legislation in the Elementary and Secondary Education Act reauthorization.

Computer Science Education Week was established in 2009 by the Computing in the Core Coalition to honor Grace Murray Hopper, a pioneer in computer science who engineered a new programming language and developed standards for computer systems to lay the foundation for many advances in computer science from the late 1940s through the 1970s. The U.S. House of Representatives has recognized Computer Science Education Week in the second week of December over the past 2 years.

Computer Science Education Week is a collaborative activity of Computing in the Core, a nonpartisan advocacy coalition. Its core partners are: the Association for Computing Machinery, Microsoft, Google, Computer Science Teachers Association, the National Center for Women and Information Technology—which is based in my district in Colorado—IEEE Computer Society, the Computing Research Association, the College Board, and many, many others.

I encourage my colleagues to join me in acknowledging the importance of computer science for our future by recognizing Computer Science Education Week this week.

#### SQUARING SOCIAL SECURITY AND THE PAYROLL TAX CUT

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

Mr. McCLINTOCK. Madam Speaker, topping the list of unfinished business this year is the impending collision of two closely related crises: the expiration of the payroll tax and the acceleration of Social Security's bankruptcy.

Last year, Congress voted for a payroll tax cut that averages roughly \$1,000 for every working family in America. As warned, it failed to stimulate economic growth and it accelerated the collapse of the Social Security system; but, as promised, it threw every working family a vital lifeline in very tough economic times.

We need to meet three conflicting objectives: We need to continue the payroll tax cut; we need to stimulate real economic growth; and we need to avoid doing further damage to the Social Security system.

First, we need to understand that not all tax cuts stimulate lasting economic growth. Cutting marginal tax rates does so because it changes the incentives that individuals respond to; cutting inframarginal tax rates, such as the payroll tax, does not. But that payroll tax cut did make a huge difference in the ability of working families to make ends meet in a time of declining family incomes and steadily rising prices. To restore that payroll tax rate today, given the economic pressures on working families, is simply unthinkable.

□ 1020

Yet at the same time, the payroll tax is what supports the Social Security system. Last year, that system entered a state of permanent deficit, and this condition will worsen until the Social Security system bankrupts in 2036. At that moment, every retiree will suffer a sudden and permanent drop in benefits of roughly 25 percent.

Further reducing the revenues into that system will hasten this day of reckoning. Just as bad, in the intervening time the expanding Social Security deficit will heap growing burdens on the Nation's already staggering public debt. Now, some have proposed paying for the inframarginal payroll tax cut that doesn't help the economy with a marginal tax hike that actually harms the economy. Surely we can do better than that. Actually, Congressman LANDRY of Louisiana has done better, and I commend his proposal to the attention of the House. It avoids damaging the Social Security fund while at the same time offering families continued relief from crushing payroll taxes.

His measure, H.R. 3551, the Social Security Preservation Through Individual Choice Enhancement (or SSPICE) Act, constitutes the most realistic and innovative approach to these twin and related crises that has

yet been placed before Congress by linking the cost of Social Security to the benefits that it provides. H.R. 3551 would give every American the choice of paying a lower payroll tax each year in exchange for working a month longer. That's all it would take to pay for itself—a month's delay in retirement for a year's worth of tax relief.

For the first time, individuals can make this choice to pay a lower payroll tax based on their own circumstances without further undermining the fiscal integrity of the Social Security system or the financial security of those relying on that system. For the first time, costs and benefits would be linked in a manner that all consumers can understand and judge for themselves based on their own circumstances.

In a difficult year like this, I think most families would rather save the extra tax and work the extra month. In better times ahead, they may choose to pay the extra tax to maintain their retirement schedule. But it will be their choice based on their needs, their plans, and their best judgment, and not the government's. And by linking costs with benefits, it will protect the long-term actuarial soundness of the Social Security system, a fact that the Social Security system's chief actuary has confirmed.

I'm excited to cosponsor Mr. LANDRY's bill and strongly and enthusiastically recommend it to the membership of the House and to the leadership. Mr. LANDRY has done an enormous service to every retiree who depends upon the Social Security system, as well as to every working family struggling in America, by preserving the fiscal integrity of the system while at the same time giving every American a choice that links the tax they pay to the benefits they receive. And it's an option they can exercise every year without fear that a future congressional act or failure to act might sock them with a tax increase they can't afford or hasten the collapse of a retirement system that many depend upon for their economic survival.

#### CUBS GREAT RON SANTO ELECTED TO HALL OF FAME

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

Mr. QUIGLEY. Madam Speaker, in case you were wondering, that noise you heard from above yesterday morning was an old third baseman clicking his heels. Finally, on Monday morning, Ron Santo was inducted into the National Baseball Hall of Fame.

Now, most people knew Ronnie as the nine-time All-Star and the five-time Golden Glove winner, one of the top hitters of his era, and the third baseman on the Top 10 list in every statistical category. And many people knew Ronnie as the lovable voice of the Chicago Cubs, with whom we cheered every home run, moaned every dropped fly ball, and laughed at life's most

human moments in the booth, including a burning hairpiece.

But for many years on the field, people didn't know that while racking up 342 home runs and hitting more than 1,300 RBIs, Ronnie was struggling with diabetes. That's because Ronnie accomplished all of this from the roster, not the disabled list, despite his physical struggles.

Ronnie wanted to be a great player, not a great player "under the circumstances." He fought hard on the field for his team, and courageously in private for his health. He raised \$60 million and a lot of hope for juvenile diabetes research and inspired many to persevere against the odds.

Ronnie died too soon, exactly 1 year ago this week. I wish he had lived to see this, but I know that he and Harry are sharing an Old Style together and toasting to their favorite team. Here's to number 10, Ron Santo. Go Cubs.

ARMY PRIVATE FIRST CLASS  
CODY R. NORRIS

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

Mr. OLSON. Madam Speaker, I rise today to pay tribute to Army Private First Class Cody R. Norris, who was killed on November 9 during combat operations in Kandahar Province, Afghanistan.

Cody was a proud Bulldog, a 2010 graduate of La Porte High School in La Porte, Texas. He was in Junior ROTC, a member of the Color Guard and the Rifle Team. He was also a member of the Military Museum.

Cody deployed to Afghanistan while he was assigned to Alpha Company, 2nd Battalion, 34th Armor Regiment, 1st Infantry Division—the Army's oldest division, the "Big Red One"—in Fort Riley, Kansas.

He was a typical American teenager. He enjoyed working on his 1952 M37 Army truck that he drove to and from school. He was a Texan who enjoyed paintball, deer hunting, playing video games, and yes, hibachi food.

Cody's lifelong dream was to join the Army. His time in Junior ROTC in high school motivated him to enlist in the Army to serve his country.

He always put others before himself and did so with a smile on his face and a kind word for those around him. He had a gift for winning people over with his caring personality and always managed to cheer up those around him.

Cody's mother said that he lived life on his terms and always did what he believed was right, regardless of trends or what other people thought. He was well liked by his platoon mates and gained the admiration of others by constantly carrying more than his fair share. According to his brother Michael, now a cadet at West Point, in Cody's last battle, when his platoon was attacked, he was carrying extra ammunition. When he was killed, that extra ammunition ultimately helped save his fellow soldiers, his friends.

I never had the honor to know Cody Norris personally, but I stand here today humbled by the fact that he and the hundreds of thousands of American troops serving in our Armed Forces are willing to sacrifice so much so that we may sleep peacefully under the blanket of freedom that they provide.

As a former naval aviator, I know all too well the sacrifices families make to support their loved ones who serve in harm's way. Cody Norris and his family, and the thousands of other families who have lost loved ones in the defense of our country, have paid the ultimate price for our freedom. For them, in many ways, the war never ends.

America can never repay the debt we owe to Cody Norris and his family, but we can honor his family and his eternal contributions to our liberty. Madam Speaker, Cody Norris is a true American hero, and a grateful Nation says thank you.

□ 1030

EXTEND THE PAYROLL TAX CUT,  
UNEMPLOYMENT INSURANCE  
AND DOMESTIC RENEWABLE EN-  
ERGY TAX INCENTIVES

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

Mr. CONNOLLY of Virginia. Madam Speaker, all of us join with our colleague in honoring that fallen hero.

Madam Speaker, Congress must act now to extend the payroll tax cut, unemployment insurance, and domestic renewable energy tax incentives. The effects of the Great Recession continue to linger in this economy, which is why a more robust recovery has not yet taken root.

Our efforts in the last Congress, through the Recovery Act and the Job Creation Act at the end of last year, provided what momentum we actually have. The official unemployment rate has now fallen to 8.6 percent as a result of 120,000 new jobs created just last month. That's the lowest level in more than 2 years and marks 21 consecutive months of private sector job growth. But these gains will be at risk if Congress fails to extend the payroll tax cuts, domestic clean energy incentives, and unemployment benefits before the end of this year.

The payroll tax cut provides the average American worker \$1,000 to spend or invest every year, having a positive impact throughout the economy. Economic analysts at Barclays estimate that the payroll tax cut alone will add another 1 percent to gross domestic product growth, \$250 billion in economic activity throughout the United States. Conversely, if we fail to extend that payroll tax cut, 160 million Americans will be facing a tax increase in January.

Similarly, 1.3 million Americans who are trying to get back into the workforce will see their unemployment benefits cut unless we renew them. Ac-

ording to the Congressional Budget Office and Senator JOHN MCCAIN's economic adviser, Mark Zandi, unemployment insurance is one of the most effective forms of economic stimulus, generating \$1.64 for every \$1 we invest in unemployment insurance. Failure to extend unemployment benefits will reduce the gross domestic product by nearly 1 percent and, by reducing economic activity, could put as many as 1 million Americans out of work at a time when we're trying to expand the economy.

With respect to domestic clean energy production, renewing these incentives will sustain one of the few private sector success stories we've witnessed during the Great Recession. Since 2007, the number of jobs in the American wind industry has grown 70 percent. So today there are as many wind energy jobs as there are in the coal industry. The number of solar industry jobs doubled since 2007 to more than 100,000 Americans. This surge in domestic clean energy employment is a direct result of the 1603 Treasury Grant Program to support clean energy activity.

Madam Speaker, as we continue to debate these expiring tax and benefit provisions, I'd caution my colleagues against holding them hostage to advance some extreme ideological agenda. Last week, the Senate minority leader brought legislation to the floor which would have slashed Federal employee wages and benefits while arbitrarily downsizing the Federal workforce.

As the Bureau of Labor Statistics noted, public sector employment continues to shrink by tens of thousands of jobs. A job is a job, whether it's in the public sector or the private sector. One is not better than the other.

If Republicans had not been successful in cutting 535,000 public sector jobs in this country, unemployment would actually be 0.35 percent lower. It would be down to 8.25 percent today, not 8.6. Cutting Federal employee pay and slashing the workforce would actually undermine the economic benefits of the payroll tax extension and the economic benefits we've all worked so hard to create.

Similarly, we should reject attempts to tie these economic recovery actions with partisan proposals to gut the Clean Air Act. Republicans in the House already have tried to pass 172 viciously anti-environmental bills, riders, and amendment in this body this year alone. Now, some in the Republican Caucus have suggested pairing the Clean Air Act repeals with an extension of the payroll tax cut, a Faustian bargain at best, Madam Speaker.

Repealing these Clean Air Act standards for industrial boilers, for example, would cost the U.S. economy \$21 billion to \$52 billion per year in higher health care costs, real costs to the economy.

Not surprisingly, some even have proposed expediting approval of the Keystone XL pipeline in exchange for the payroll tax extension. Again, we already have pipelines from Canadian tar

sands into America. According to independent economic analyses, the Keystone pipeline could increase exports of Canadian oil, not to the United States, but to China. I want to keep that oil here in this economy if we're going to build that pipeline.

Madam Speaker, the Republican leadership's legislative sausage would shock Upton Sinclair, who wrote "The Jungle" 100 years ago. He said, It's difficult to get a man to understand something when his salary depends on his not understanding.

Instead of wrapping special interest policy-riders and polluter giveaways into a tax-extender package, Congress should focus on those policies which are demonstrated job creators: payroll tax cuts, domestic clean energy incentives, and unemployment insurance extension.

The economic recovery is too fragile, Madam Speaker, to risk on the higher health care costs, higher gas prices, and economic hardships that some of these Republican proposals would otherwise create.

#### MAKING A DIFFERENCE BY FIXING THE ECONOMY

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

Mr. GIBBS. Madam Speaker, in about 3 weeks I will mark the anniversary of my first year in Congress. I ran for Congress because I thought I could make a difference. I was concerned about the direction this country was headed and, like many of my colleagues, we thought we could make a difference, and we are making a difference. But we are frustrated because still, almost a year later, the economy is still in stagnation and many American families are suffering.

The way we fix the economy, in my opinion, is we've got to restore confidence; and the way we do that is we energize the American people. We reinsert American innovation, entrepreneurship, and the American spirit.

There's four key areas I think to restore that confidence. One is we've got to cut this deficit spending. We've got to get our spending under control. We passed a budget here in the House that cut almost \$6 trillion over 10 years.

Unfortunately, the United States Senate hasn't passed a budget in over 900-plus days. That's not the way to get our fiscal house in order.

Additionally, when we passed our budget, we also put Medicare on a firm reform plan so it's here for the future.

Number two, we need to have commonsense regulatory reform. Right now, in our \$15 trillion economy, it's been reported that regulations are costing our economy \$1.75 trillion annually. The Obama administration, by their own admission, has over 200 new regulations in the pipeline that will cost over \$100 billion annually, and that's by their own admission, so I hate to think how much more it could be.

This week, hopefully, we're going to pass a regulatory reform bill called the REINS Act, whereby any new proposal that's going to cost our economy over \$100 million by a Federal agency would have to come back for an up-down vote by the United States Congress. I think that puts accountability on our Federal agencies.

Number three, we need to pass some tax reform. Unfortunately, in 12½ months we're going to see the largest—under current law—the largest tax increase in American history. That is not the proper way to go. That puts a cloud over the certainty and providing confidence for our businesses to want to grow their businesses knowing that they're looking at the largest tax increase in American history.

Fourth, we need an energy policy that encourages the development of resources here in our country. We're exporting almost \$1 trillion a year and many, many jobs overseas for energy. We don't need to be doing that.

We've passed, on a bipartisan basis, our jobs plan. We currently have 25 bills that we've passed on a bipartisan basis that would restore confidence and get this economy moving in the regulatory reform areas and the budget.

I want to highlight the one at the top of the list, H.R. 872. That's a bill that I brought to this floor in March that passed by a bipartisan supermajority, nearly 300 votes. The thing that I don't understand that's very frustrating to me, that bill, as with the other 24 bills, have gone over to the United States Senate and they're stacking up like cord wood. They haven't been acted on.

I think the American people deserve to have a full, open debate on the floor of the United States Senate on these bills and vote on them. They deserve that. And that's our jobs plan. And it's a jobs plan that moves us forward.

I cannot implore enough that we need to have action on these bills that will restore confidence and grow our economy. The future of our kids, the future of our country, our national security is at stake; and we must pass the jobs plan.

Spending more money and growing government is not the answer. The answer is commonsense regulatory reform, tax reform, balanced budget, and an energy policy that develops and creates jobs here in America and moves us towards national security and prosperity.

□ 1040

#### THE CONSUMER FINANCIAL PROTECTION BUREAU

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

Mr. WATT. Madam Speaker, later this week, the United States Senate is scheduled to consider the President's nomination of Richard Cordray as the person to head the Consumer Financial

Protection Bureau. And while our rules don't allow us to meddle much in the Senate activities, I do want to spend a minute or two just talking about the importance of the nomination and confirmation of Richard Cordray and the importance of the Consumer Financial Protection Bureau, and talk a little bit about the background of why we have a Consumer Financial Protection Bureau.

The purpose of the Consumer Financial Protection Bureau is to promote a fair, honest, and transparent marketplace to help consumers compare cost, benefits, and risk of consumer financial products. Consumer financial products are perhaps among the most complicated products that consumers have to deal with; credit card terms, mortgages, and the kinds of things that resulted in a financial meltdown in our economy.

Now prior to the passage of the Dodd-Frank Act, there was, in every one of the regulatory bodies, a responsibility to deal with consumer protection. Unfortunately, none of those agencies had consumer protection and education as their highest priority. All of them were looking at—not very well, I will say to you—the safety and soundness of the financial industry, the banks and various components of the financial industry. And generally, they interpreted safety and soundness to be, as long as these institutions are making a big profit, they are safe and sound. And they turned their backs on the interests of the consumer, not knowing that if the consumers purchased a lot of very bad mortgages and got themselves into a lot of very bad financial transactions, that that would cause the whole system to come tumbling down.

So when we passed the Dodd-Frank bill, we put into the bill a provision to create the Consumer Financial Protection Bureau so that there would be somebody in the Federal Government, some agency whose sole responsibility is to look out for the consumer; and of course, a number of my colleagues, both in the House and the Senate, have been fighting this whole concept from day one. They don't like the fact that there is a Consumer Financial Protection Bureau, and they have vowed not to confirm any nominee that the President sends over there to head this agency. The agency is doing good work already, but it needs a director.

Despite not having a director, the Consumer Financial Protection Bureau has launched a number of initiatives, most notably the "Know Before You Owe" project which aims to simplify mortgage disclosure forms and helps students better understand the financial aid process and repayment options. These are things that are important to consumers. They don't necessarily make up the focus of financial entities, the big banks, the lenders, but our whole economic system is based on an educated consumer. And when consumers get into bad transactions, we suffer, as we have in this financial

meltdown. We have lost more wealth from mortgages being under water than from any other financial kinds of transactions. And if we had had a Consumer Financial Protection Bureau in place when this calamity was taking place, we wouldn't be in the financial mess that we are in today.

#### HONORING MARTINA CORREIA

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

Mr. JOHNSON of Georgia. Madam Speaker, today I rise to honor Martina Correia, who passed away recently from breast cancer. Martina was a courageous and inspiring woman who proved what President Obama has often said, "In the face of impossible odds, people who love this country can change it." For decades, Martina fought for human rights in defense of her brother, who was sentenced to death based on unreliable eyewitness testimony that was later recanted. Martina's brother, Troy Anthony Davis, was on death row for 20 years until his execution this year.

Thanks to Martina, people rallied around Troy's case and began to really think about how it is that a society such as ours can execute a potentially innocent man. Inspired by Martina, a diverse array of men and women in the United States and from around the world, people like Amnesty International's Laura Moyo; NAACP President Ben Jealous; Reverend Raphael Warnock, pastor of the historic Ebenezer Baptist Church where the reverend Dr. Martin Luther King, Jr., once pastored; British MP Alistair Carmichael; former President Jimmy Carter; Pope Benedict XVIth; and a large group of other distinguished leaders from around the world whose names are too numerous for me to recognize at this time. These folks banded together to fight for Troy Anthony Davis' life.

From her humble roots in Georgia, Martina led this international campaign to save her brother and prove his innocence. Martina advocated for justice and fought to save her brother's life. And in so doing, she became a death penalty abolitionist in the movement to move America to renounce and abolish the death penalty, whereupon America could finally join the ranks of the other industrialized nations of the world that have barred the use of this barbaric form of punishment.

She became an international human rights advocate, and it will, in part, be due to her efforts that we will one day cheer the abolition of the death penalty in this country. I will remember and thank Martina when we reach that milestone in our development as a Nation and as a people.

Martina fought this battle for her brother while fighting her own battle with breast cancer. You see, she was diagnosed with breast cancer 11 years ago, and at that time, she was given 6

months to live. She beat the odds and fought to stay alive so that she could fight for her brother. Before her diagnosis, Martina was a nurse, and she was also a veteran who served her country in the 1992 Gulf war.

Martina's illness eventually forced her to stop working for a living, but she continued to advocate for what was important to her. In addition to her work on behalf of her brother, Martina also was a leader of the National Black Leadership Initiative on Cancer, where she advocated for a cure. Her mother, Virginia Davis, died in April 2011 shortly after her son, Troy Anthony Davis, suffered defeat on his appeal. Martina is survived by one son, Antone De'Juan Davis-Correia; two sisters, Kimberly and Ebony Davis; and one brother, Lester Davis.

It was an honor for me to know Martina and an honor for me to meet her mother and an honor for me to meet her brother. I'm comforted in knowing that she will reunite with her dear mother and with her brother, Troy, as their lives are linked for all eternity.

Strong and fearless, fighting to the very end without giving up or giving in, she fought a great fight. And now it's time to rest for a little bit, Martina. You rest in peace. But rest knowing that the movement to abolish the death penalty will continue, and with your example at the top of our minds, we will never give up until the job is done.

□ 1050

#### TAKING ON CURRENCY MANIPULATORS

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

Mr. DONNELLY of Indiana. Madam Speaker, I rise today because it has been weeks since the bipartisan majority in the Senate passed legislation to take on currency manipulators. Weeks have passed, and House leadership has refused to allow a stand-alone up-or-down vote on currency manipulation legislation right here in the House of Representatives. Legislators from both sides of the aisle talk about the importance of creating jobs every day. Why wouldn't we take this opportunity to work together to not only create jobs but to also protect the good-paying jobs we already have here in America?

Recently, the Peterson Institute for International Economics concluded that China's currency is undervalued by 24 percent against the dollar. That means that America's manufacturers are competing with Chinese manufacturers who are enjoying a permanent 24 percent off sale. Isn't it time to do something about these problems, problems that are damaging the U.S. economy, and to stand up for American manufacturers?

When countries are allowed to keep the values of their currencies arti-

cially low and, in turn, the price of their exports into the United States, American companies face an unfair disadvantage. American companies are currently playing on an unlevel playing field where their competitors are able to maintain a permanent sale on all the products they sell. As our trade deficit increases with countries like China, we lose American jobs. In fact, the Economic Policy Institute released a study this fall showing that, between 2001 and 2010, the U.S. lost 2.8 million jobs, including nearly 62,000 jobs in my own State of Indiana, as a result of the expanding trade deficit with China.

The Senate has already acted on this issue. It passed the Currency Exchange Rate Oversight Reform Act in October. The passage of this bill assures that correcting unfair trade practices is not a Democrat or a Republican issue—rather, it's an American priority. Sixteen Republican Senators joined 47 Democrat Senators in voting for this bill to counter the currency manipulation that is damaging our economic recovery. In a time of too much partisan bickering, we need to take the opportunity to work together and stand up for American businesses and American workers. That's what we were sent here to do.

In addition to the Senate-passed bill, we have a piece of legislation, which is waiting for a vote right here in the House, with 225 cosponsors of both Republicans and Democrats. That's more than a majority. The Currency Reform for Fair Trade Act would allow the Department of Commerce to counter imports, made cheaper by currency manipulation, with a corresponding tariff. A nearly identical bill passed the House last year with 348 votes. The support is here. We just need to take this vote.

When I travel around north central Indiana, I often hear from small businesses and manufacturers on this issue, and they never ask that Congress guarantee their success. They simply ask for a level playing field and to have the rules the same for everybody. All they want is a fair fight.

So, today, I echo my request from 2 months ago to the House leadership: It is time. It is time for bipartisan legislation that addresses currency manipulation and to have a vote on it here in the House of Representatives—a stand-alone up-or-down vote.

As I said then and as I'll say again to our House leadership: Who do you stand with, the Chinese Government or the American workers? It is time to stand up for our country—for all of the people who work in our country and for all of our citizens. Let's have a vote.

#### SMART SECURITY: A BETTER INVESTMENT THAN 10 YEARS OF WAR IN AFGHANISTAN

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

Ms. WOOLSEY. Madam Speaker, this week, representatives from several nations will meet in Bonn, Germany, to discuss the future of Afghanistan. The Bonn Conference comes exactly 10 years after the first Bonn Conference, which established the Karzai government. So right now is the perfect moment to assess and reflect on where we are and where we're going in Afghanistan.

By any measure, Madam Speaker, the war we have been waging in Afghanistan for the last decade has been a failure. Our hard-earned tax dollars have been tragically wasted on a policy that has projected the worst image of America to the rest of the world. It has undermined our interests and damaged our national security—and let's not forget the human cost. More than 1,800 American families will sit at their tables over the holiday season—tables with a person missing. If we want to eliminate fallen warriors, we must bring them home while they're still alive.

Hopefully, the Bonn Conference will pivot us to the next phase of our Afghanistan engagement: from military occupation to constructive partnership, from waging war in Afghanistan to helping in the spirit of peace and friendship. Ten years after we supposedly liberated them, the people of Afghanistan have enormous humanitarian needs. We need to help them rebuild their infrastructure, strengthen their democracy, and safeguard the rights of their people, all of which can be done for pennies on the dollar compared to spending military dollars. In short, we need the SMART Security approach that I've been advocating for years.

In Bonn, President Karzai is saying that Afghanistan will require foreign economic assistance for at least the next 10 years. The estimated cost of \$10 billion a year, which sounds like a lot for that support, makes you realize, however, that we're spending at least that much, probably more, every month in Afghanistan. As a nation, we should eagerly embrace the responsibility to make these relatively modest investments in nonmilitary aid to Afghanistan. It's the right thing to do, and in the long run, we'll discover it's a far greater investment than 10 more years of war.

The past 10 years of war have done little to improve the lives and to advance the rights, for example, of Afghan women. Many of us are familiar with the story of the Afghan woman who was raped and then impregnated by a male relative when she was 19 years old. She was then sent to jail for the crime of adultery. Her initial sentence was 3 years; then, after a second trial, it was increased to 12 years, but a judge offered her clemency under one condition—she had to marry the man who raped her. At long last, Madam Speaker, after a petition drive organized by the woman's lawyer yielded 6,000 signatures, President Karzai

granted the woman an unconditional pardon—she will be released from prison without having to spend her life with her attacker.

It's a relief that moral decency prevailed in this one case; but the fact that this qualifies as a human rights victory in Afghanistan reveals just how far we have to go. There are many more Afghan women like her who suffer humiliation every single day, who have no control over their destinies. The true measure of American leadership is what we do to help these women and so many other Afghans who want nothing more than to live a decent life of hope, freedom, and relative comfort. We won't help by extending a war that has already failed these people and has violated our most fundamental values. It's time to bring our troops home and to make the transition to SMART Security now.

#### RECESS

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

Accordingly (at 11 a.m.), the House stood in recess until noon.

#### AFTER RECESS

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

#### PRAYER

Reverend Bryan Thiessen, Journey Church, Bridgeville, Pennsylvania, offered the following prayer:

Father, we thank You for this Nation, Your love, and, most of all, Your forgiveness of sins.

We acknowledge, as Scripture states in James 1:5, that You are the giver of all wisdom. May You give these men and women, whom You have placed in leadership over this Nation, Your wisdom in all their deeds and discussions.

According to Romans 13, "Let everyone be subject to the governing authorities, for there is no authority except that which God has established." May these here be good stewards of this responsibility, leadership, and Your gift of freedom for our Nation.

We ask for Your special protection over our military and blessing for their families. We pray for our enemies, as You instruct us in Matthew 5:44. May their plans be thwarted, and may they come to the love and grace that You offer.

In the only name through whom man can be saved, Jesus Christ. Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

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

#### WELCOMING REVEREND BRYAN THIESSEN

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

There was no objection.

Mr. MURPHY of Pennsylvania. Mr. Speaker, I would like to introduce today's guest chaplain, Pastor Bryan Thiessen of the Journey Assembly of God Church in Bridgeville, Pennsylvania.

Since the first House chaplain was elected by Congress in 1789, it has been tradition for a prayer to open the House's daily floor proceedings, and I thank the Office of the Chaplain and the Reverend Patrick Conroy for allowing Pastor Bryan Thiessen to have the opportunity to continue this tradition and lead us in prayer.

Pastor Thiessen joined the Bridgeville community in April of 2011, along with his wife, CaRanda Thiessen, and has been a driving force in improving the community since the moment he stepped foot in southwestern Pennsylvania. During Pastor Thiessen's tenure, he has seen his parish grow in size, which can directly be attributed to the exceptional work he has done in leading his church. He has also been elected president of the Bridgeville Ministers Association, where he leads Bridgeville-area churches, nonprofit organizations, and community outreach events. He also serves as the Christian education director of the Southwest Metro section of the Assemblies of God. As director, Pastor Thiessen guides 35 churches in Christian education programs and ministries in the southwestern Pennsylvania region.

I especially thank Pastor Thiessen and members of his parish for making the trip to Washington this morning. The House is very pleased to have all of them, and we are excited to hear the words of the Lord he has chosen to share with us today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### THE REINS ACT

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

Mr. WILSON of South Carolina. Mr. Speaker, today the House will begin consideration of the Regulations from the Executive in Need of Scrutiny Act of 2011, also referred to as the REINS Act. This bill will require Congress to approve any Federal regulation that will impact our economy by \$100 million or more.

The Small Business Administration estimates that regulations are costing our Nation's citizens \$1.75 trillion per year. The current administration's report on Federal regulations listed over 4,200 under development since last December and over 200 additional regulations proposed this year, costing consumers billions of dollars, destroying jobs. This fact is another example of how out of touch the President is with the hardworking and deserving American families. It is time for Congress to take action and stop the imposition of these job-killing policies that discourage small businesses from growing and expanding.

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

#### FACTS ARE STUBBORN THINGS

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

Mr. COURTNEY. Mr. Speaker, America's third President, John Adams, once said, "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence."

Well, Mr. Speaker, the facts now show that the health care reform law is working for America's seniors. This morning, CMS released figures that show that 2.7 million seniors saved \$1.2 billion in 2011 with lower prescription drug costs because the health care reform law is closing the prescription drug doughnut hole; 28,500 in Connecticut, 5,560 in my district, the Second Congressional District. The report also shows that 24 million seniors have used the annual checkup that the health care reform law now provides free of charge, a smarter, more intelligent way to pick up disease and illness for our elderly.

As President Adams once said, "Facts are stubborn things," and the facts show the health care reform law is working for America's seniors.

□ 1210

#### THOMAS EDISON'S LIGHT BULB— OUTLAWED

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

Mr. POE of Texas. Mr. Speaker, freedom of choice is under attack by Washington. The government wants to control the light in homes and businesses throughout America. A new law bans the incandescent light bulb and will re-

quire Americans to buy the new, special \$3 government-approved light bulb. Soon it will be against the law to sell Thomas Edison's incandescent light bulb—the symbol of American innovation.

This kind of government intrusion in our lives has left many Americans in the dark about what's next, and the government invasion into our lives is only increasing. Since the Federal Government has taken the power to choose away from Americans, people are flocking to their local Wal-Marts to hoard the last of the incandescent light bulbs.

Government controls so much of our lives in the name that government is smarter than we are; but for now, it's turn out the lights—the party's over for Thomas Edison's incandescent light bulb.

And that's just the way it is.

#### VOTER SUPPRESSION

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

Mr. HOLT. Mr. Speaker, the national move to interfere with the voting rights of eligible citizens is deliberate. In 2011 the number of States requiring strict forms of government-issued IDs has nearly quadrupled. Why the sudden increase?

Proponents claim that voter fraud is the driving force; yet there is no evidence of this kind of deception. What do they think? That there are droves of people sneaking across the southern border so they can vote or that there are 15-year-olds trying to sneak into voting booths, and so we've got to card them? This is simply discrimination masquerading as orderly government.

The Brennan Center for Justice estimates that one in 10 eligible registered voters does not have the forms of ID that are acceptable under these expanding State laws. We can't stand by and let big money and special interests manipulate the results of elections by enacting 21st-century poll taxes. Poll taxes were thrown out decades ago as discrimination and contrary to processes.

#### SAFEGUARD MISSILE DEFENSE TECHNOLOGIES

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

Mr. BROOKS. Mr. Speaker, during the House Armed Services Committee's review of the National Defense Authorization Act, or NDAA, I successfully proposed a two-tier amendment to protect America's missile defense technology.

Tier 1 bars the White House from giving the Russian Federation any American hit-to-kill or other sensitive missile defense technology. Tier 2 bars the White House from giving Russia any American non-sensitive missile defense

technology unless the White House first certifies to Congress that America's missile defense will not be undermined and that our technology will not be proliferated.

Senator MARK KIRK of Illinois is blocking the Russian ambassador nomination until the appropriate safeguards exist that protect America's missile defense technology. I applaud Senator KIRK's efforts.

The NDAA is now in conference committee. I urge the conferees to support the HASC amendment and to safeguard missile defense technologies that have cost American taxpayers so much and that have helped protect America so well.

#### HONORING UNIVERSITY OF TENNESSEE LADY VOLLS BASKETBALL COACH, PAT SUMMITT

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

Mr. FLEISCHMANN. Mr. Speaker, today I rise to recognize not only one of the greatest coaches of all time but also one of the greatest people of all time, the University of Tennessee Lady Vols basketball coach, Pat Summitt.

Yesterday, Coach Summitt was named Sports Illustrated's Sportswoman of the Year, and there was no one more deserving than she. Not only is she the all-time winningest coach in NCAA basketball history, having well over 1,000 wins, including 16 SEC titles and eight national championships, but she is also an exemplary role model for the students she coaches and is a shining ambassador for the university she represents.

Earlier this year, Coach Summitt was diagnosed with early onset dementia, Alzheimer's type. While the news would be unbearable for many to take at such a young age, Coach Summitt has stayed on the sidelines and continues to coach the Lady Vols. She is, again, leading by example and is showing her players that, while life is full of obstacles, you can continue to achieve success through hard work and dedication.

Thank you, Coach Summitt. I am glad you represent my alma mater. Go Big Orange.

#### PROTECT THE MEDICARE PROGRAM

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

Mr. BUCSHON. Mr. Speaker, as a cardiologist, I stand here today to voice my concern about the impending cuts to the Medicare program. I implore the Congress to craft a multiyear fix to the SGR—ideally, a permanent fix. This is a real threat to seniors across the country. Each year, the Congress continues to play politics with seniors' access to quality care. This must end.

Seniors, some of our most vulnerable citizens, may not be able to see the

doctors of their choosing if Congress does not address this issue. According to the AMA, one in three physicians is limiting the number of new Medicare patients they see, and one in eight doctors is no longer taking new Medicare patients. That's today.

What is more disturbing than these immediate cuts is the fast approaching insolvency date. This is a critical problem. Ignoring the insolvency date of 2024 puts our seniors' care at risk, once again, on an even larger scale than what we are facing today.

We cannot continue to bury our heads in the sand. As a physician, on behalf of my patients, let's act now to protect the Medicare program and ensure access to quality care for America's seniors.

#### HONORING LARIMER COUNTY

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

Mr. GARDNER. Mr. Speaker, I rise today to honor the 150th anniversary of Larimer County, Colorado.

The first settlers arrived in 1858; and Antoine Janis, who led the party, declared the area of present-day Larimer County to be "the loveliest spot on Earth." Larimer County captures what outsiders envision as Colorado's true beauty. The county is named after General William Larimer, an early Denver settler and founder who was made the county's namesake as a tribute.

From the farmlands, to the majestic mountains, to the robust business sector, to the kind people, Larimer County is Colorado.

It is the sixth most populous county in the State. While other areas of Colorado were settled and founded at the prospect of gold and mining riches, Larimer County was different. It attracted many settlers because of fertile lands and reliable water sources. Larimer County started as an agricultural area and continues to flourish in agriculture production today. Aside from ag, Larimer County has a thriving business and health industry, a strong education system, picture-perfect scenery, wonderful locations for outdoor recreation, and a top-tier research university at Colorado State University.

In my humble opinion, Rocky Mountain National Park in Larimer County is one of the most beautiful places in the entire country and is the crown jewel of our National Park System. It is my honor to recognize Larimer County's 150th anniversary on the House floor and acknowledge all that it has to offer.

#### A PERMANENT FIX TO STOP MEDICARE PROVIDER CUTS

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

Mr. GINGREY of Georgia. Mr. Speaker, Medicare physicians are facing a 28 percent cut come January 1, 2012, unless this Congress acts to stop it. If left alone, these cuts will force many physicians to stop seeing Medicare beneficiaries, a move that could harm millions of seniors who are in search of care.

It is incomprehensible that congressional Democrats have already cut Medicare provider rates as a way to help pay for ObamaCare and that they again offered to cut provider rates during our debt negotiations this Congress.

Providers in my district and across this country have told me that if Congress continues to cut provider rates they won't be able to see Medicare patients, pure and simple. In fact, CMS actuary Rick Foster has told us that the cuts to hospitals in ObamaCare alone will force 15 percent of these facilities to close. The seniors in my district tell me they can't afford to lose their doctors. Let's get a fix to this problem done, and done permanently.

□ 1220

#### THE BENEFITS OF HEALTH SAVINGS ACCOUNTS

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

Mr. BURGESS. Mr. Speaker, health savings accounts have been shown to lower health care costs and allow Americans to have more control over their money and their health care decisions.

Recently the Bureau of Labor Statistics reported that 14 percent of all workers in the private sector now have access to a health savings account. The number of people with HSA-type accounts rose to over 11½ million in January, up from 10 million a year before and 8 million the year before that.

But, Mr. Speaker, health savings accounts are at risk. Under the Affordable Care Act passed in this House of March of 2010, by 2014 there will be a phase-in of what's known as the medical loss ratio rules that may eliminate the ability of HSAs to continue to exist. It's all in the hands of the Secretary of Health and Human Services, who, in the past, has not been favorably disposed to HSAs.

Now, Governor Mitch Daniels understands the power of consumer-directed health care. Governor Daniels, when he came and talked to our Health Caucus a little over a year ago, talked about his Healthy Indiana plan, a plan that in his State has allowed him to provide for his State workers health care benefits that receive a positive approval rating by 94 percent of his workers and, at the same time, lowering costs by 11 percent.

This is the type of innovation that the Affordable Care Act should have fostered. Instead, it stands in the way

of this groundbreaking way to deliver health care to our Nation's folks.

#### MEDICARE BENEFICIARIES AND ACCESS TO CARE

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

Mr. DESJARLAIS. Mr. Speaker, as both a practicing physician and a Member of Congress, I have had numerous discussions with patients and constituents regarding how difficult it is for Medicare beneficiaries to find access to care.

Unfortunately, this dilemma will only be exacerbated if Congress fails to enact legislation by the year's end for the sustainable growth rate, the formula in which physicians are paid for treating seniors on Medicare. Without congressional action, physician reimbursement will be cut by 28 percent on January 1, 2011, which will drastically hurt seniors' ability to find medical care.

For roughly 8 years, Congress has applied a short-term fix to resolve these cuts. Republican doctors are committed to enacting a permanent solution to the flawed SGR formula. Democrats had a chance to deal with this issue during the passage of ObamaCare but, instead, chose to cut roughly \$525 billion in Medicare.

Congress must have the courage to repeal the flawed SGR formula and create a sustainable and reliable payment schedule.

#### HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, nearly 3 years ago, the President of the United States stood in this Chamber and said we need health care reform to address "the crushing cost of health care" and to "strengthen Medicare for years to come."

Well, we got the President's type of health care reform. Seniors had to help pay for it, however, by removing \$500 billion—a half trillion dollars—from Medicare in order to subsidize ObamaCare. But guess what. That has made Medicare even weaker.

Today we're trying to find billions of dollars to pay for another temporary fix to Medicare reimbursement rates to ensure access by patients to their physicians. Last year it cost \$19 billion, and it will cost more in future years.

ObamaCare did not bend the cost curve down as it was promised; it just pushed the issue down the road.

Republicans are committed to getting the doc fix done and finding a permanent solution; but Medicare is running out of money, and these fixes are getting more expensive. It's time to repeal ObamaCare and replace it with reforms that truly strengthen Medicare for years to come.

### AMERICANS DISTRUST THE NATIONAL MEDIA

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

Mr. SMITH of Texas. Mr. Speaker, the Pew Research Center has found that negative opinions about news organizations now equal or surpass all-time highs. In their poll, 66 percent of those surveyed stated news stories are often inaccurate, and 77 percent think that news organizations seem to favor one side over the other. And in a recent Gallup poll, Americans were asked how much trust and confidence they have in the mass media. A majority, 55 percent, responded "not very much" or "none at all."

Three years ago I started the Media Fairness Caucus in Congress. This caucus helps encourage a free and fair media as our Founders intended. The purpose of the caucus is not to censor or condemn but to urge the media to adhere to the highest standards of their profession and to provide the American people with the facts, balanced stories, and fair coverage of the news.

Our national media should be held accountable for their performance, just like any other institution. We need to remind the media of their profound obligation to provide the American people with the facts, not to tell them what to think.

### CONGRATS TO THE NIU HUSKIES

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate the Northern Illinois University Huskies football team for winning the 2011 Mid-American Conference championship.

Last Friday, the Huskies overcame three first-half turnovers and a 20-point deficit to defeat the Bobcats of Ohio University with a last-second field goal as time expired. The incredible win caps off another great season for the Northern Illinois University Huskies as they finished with a 10-3 overall record and now head to the GoDaddy.com Bowl on January 8 to play Arkansas State.

Congratulations to the players, coaches, and support staff for all of the Huskies for another fantastic season. Go Huskies.

### THE OKLAHOMAN: OKLAHOMA CITY HAS MUCH TO OFFER MILITARY RETIREES

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

Mr. LANKFORD. Mr. Speaker, I rise today to praise the incredible people of Oklahoma City and the wonderful community they're building for our retired military veterans.

A recent study conducted in 379 cities nationwide by USAA and Military.com ranked Oklahoma City as the number one city for a second career for military retirees. Oklahoma City's economy is boosted by a great combination of veteran-owned businesses, defense contracting companies, Federal workers, and Tinker Air Force Base.

This study simply proves what Oklahomans already know: Oklahoma is a great place to live and to work. Oklahoma City has one of the lowest unemployment rates in the Nation and one of the highest work ethics. Oklahoma City is a great place to raise a family, start a new career or retire.

The vets who have chosen to live in Oklahoma City are hardworking individuals with great skills, a great work ethic, and a love for our country. Military retirees make long-lasting contributions within their communities, and they're vital to our State's success.

My message to veterans across the Nation who want to start a new business or new career or find a new community that honors vets for their service, you're welcome to join us in Oklahoma City.

### LOOMING CRISIS FOR OUR SENIORS

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

Ms. BUERKLE. Mr. Speaker, I rise to call attention to a looming crisis for our seniors. We are facing the very real prospect of millions of Americans losing their access to health care providers because of reductions in Medicare payments to physicians due to the flawed Sustainable Growth Rate, SGR, formula.

Mr. Speaker, on January 1, 2011, the SGR formula will trigger a 27.4 percent pay cut across the board for Medicare physician services. According to the AMA, in my home State of New York, Mr. Speaker, the cut will amount to \$28,000 per physician. That loss makes it harder for physicians to pay for office staff, space, and equipment, which translates, Mr. Speaker, to decreased access to care for many patients.

Many physicians have indicated that they will no longer accept Medicare patients. Our seniors, Mr. Speaker, rely on Medicare, which they have paid into and has been there for them.

Mr. Speaker, doctors want to provide care to our seniors, and we cannot allow Medicare payment cuts to prevent doctors from serving all of their patients. Our doctors deserve better. Our seniors deserve better.

### MEDICARE

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

Mr. GOSAR. Mr. Speaker, 10,000 older Americans are entering the Medicare system every day, so access to quality

physicians is more important than ever. The sad fact is we are not paying our Medicare providers enough to keep their doors open, much less accept new patients.

In usual Washington fashion, past Congresses have kicked the can down the road; and if we don't act before the end of the year, physicians will face a 27 percent cut in their Medicare reimbursement.

We need to come together and find a better method to pay our Medicare physicians for the long term and include it in a properly thought-out health care reform. If we continue to allow these flawed policies, Medicare patients will suffer, and we owe our seniors better.

Our seniors were made promises by those that came before us serving you today, and I'm here to tell you that we will keep those promises. Taking up this important fix to health care before it's too late will allow us to continue to be the best Nation, a healthy Nation that we can be proud to leave our children and our grandchildren.

□ 1230

### PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

*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. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules.

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, as amended, to the House with such further 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. During any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

SEC. 3. Clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, H. Res. 479. H. Res. 479 provides for a structured rule so that the House may consider H.R. 10, the Regulations from the Executive in Need of Scrutiny Act.

The rule gives the House the opportunity to debate a wide array of important, germane amendments offered by Members from both sides of the aisle. Better known as the REINS Act, the underlying legislation is a pivotal bill that would change the very way Washington does business.

The REINS Act takes a step back and looks at our current regulatory process, where Congress passes broad, general laws and then lets the executive branch interpret and regulate them however they see fit. H.R. 10 brings us back to the vision that our Founding Fathers had for this Nation and for the institution of Congress. It would ensure that our three branches are co-equals, the way they were designed to be. H.R. 10 would hold Congress accountable for setting America's regulatory policies. It makes Congress do

the work that our Founders intended this institution, the first branch, to do: to regulate.

Mr. Speaker, I know that regulations have been a buzz word up here in Congress recently, and I think it has become so popular, so frequently discussed because people within the Washington Beltway are finally starting to wake up to the fact that those in my home State of Florida have been telling me since before I ever came here: that regulations matter. The government can't really do much to actually create jobs or to physically put people back to work. We might wish it were so, but we don't have the magic job formulas on either side of the aisle that we can use to suddenly create millions of jobs for the nearly 9 percent of Americans who are currently out of work. What we can do is create an environment where real job creators—small businesses and private companies—can gain access to capital and operate with as much regulatory certainty as possible.

Unfortunately, it's hard to create such an environment when the executive branch is constantly churning out one major regulation after another. According to the Congressional Research Service, during his first 2 years in office, Federal agencies under the leadership of the Obama administration published over 175 major rules. These regulations impose tens of billions of dollars annually on our economy and on consumers. This is on top of the continuing burden of redtape that we are already up against, which the Small Business Administration estimates to cost \$1.75 trillion—\$1.75 trillion—yearly.

The Federal Register is sort of like the daily newspaper of the Federal Government. It holds all Federal agency regulations, proposed rules and public notices, Executive orders, proclamations, and other Presidential documents.

According to the National Archives' Web site, you should read the Federal Register if, among other things, your business is regulated by the Federal Government; if you're an attorney; if your organization attends public hearings; if you apply for grants; if you're concerned with government actions that affect the environment, health care, financial services, exports, education, and other major policy issues. Reading this recommendation, it sounds to me like they're saying if you're an active and informed member of the American public, you need to know what's in the Federal Register.

What they don't mention is that the complete Federal Register is 72,820 pages long. That's over 145 reams of paper that contain regulations. To help put it in perspective, that's 725 pounds of paper. And for my Floridian friends, that's about three Josh Freemans, the quarterback for the Tampa Bay Bucs.

Within these 73,000 pages of regulations are regulations that result in 120 million hours of paperwork burdens for

United States businesses every year. The 2011 Federal Register, the rules that are contained within, cost American employers \$93 billion in compliance costs, which equals about 1.8 million jobs.

Think about everything that job creators could do instead of spending hundreds of millions of hours filling out paperwork for the Federal Government, all of the jobs that could be created if they weren't spending money complying with regulations that Congress hasn't even put on them, but regulatory agencies have.

H.R. 10 really does "rein" in these burdens. Instead of letting the White House decide what the regulations should be, only allowing Congress to disapprove an executive's action, H.R. 10 flips the current system on its head.

□ 1240

The REINS Act says if the executive branch wants to impose a major rule, a rule that's going to cost \$100 million or more, then Congress, this body, needs to approve that rule before it has the force of law.

In 2010, according to the Congressional Research Service, executive agencies published over 100 major rules. These basically are rules that went into effect simply because the President said it was so. The REINS Act says: no more.

Now, once the executive branch issues a rule, Congress needs to approve it, otherwise it never takes effect. It's stunning that something so simple, that Congress should make the laws, can be so contentious.

I've heard my colleagues on the other side of the aisle say if Congress just wrote better, more precise laws, the Executive wouldn't need to regulate through these rules. The problem is that sometimes the executive branch agencies have shown they're using their regulatory powers to circumvent the legislative process.

For example, after it was clear the Senate wasn't going to pass cap-and-trade, which really ought to be called cap-and-tax, the EPA just went ahead and started regulating greenhouse gases through the rulemaking process, cutting Congress out of the process altogether. This year's most expensive rule, the greenhouse gas/CAFE standards, is estimated to cost \$141 billion. That's greater than the entire GDP growth for the United States in the first quarter of 2011.

We're not all constitutional scholars. I'm certainly not. But if one thing is clear, Congress is the one who makes the laws. It's not that Congress makes the laws unless they don't make the laws the President wants them to make. The Regulations from the Executive in Need of Scrutiny Act brings us back to the basic foundation of our government. It says that not only does Congress provide the legislative intent, but it also provides the legislative oversight as the rule comes back if it's a major rule that's going to cost over

\$100 million to our businesses and citizens of this country.

That's what we're designed to do, to make tough decisions. That's why I'm so proud to cosponsor this bill. It's why I'm proud to sponsor this rule, and it's why I'm proud to vote for both the rule and the underlying legislation.

With that, I encourage all of my colleagues to vote "yes" on this rule and "yes" on the underlying legislation.

I reserve the balance of my time.

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

Mr. Speaker, there's a very dangerous and cynical game being played in the House. Americans need jobs now; and instead of spending our time on job creation, the majority continues to waste time focusing on bills like this one that make it easier for polluters to spoil our air and water; make it easier for big banks to take the kind of risk that brought on our recession; and make it easier for unsafe products from China to poison our children.

The majority seems to think if they repeat their message that Big Government is destroying jobs enough times, it will become true. But economic surveys and economists from the left, right, and center say it's all a made-up argument. Bruce Bartlett, an economist who worked in the Reagan and first Bush administrations, writes that "regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

My friends on the other side of the aisle know this bill won't create jobs. And here's how we know. When the bill is considered for amendment, they will block an amendment that simply says if the independent experts conclude a rule will create jobs, it can go into effect without all these time-consuming extra steps. Why would we want to slow down a rule that could create tens of thousands of jobs? If this bill will create jobs, like the majority claims, what's the harm in saying the bill does not apply when it conflicts with the important goal of creating more jobs for Americans who are out of work? The majority cannot have it both ways, Mr. Speaker.

It has now been a full 336 days since Republicans took control of the House, and they have yet to put a real jobs bill on the floor. But as of today, they've made time for 23 bills that would roll back protections for public health and safety. They provided ample floor time to de-fund public radio; to make it easier for felons to carry concealed weapons; and to reaffirm our national motto, which did not need reaffirming; and, of course, did we want to micro-manage light bulbs. Why? Does the majority really think these are pressing

national issues that demand our attention when we should focus on jobs?

There's no doubt in my mind that in addition to making our workplace, food, water, and airplanes less safe, H.R. 10 would endanger our fragile economic recovery, impeding job creation. Having the right amount of safeguards against bad behavior is part of what has made this country so economically successful. We all know it was only after the financial sector was deregulated so much that we had a catastrophic housing crisis and the recession. Indeed, what regulation there was basically looked the other way. Indeed, in 2008 the Bush administration itself estimated that benefits to the economy for major rules outweighed the cost by at least 2½ to 1. Possibly as much as 12 to 1, they said.

Mr. Speaker, I would be remiss if I did not explain the violence this bill does to the process of passing the laws, the process executing the laws, and the important constitutional principle of separation of powers. The practical result of this bill's new, additional steps in the regulatory process would be to grind the wheels of government to a halt.

Our system of government already has checks and balances built in to make sure that the regulations do what Congress says they should. That is why we have oversight committees. After Congress writes the laws, there are numerous statutes and executive orders that ensure an open process as an agency writes the regulations, requiring them to listen to the stakeholders and the public, to conduct cost-benefit analyses, and justify every aspect of the proposed rule. Congress also continuously keeps an eye on the executive branch by exercising its authorization, appropriation, and oversight functions. Furthermore, entities whose activities are regulated have access to the courts.

When Congress last considered a nearly identical bill in the 1980s, now-Chief Justice John Roberts, who was then an associate White House counsel in the Reagan administration, criticized the legislation for "hobbling agency rulemaking by requiring affirmative congressional assent to all major rules." He said that such a requirement "would seem to impose excessive burdens on regulatory agencies."

Justice Roberts was right then, and he's right today. Congress writes the laws. We rely on professionals and experts—doctors, engineers, microbiologists, statisticians, and so forth—to spell out the details of those policies so the law can be implemented and enforced in a way that makes sense.

If this bill is enacted, those decisions will instead be made by Members of Congress with no or little expertise in what they're talking about. In addition, with the staffs we now have, it would be an impossibility for us to be able to do it. Americans are sick of Congress's political gamesmanship.

The last thing they want to do is extend its reach into vast new areas of our government.

But the Rules Committee's primary responsibility in relation to H.R. 10 is to ensure the integrity of the legislative process in the House. In sending H.R. 10 to the House floor, the committee failed its responsibility. The sheer volume of additional measures the House and Senate would be required to consider should H.R. 10 become law is enough to force Congress to come back into the Capitol and work in shifts. Otherwise, we would never get it all done.

Even though President Obama's administration has promulgated new rules at a slower rate than the Bush administration did in his last 2 years, the 100 or so new major bills on our schedule would mean we would have to take up seven of them a day on every other Thursday just to try to get it done. Inevitably, we could not finish it all; and under this ridiculous bill, it means we would vote on the rest without debate.

□ 1250

If the Rules Committee had bothered to hold any hearings on the bill, maybe the majority would realize how drastically H.R. 10 undermines the deliberative process in this House.

Finally, I want my colleagues to know that this rule deems passage of a nongermane amendment that was written by Mr. RYAN, the chairman of the Budget Committee. The Republicans made an embarrassing discovery at the Rules Committee last week. They realized that the hundreds of new measures the House will consider under this bill would actually violate both their new CutGo rule and the pay-as-you-go statute that Democrats put in place. So the Republicans had a choice: they could either violate the budget rules a hundred times every year or just pass an amendment to make these embarrassing violations vanish. Which one do you guess they chose?

This rule includes a magic amendment that makes all the budget violations go away in a big "poof." But here's the best part: They're using the famous deem-and-pass procedure, which means the mystery amendment will be automatically adopted and the House will never vote on the Ryan amendment.

I guess after all we've seen this year, it should not surprise me that last Tuesday the majority blocked our amendment to strip the special tax breaks from big oil companies supposedly because it was nongermane. That was Tuesday. On Thursday, they just ignored the germaneness rule for this budget amendment.

But, most importantly, Mr. Speaker, we've had 336 days of Republican control of the House with no jobs agenda. It is imperative that we extend the payroll tax cut and the unemployment benefits before Congress leaves Washington for the holidays. That is why I will amend this rule to require those

votes if we defeat the previous question.

So I'm urging my colleagues on the other side, please stop worrying about your campaign message and start getting the message: America's top priority is job creation.

Let's defeat this restrictive rule and get back to work on jobs.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague for yielding, and I am in favor of the underlying bill and the rule.

When I talk to small business owners in my district in western North Carolina, I hear very clearly that regulations and regulatory uncertainty is in fact costing jobs. It's costing our economy, and it's making sure that unemployment remains high, which is an absurd policy coming out of Washington.

Well, I know from my small business owners that regulations cost jobs. Even the Small Business Administration here in Washington, D.C., says that Federal regulations cost \$1.75 trillion per year. That costs our economy, and that is a major impact on our job creators. We know that regulations cost jobs.

Now, some politicians in Washington that don't understand business think that their regulations create jobs. Well, they're right; they create Federal jobs. They create more government employees. They create more people creating more paperwork for those who are trying to move our economy forward. We need to relieve our small businesses of this regulatory hurdle and the challenges that they face.

The Obama administration admitted 1 year ago at this time that they had over 4,000 regulations that they were trying to put in place actively. Over 200 of these regulations cost \$100 million or more on the economy, seven of which will cost \$1 billion, a negative impact of \$1 billion. These regulations, even the Obama administration admits, cost the economy money. And if they cost the economy money, they're costing jobs.

This is the wrong approach, this regulatory approach. What we need to say is, if politicians in Washington think these regulations are in fact good, they need to proactively vote on them.

When I go home and talk to small business owners, they wonder how these regulations actually go into place. It's faceless bureaucrats working behind desks in Washington that put them in place. Their elected officials here in Washington may be able to go home and say they're against them, but they've never had to cast a vote.

What the REINS Act does is say that the elected officials that come to Washington to represent their folks at home need to proactively put their stamp of approval or disapproval on these regulations. That way we can get this economy going again. That's what we need to be about.

I hope that we can have bipartisan support on this very important piece of legislation, the REINS Act. I urge my colleagues to vote for it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, this Republican leadership is starting to make me envious of the people of ancient Rome, because although Nero only fiddled while Rome burned, at least he did something. House Republicans, on the other hand, have brought yet another piece of legislation to this floor that will do absolutely nothing, not a thing, to address the number one issue facing our country—jobs.

Millions of Americans, through no fault of their own, cannot find work. That means millions of families are struggling to pay their bills, keep their homes, and put enough food on the table. And instead of facing this problem head on, Republicans here in Washington are turning a blind eye to the needs of our neighbors.

You would think that with all the recesses we take around here these days my Republican friends would hear from their constituents about the still struggling economy. I know that's what I hear about from the people of Massachusetts.

There are two things that we can and must do before we break for yet another holiday recess: extend the payroll tax cut and extend unemployment insurance. By refusing to bring the payroll tax cut to the floor, the Republicans are risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than \$1 million per year.

Extending and expanding the payroll tax cut would put \$1,500 into the pockets of the typical middle class family. Hundreds of thousands of jobs are at risk. Even Mitt Romney has come out in support of extending the payroll tax cut. If he can take a position, Mr. Speaker, I would hope that the House Republicans could do the same. And every dollar invested in unemployment insurance yields a return of \$1.52 in economic growth. Again, hundreds of thousands of jobs are at risk unless we act.

So instead of those simple, effective measures to improve our economy and spur job creation, we have before us yet another waste of time. It is time to put the people of this country first. I urge my colleagues to reject this rule, and I urge them to vote against the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, the Members of the House should listen to

the voices that have been raised about the jobs crisis in our country. These voices are speaking loud and clear.

We should also listen to the quiet voices of desperation of so many Americans who will sit down this Friday night to try to pay their bills and find they have 70 cents worth of income for every dollar's worth of bills that they have. Or the Americans who retired a few years ago and thought that they were set for the rest of their lives but are now looking at the want ads every day because they think they have to get a job to continue to pay their bills in their retirement. Or the quiet, anxious voices of small business owners who are thinking that maybe this Friday will be the last Friday they keep their business open and they shut for good.

These are the voices that should be heard in this country, and they're not being heard by this majority.

Eighty-nine days ago, the President of the United States came to this Chamber and proposed four good ideas to put Americans back to work:

Build more roads and bridges and schools to put construction workers back to work—we haven't taken a vote on that;

Cut taxes of small business people that hire people in the private sector—we haven't had time to take a vote on that;

Take teachers and police officers and fire fighters who have been taken off the job because of this economic disaster at the State and local level and put them back in the classroom, put them back on the job—the majority hasn't had time to vote on that; and, finally,

Let's avoid a tax increase of \$1,000 a year or more on middle class families that's coming January 1, in 25 days, January 1—but the majority hasn't had time to vote on that.

We do have time today to vote on the Temporary Bankruptcy Judgeship Extension Act of 2011. This is entirely appropriate. Bankruptcy judges are very busy in America today because when small businesses don't have customers and customers don't have money in their pocket and people don't have jobs to pay their bills, bankruptcy judges are very, very busy.

□ 1300

It is one thing for the majority to oppose these ideas the President brought here 89 days ago—that's their prerogative and their right—but it's quite another to refuse to even put these ideas up for a vote.

So I would say, Mr. Speaker, to all of our colleagues on both sides of the aisle, let's take this moment. Let's take this bill, let's take this day to put on the floor of the House legislation that would postpone and cancel the tax increase on middle class Americans that's due in 25 days.

Let's not have it. And let's extend jobless benefits for those who are diligently trying to find a job in this difficult economy. Let's find time to do

something for the American people today.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, while this body wastes its time debating yet another bill that does nothing to create jobs or help the middle class, the American people are looking for action from us. We need to stop supporting handouts for wealthy corporations and pass an extension of the payroll tax and unemployment benefits immediately.

Despite saying for months, if not years, that tax cuts are their most important priority, the majority has failed to act on a critical extension of the payroll tax, even though it would save the average American family \$1,500 a year; 400,000 jobs will be lost if we do not pass this payroll tax extension.

The majority has also failed to act on extending unemployment insurance benefits, even though UI has kept 900,000 kids out of poverty last year. In fact, the number of Americans in poverty would have doubled last year if the unemployment insurance benefits had not been extended. And at least 200,000 jobs will be lost if the majority blocks an extension of benefits.

But instead of acting on these two important priorities, what does the Republican majority spend its time on?

We have seen them protect wasteful tax breaks for corporate jet and race horse owners, corporate subsidies for Big Agriculture, Big Oil, special tax treatment for Wall Street millionaires and billionaires, and now this misguided bill, which would undermine our regulatory system to the detriment of everything from food safety to protecting the environment without doing anything to create jobs.

Time and again, the majority has shown that they will go to any lengths to side with the wealthiest 1 percent of Americans, while turning their backs on middle class and working families.

To take one more example, this past week Democrats introduced a payroll tax cut for 160 million people, offset by raising taxes on 350,000 millionaires. But the Republican majority instead put forward a package that would slash the Federal workforce, raise Medicare premiums, curtail the social safety nets.

Instead of just having America's wealthiest families pay their fair share of taxes, the majority would rather see more lost public jobs and less support for middle class families, all in order to continue a tax cut that independent economists agree is critical for our economy.

Keep in mind the Republican mantra in recent memory has always been that tax cuts never, never need to be offset. And a year ago they said the same of a payroll tax cut. They've now changed their tune.

American families deserve better leadership than this. Right now, Congress should be doing everything in its power to create jobs, rebuild our schools and infrastructure, support our small businesses, get our economy moving again. That means passing an extension and expansion of the payroll tax cut; that means passing an extension of the unemployment insurance benefits.

Working to create jobs, that's our job. We do not have the luxury to waste America's time catering to the wealthiest interests in our society and considering ill-conceived bills such as this one.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentlewoman for yielding to me.

I am really confused. I know that many of my Republican colleagues have signed a pledge that said that never will they raise taxes on anybody, the Grover Norquist pledge. I think it's a silly idea to sign such a thing, but most have done that.

Yet it does seem that when it comes to middle class tax cuts, there's this little hesitation going on. Do we really mean cutting taxes for the middle class? Do we mean preserving tax cuts for the middle class? Or are we just talking about the wealthiest Americans?

Right now, if we don't move ahead with extending the payroll tax cut, that's what most, that's what all working families pay, their payroll taxes. You know, we hear, oh, the wealthy, that the wealthy are paying all the income taxes. Yeah, most people would like to pay income taxes. But they definitely pay payroll taxes if they're working. And they're risking 160 million Americans who would not get tax relief if we don't extend the payroll tax cut for working families.

So we need to do that before we leave. But, instead, we're talking about some way to stop any kind of regulations, further health and safety regulations, making it hard to do that.

I got a letter from someone talking about the unemployment insurance and extending those benefits. He says, this is from John, in my district: "I'm a Desert Storm Veteran and lost my job October 21, 2010. I've been drawing unemployment and am now on extended unemployment benefits. I, like millions of Americans, would rather be working 80 hours a week if possible. The job market is scary, but what's worse is the thought that we might be without that last bit of a safety net come the end of December."

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

Ms. SLAUGHTER. I would be happy to yield my colleague an additional minute.

Ms. SCHAKOWSKY. John continued: "These benefits for many is the dif-

ference between having a roof over your head and living on the streets."

He says: "I just hope you can encourage your fellow House Members to put the livelihood of millions of Americans above their petty politics."

Above the petty politics. That's what we're facing right now. If we extend unemployment insurance benefits, it's not just good for John and his family; it's not just good for the hundreds of thousands of people that would lose their unemployment benefits over 500,000 in January. It is also good for the economy. Every dollar generates a \$1.52 in economic activity in the country.

These are the things that the American people at this holiday season are worrying about, are afraid of. He calls it scary. He's afraid. And we're dealing with this pettiness right now. Let's get over it and on with the business of the people.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to my fellow Rules member, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank you for the time.

Mr. Speaker, I will apologize in advance for actually talking on topic here.

In 1791, the Second Session of Congress, John Page was a Congressman from Virginia, and he objected to his peers who wanted to leave and let the designation of postal routes be left to the President. They trusted the President, justifiably, but John Page threatened his colleagues by saying that if we do so he will move to adjourn and leave all the objects of legislation to the President's sole consideration and direction.

□ 1310

Now, the issue at hand back in 1791 was not necessarily what roads and routes should be taken, even though they did have an economic impact. The issue was who should designate those routes because every rule and regulation is, by definition, a legislative function. It is not a function of the administration that should be given to the President or the bureaucracies that are created because of it. It is a congressional function. But we do not take the time to make the details in our particular piece of legislation. When we simply ask in our legislation that a Secretary in a department shall have the power to write rules and regulations and then leave it at that, we are abrogating our responsibility.

"Country of origin" labeling sounded like a great idea. We should know if we are buying American beef. Even though it was passed before I became a Member of Congress, it was my eighth year in Congress before they were able to write the rules because Congress did not take the time and effort to go through the details of understanding what we were doing when we are passing legislation.

The States—my home State—has an administrative review committee that

reviews every rule and regulation, because these are rules and regulations that our people must obey, and if they don't, they are subject to jail and fines; and it is done by a nameless executive bureaucracy that has no accountability to the people by ballot box, nor do they have it to us. We can simply say, Well, I'm sorry about the situation. They, over there, did it, instead of taking the time to do our responsibility. I am told that we need experts over in the executive branch to do this.

The Founding Fathers designed the situation in this country so that people could make judgments for themselves. The idea of needing experts only came in the late 1800s, early 1900s when an individual, who eventually became President, wrote a book about Congress without ever having visited Congress. And in that, he claimed this balance of power, this separation of responsibilities was, in his words, "constitutional witchcraft." From that time on, we decided to abrogate legislative responsibility and simply give it to the other branch, like it's one of those simple things.

Congress has passed 16 jobs bills in the House and sent them over where the Democrat majority in the Senate has refused to deal with any of those bills. Congress is now also dealing with a variety of regulation bills which harm our ability to be economically competitive and harm our ability to actually build new jobs. And once again, the Democrat majority in the Senate has failed to do that.

This is our time and responsibility to look forward to this situation, to take our role and responsibility and pass this particular bill because, like John Page said, It is our job. It is our responsibility. We should accept that responsibility.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague if he has further speakers?

Mr. NUGENT. Yes. I have one further speaker.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman yielding.

As I sit on the House floor here, I listen to the debate, and I hear a lot of conversations that are off-topic. We are talking, on the other side of the aisle, about payroll taxes and unemployment extensions. This is really a conversation about regulations that affect American businesses' ability to compete, expand, grow, and create jobs. This REINS Act is about holding Members of Congress, elected men and women, accountable to the people who sent them here to do their work, not to empower bureaucrats in Washington to pass rules that kill jobs all across this country.

Just yesterday there was a press release in my district where one of our coal power plants has given notice that

they are going to lay off 74 people because of regulations coming from this town. And you talk a lot about the 99 percent. These are part of the 99 percent, people that are now not going to have a job because of regulations and rules that are shutting down our power sources in Wisconsin.

So you can advocate for unemployment—and I'm happy that you are doing it—because your rules and regulations and the policies that you advocate for are causing 74 people in my district to now go on unemployment. That's unacceptable. Let's advocate for pro-growth policies that are going to help American businesses, entrepreneurs, and manufacturers compete in the global competition. If we continue down this path, we are going to see more businesses go overseas, taking with them the jobs of the people who work in our districts.

So with that, I think we should all have a real conversation about the REINS Act and not about payroll tax and an unemployment extension.

Mr. NUGENT. Mr. Speaker, I have no further requests for time and am ready to close.

Ms. SLAUGHTER. I am prepared to close as well.

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

Ms. SLAUGHTER. Mr. Speaker, the majority's prioritization of special interests over the economy goes beyond their crusade against government protections for our clean air and water, and safe food and workplaces. Not only has the majority refused so far to pass an extension of the payroll tax holiday, meaning even though we're still struggling to recover from a recession, the average American family will see a \$1,000 increase in their taxes come January.

They have also refused so far to extend unemployment benefits for the 2.1 million Americans whose benefits will run out in the coming months if Congress does not act. Congress has never allowed emergency extended benefits to expire when a jobless rate has been anywhere close to its current level of 8.6 percent.

Some Republicans like to argue that unemployment benefits give people a disincentive to work. But how are people supposed to take jobs that don't exist? Believe me, most of the people who are unemployed in our country right now would much rather get a job, but they can't find one. There are still roughly 6.5 million fewer jobs in the economy today than when the Great Recession started in 2007.

So we're supposed to let them and their children starve or face possible eviction or foreclosure? All of the money that the unemployed receive in benefits goes right back into the economy when they buy groceries, clothes, and health care. The Economic Policy Institute estimates that allowing these Federal unemployment benefits to expire would hurt consumer demand and,

thereby, cost the U.S. economy 528,000 jobs.

And the nonpartisan Congressional Budget Office has indicated that providing extended unemployment benefits is one of the most effective job creation strategies available during a period of high joblessness, stating, "Households receiving unemployment benefits tend to spend the additional benefits quickly, making this option both timely and cost-effective in spurring economic activity and employment."

The choices facing us today couldn't be any clearer. That's why, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

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 gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do the right thing for working families and the millions of Americans looking for jobs.

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

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

An editorial in The Wall Street Journal stated that the REINS Act—this act that we are talking about—"would revolutionize government in practice and help restore the representative democracy the Founders envisioned." Profound words. While discussing regulatory reform, Wayne Crews of the Competitive Enterprise Institute and a contributor to Forbes magazine said that "reaffirming Congress' accountability to voters for agencies' most costly rules is a basic principle of good government." And Jonathan H. Adler, a professor of law at Case Western Reserve University School of Law, said in a congressional hearing earlier this year that the REINS Act "offers a promising mechanism for disciplining Federal regulatory agencies and enhancing congressional accountability for Federal regulation."

The REINS Act brings accountability back to the regulatory process. I would agree that some regulations are necessary. We all want clean air and clean water. There's no doubt that we need that. We need a safe and healthy environment. We need safe food if we want to protect ourselves and our families. But regulations at what cost?

Through the rulemaking process, the EPA has put a new burdensome standard on water quality in Florida alone. With the numeric nutrient rule the EPA wants to take over the State's

water system. And because they are Washington bureaucrats trying to create a D.C. solution for a Florida problem, the requirements they have set on the State of Florida are scientifically impossible to reach given our State's natural phosphorous levels in our waters. Compliance will require an investment of billions of dollars that will be passed on—to whom? The Florida taxpayers, of course, effectively resulting in a new tax levied on all Floridians. Another analysis estimates that the EPA rulemaking will impose statewide costs ranging from \$3.1 billion to \$8.4 billion per year for the next 30 years.

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To put that in perspective, Florida's total budget is only \$64 billion annually. The REINS Act is what people in Florida need and what people in the country need if we're going to keep executive agency rulemaking in check.

We've heard about a number of issues on this House floor. We've heard about issues as they relate to unemployment and to the payroll tax holiday. These issues, though, aren't what are in front of us today. It's really about the REINS Act. It's really about getting government off the backs of people. It's about making Congress accountable for the actions of the agencies that have their authority granted through Congress. It's not the other way around.

Regulatory agencies don't enact laws for Congress. Congress enacts laws. Congress enacts and gives the authority to those who regulate, but Congress can't walk away from its authority to oversee the rules, particularly the major rules, that are promulgated by these agencies—that are costing us jobs, that are costing us billions of dollars every year.

You've heard about it from all of my colleagues who spoke on this side of the aisle. I don't know when Congress lost its way—Representative BISHOP talked about it years and years ago—but Congress did lose its way. It's so much easier to just pass a law and say, You know what? Let the regulatory folks figure out how this is going to shake out at the end.

That's not what we were elected to do. We were elected not only to pass laws but to make sure that the regulations that are proposed by those agencies that have the authority from this Congress are responsible to the people. We need to be responsible to the people who elected us, not the other way around—not responsible to bureaucrats in Washington, D.C.

It's what I hear from all the businesses in my district. It's what I hear from the people I represent. They want government to get out of the way, not to end all regulations like you hear some of my friends across the aisle say. That's not what we're talking about. We are, though, talking about a congressional review before it actually comes to pass so that we stand up as a body and say, You know what? This is just not good for America.

The Keystone pipeline is a perfect example of a jobs bill. They keep talking about the lack of jobs bills. Had the Keystone pipeline come to fruition, which the President has pushed off until 2013, there would have been 25,000 immediate jobs to create and construct that pipeline, and there would have been 100,000 new jobs within the areas of Texas and Louisiana as it relates to the processing of that oil.

The last time I looked, Canada was a friend, but we buy oil from countries that hate us. Do you know what Canada said?—that China is ready to step in and help them out. Is that really what we want, or do we want to bring jobs to America?

With all that has been said, we're to the point at which we need to talk about regulations, and that's what this bill does. It allows seven amendments that are germane to come to the floor—two Republican and five Democratic amendments.

With that, I am happy to support the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 479 OFFERED BY MS. SLAUGHTER OF NEW YORK

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

Sec. 4. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'

Sec. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

yield to him for an amendment, is entitled to the first recognition."

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

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

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

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

The SPEAKER pro tempore. 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011**

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2405) to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2405

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic and All-Hazards Preparedness Reauthorization Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reauthorization of certain provisions relating to public health preparedness.

Sec. 3. Temporary redeployment of personnel during a public health emergency.

Sec. 4. Coordination by Assistant Secretary for Preparedness and Response.

Sec. 5. Eliminating duplicative Project Bio-shield reports.

Sec. 6. Authorization for medical products for use in emergencies.

Sec. 7. Additional provisions related to medical products for emergency use.

Sec. 8. Products held for emergency use.

Sec. 9. Accelerate countermeasure development by strengthening FDA’s role in reviewing products for national security priorities.

**SEC. 2. REAUTHORIZATION OF CERTAIN PROVISIONS RELATING TO PUBLIC HEALTH PREPAREDNESS.**

(a) **VACCINE TRACKING AND DISTRIBUTION.**—Subsection (e) of section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended by striking “such sums for each of fiscal years 2007 through 2011” and inserting “\$30,800,000 for each of fiscal years 2012 through 2016”.

(b) **IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**—Effective on October 1, 2011, section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (iv), by striking “and” at the end;

(B) in clause (v), by adding “and” at the end;

(C) by adding at the end the following:

“(vi) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;”;

(2) in subsection (f)—

(A) in paragraph (2), by inserting “and” at the end;

(B) in paragraph (3), by striking “; and” and inserting a period; and

(C) by striking paragraph (4);

(3) by striking subsection (h); and

(4) in subsection (i)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

“(A) **IN GENERAL.**—For the purpose of carrying out this section, there is authorized to be appropriated \$632,900,000 for each of fiscal years 2012 through 2016.”; and

(ii) by striking subparagraph (B); and

(B) in subparagraphs (C) and (D) of paragraph (3), by striking “(1)(A)(i)(I)” each place it appears and inserting “(1)(A)”.

(c) **PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.**—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a), by inserting “, including capacity and preparedness to address the needs of pediatric and other at-risk populations” before the period at the end;

(2) in subsection (i)—

(A) by striking “The requirements of” and inserting the following:

“(1) **IN GENERAL.**—The requirements of”; and

(B) by adding at the end the following:

“(2) **MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.**—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the goals of the National Health Security Strategy under section 2802.”; and

(3) by amending subsection (j)(1) to read as follows:

“(1) **IN GENERAL.**—For purposes of carrying out this section, there is authorized to be appropriated \$378,000,000 for each of fiscal years 2012 through 2016.”.

(d) **CDC PROGRAMS FOR COMBATING PUBLIC HEALTH THREATS.**—Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) by striking subsection (c); and

(2) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “\$160,121,000 for each of fiscal years 2012 through 2016”.

(e) **DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.**—

(1) **ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.**—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”.

(2) **NATIONAL HEALTH SECURITY STRATEGY.**—Section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(3)) is amended—

(A) in the matter preceding subparagraph (A), by inserting “and which may include dental health facilities” after “mental health facilities”; and

(B) in subparagraph (D), by inserting “(which may include dental health assets)” after “medical assets”.

(f) **PROCUREMENT OF COUNTERMEASURES.**—

(1) **CONTRACT TERMS.**—Subclause (IX) of section 319F–2(c)(7)(C)(ii) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(7)(C)(ii)) is amended to read as follows:

“(IX) **CONTRACT TERMS.**—The Secretary, in any contract for procurement under this section—

“(aa) may specify—

“(AA) the dosing and administration requirements for countermeasures to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”.

(2) **REAUTHORIZATION OF THE SPECIAL RESERVE FUND.**—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(A) in subsection (c)—

(i) by striking “special reserve fund under paragraph (10)” each place it appears and inserting “special reserve fund as defined in subsection (g)(5)”;

(ii) by striking paragraphs (9) and (10); and

(B) by adding at the end the following:

“(g) **SPECIAL RESERVE FUND.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts appropriated to the special

reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), \$2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

“(2) **NOTICE OF INSUFFICIENT FUNDS.**—Not later than 15 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the amount of such funds available for procurement and the impact such funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the annual Countermeasure Implementation Plan under section 2811(d).

“(3) **USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.**—The Secretary may utilize not more than 30 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out this section.

“(4) **RESTRICTIONS ON USE OF FUNDS.**—Amounts in the special reserve fund shall not be used to pay—

“(A) costs other than payments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7); and

“(B) any administrative expenses, including salaries.

“(5) **DEFINITION.**—In this section, the term “special reserve fund” means the “Biodefense Countermeasures” appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to paragraph (1) of this paragraph.”.

(g) **EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.**—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking “are authorized to be appropriated \$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011” and inserting “is authorized to be appropriated \$5,900,000 for each of fiscal years 2012 through 2016”.

(h) **BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.**—

(1) **TRANSACTION AUTHORITIES.**—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

“(G) **GOVERNMENT PURPOSE.**—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”.

(2) **BIODEFENSE MEDICAL COUNTERMEASURE DEVELOPMENT FUND.**—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)) is amended to read as follows:

“(2) **FUNDING.**—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2012 through 2016, the amounts to remain available until expended.”.

(3) **CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.**—Section 319L(e)(1)(C) of the Public

Health Service Act (42 U.S.C. 247d-7e(1)(C)) is amended by striking “the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “September 30, 2016”.

(i) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) is amended—

(1) in subsection (a)(3), by adding at the end the following:

“(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or by contract providing for payment in advance or by way of reimbursement.”; and

(2) in subsection (g), by striking “such sums as may be necessary for each of the fiscal years 2007 through 2011” and inserting “\$56,000,000 for each of fiscal years 2012 through 2016”.

(j) NATIONAL HEALTH SECURITY STRATEGY TIMELINE.—Section 2802(a)(1) of the Public Health Service Act (42 U.S.C. 300hh-1(a)(1)) is amended by striking “2009” and inserting “2014”.

(k) ENHANCING SURGE CAPACITY.—Section 2802(b) of the Public Health Service Act (42 U.S.C. 300hh-1(b)(3)) is amended—

(1) in paragraph (1)(A), by inserting “, including drills and exercises to ensure medical surge capacity for events without notice” after “exercises”; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), as amended by subsection (e)(2) of this section—

(i) by inserting “availability, coordination, accessibility,” after “response capabilities,”;

(ii) by striking “including mental health facilities” and inserting “including mental health and ambulatory care facilities”; and

(iii) by striking “trauma care and emergency medical service systems” and inserting “trauma care, critical care, and emergency medical service systems”; and

(B) in subparagraph (B), by striking “Medical evacuation and fatality management” and inserting “Fatality management, and coordinated medical triage and evacuation to the appropriate medical institution based on patient medical need as part of regional systems”.

(l) VOLUNTEER MEDICAL RESERVE CORPS.—Section 2813(i) of the Public Health Service Act (42 U.S.C. 300hh-15(i)) is amended by striking “\$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$11,900,000 for each of fiscal years 2012 through 2016”.

(m) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazard Preparedness Act (42 U.S.C. 247d-6a note) is amended by striking “at the end of the 6-year period that begins on the date of enactment of this Act” and inserting “on September 30, 2016”.

### SEC. 3. TEMPORARY REDEPLOYMENT OF PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

“(e) TEMPORARY REDEPLOYMENT OF PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.—

“(1) EMERGENCY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL.—Notwithstanding any other provision of law, and subject to paragraph (2), upon a request that is from a State, locality, territory, tribe, or the Freely Associated States and that includes such information and assurances as the Secretary may require, the Secretary may authorize the requesting entity to temporarily redeploy to immediately address a public health emergency non-Federal personnel funded in whole or in part through—

“(A) any program under this Act; or

“(B) at the discretion of the Secretary, any other program funded in whole or in part by the Department of Health and Human Services.

“(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

“(A) PUBLIC HEALTH EMERGENCY.—The Secretary may exercise the authority vested by paragraph (1) only during the period of a public health emergency determined pursuant to subsection (a).

“(B) CONSIDERATIONS.—In authorizing a temporary redeployment under paragraph (1), the Secretary shall consider each of the following:

“(i) The degree to which the emergency cannot be adequately and appropriately addressed by the public health workforce.

“(ii) The degree to which the emergency requires or would otherwise benefit from supplemental staffing from those funded through non-preparedness Federal programs.

“(iii) The degree to which such programs would be adversely affected by the redeployment.

“(iv) Such other factors as the Secretary may deem appropriate.

“(C) TERMINATION AND EXTENSION.—

“(i) TERMINATION.—The authority to authorize a temporary redeployment of personnel under paragraph (1) shall terminate upon the earlier of the following:

“(I) The Secretary’s determination that the public health emergency no longer exists.

“(II) Subject to clause (ii), 30 days after the activation of the Secretary’s authority pursuant to subparagraph (A).

“(ii) EXTENSION AUTHORITY.—The Secretary may extend the authority to authorize a temporary redeployment of personnel under paragraph (1) beyond the date otherwise applicable under clause (i)(I) if the public health emergency still exists, but only if—

“(I) the extension is requested by the entity that requested authority to authorize a temporary redeployment; and

“(II) the Secretary gives notice to the Congress in conjunction with the extension.”.

### SEC. 4. COORDINATION BY ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh-10) is amended—

(1) in subsection (b)(3)—

(A) by inserting “stockpiling, distribution,” before “and procurement”; and

(B) by inserting “, security measures (as defined in section 319F-2),” after “qualified countermeasures (as defined in section 319F-1)”;

(2) in subsection (b)(4), by adding at the end the following:

“(D) IDENTIFICATION OF INEFFICIENCIES.—Identify gaps, duplication, and other inefficiencies in public health preparedness activities and the actions necessary to overcome these obstacles.

“(E) DEVELOPMENT OF COUNTERMEASURE IMPLEMENTATION PLAN.—Lead the development of a coordinated Countermeasure Implementation Plan under subsection (d).

“(F) COUNTERMEASURES BUDGET ANALYSIS.—Oversee the development of a comprehensive, cross-cutting 5-year budget analysis with respect to activities described in paragraph (3)—

“(i) to inform prioritization of resources; and

“(ii) to ensure that challenges to such activities are adequately addressed.

“(G) GRANT PROGRAMS FOR MEDICAL AND PUBLIC HEALTH PREPAREDNESS CAPABILITIES.—Coordinate, in consultation with the Secretary of Homeland Security, grant programs of the Department of Health and Human Services relating to medical and public health preparedness capabilities and the activities of local communities to respond to public health emergencies, including the—

“(i) coordination of relevant program requirements, timelines, and measurable goals of such grant programs; and

“(ii) establishment of a system for gathering and disseminating best practices among grant recipients.”;

(3) by amending subsection (c) to read as follows:

“(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

“(1) have lead responsibility within the Department of Health and Human Services for emergency preparedness and response policy and coordination;

“(2) have authority over and responsibility for—

“(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

“(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

“(C) the Biomedical Advanced Research and Development Authority under section 319L; and

“(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

“(3) provide policy coordination and oversight of—

“(A) the Strategic National Stockpile under section 319F-2;

“(B) the Cities Readiness Initiative; and

“(C) the Medical Reserve Corps pursuant to section 2813; and

“(4) assume other duties as determined appropriate by the Secretary.”; and

(4) by adding at the end the following:

“(d) COUNTERMEASURE IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this subsection, and annually thereafter, the Assistant Secretary for Preparedness and Response shall submit through the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a Countermeasure Implementation Plan that—

“(1) describes the chemical, biological, radiological, and nuclear threats facing the Nation and the corresponding efforts to develop qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), or qualified pandemic or epidemic products (as defined in section 319F-3) for each threat;

“(2) evaluates the progress of all activities with respect to such countermeasures or products, including research, advanced research, development, procurement, stockpiling, deployment, and utilization;

“(3) identifies and prioritizes near-, mid-, and long-term needs with respect to such countermeasures or products to address chemical, biological, radiological, and nuclear threats;

“(4) identifies, with respect to each category of threat, a summary of all advanced development and procurement awards, including—

“(A) the time elapsed from the issuance of the initial solicitation or request for a proposal to the adjudication (such as the award, denial of award, or solicitation termination);

“(B) projected timelines for development and procurement of such countermeasures or products;

“(C) clearly defined goals, benchmarks, and milestones for each such countermeasure or product, including information on the number of doses required, the intended use of the countermeasure or product, and the required countermeasure or product characteristics; and

“(D) projected needs with regard to the replenishment of the Strategic National Stockpile;

“(5) evaluates progress made in meeting the goals, benchmarks, and milestones identified under paragraph (4)(C);

“(6) reports on the amount of funds available for procurement in the special reserve fund as defined in section 319F-2(g)(5) and the impact this funding will have on meeting the requirements under section 319F-2;

“(7) incorporates input from Federal, State, local, and tribal stakeholders; and

“(8) addresses the needs of pediatric populations with respect to such countermeasures and products in the Strategic National Stockpile and includes—

“(A) a list of such countermeasures and products necessary to address the needs of pediatric populations;

“(B) a description of measures taken to coordinate with Office of Pediatric Therapeutics of the Food and Drug Administration to maximize the labeling, dosages, and formulations of such countermeasures and products for pediatric populations;

“(C) a description of existing gaps in the Strategic National Stockpile and the development of such countermeasures and products to address the needs of pediatric populations; and

“(D) an evaluation of the progress made in addressing gaps identified pursuant to subparagraph (C).

Notwithstanding any other provision of this subsection, the Plan shall not include any confidential commercial information, proprietary information, or information that could reveal vulnerabilities of the Nation in the preparation for or ability to respond to chemical, biological, radiological, or nuclear threats.”

(b) **CONSULTATION IN AUTHORIZING MEDICAL PRODUCTS FOR USE IN EMERGENCIES.**—Subsection (c) of section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended by striking “consultation with the Director of the National Institutes of Health” and inserting “consultation with the Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health.”

(c) **BIOSURVEILLANCE PLAN.**—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a plan to improve information sharing, coordination, and communications among disparate biosurveillance systems supported by the Department of Health and Human Services.

#### **SEC. 5. ELIMINATING DUPLICATIVE PROJECT BIOSHIELD REPORTS.**

Section 5 of the Project Bioshield Act of 2004 (42 U.S.C. 247d-6c) is repealed.

#### **SEC. 6. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.**

Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act”;

(B) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act”; and

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph” and inserting “a provision of law referred to in paragraph (2)(A)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “DECLARATION OF EMERGENCY” and inserting “DECLARATION SUPPORTING EMERGENCY USE AUTHORIZATION”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “an emergency justifying” and inserting “that circumstances exist justifying”;

(ii) in subparagraph (A), by striking “specified”;

(iii) in subparagraph (B), by striking “specified”; and

(iv) by amending subparagraph (C) to read as follows:

“(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, involving a heightened risk to national security or the health and security of United States citizens abroad, and involving a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents.”;

(C) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) *IN GENERAL.*—A declaration under this subsection shall terminate upon a determination by the Secretary, in consultation with, as appropriate, the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist.”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(D) in paragraph (4), by striking “advance notice of termination, and renewal” and inserting “and advance notice of termination”;

(3) in subsection (c)(1), by striking “specified in” and insert “covered by”;

(4) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

(5) in subsection (e)—

(A) in paragraph (1)(B), by amending clause (iii) to read as follows:

“(iii) Appropriate conditions with respect to the collection and analysis of information concerning the safety and effectiveness of the product with respect to the actual use of such product pursuant to an authorization under this section.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “manufacturer of the product” and inserting “person”; and

(II) by inserting “or in paragraph (1)(B)” before the period at the end;

(ii) in subparagraph (B)(i), by inserting “, with the exception of extensions of a product’s expiration date authorized under section 564A(b)” before the period at the end; and

(iii) by amending subparagraph (C) to read as follows:

“(C) In establishing conditions under this paragraph with respect to the distribution and administration of a product, the Secretary shall not impose conditions that would restrict distribution or administration of the product that is solely for the approved uses.”;

(C) by amending paragraph (3) to read as follows:

“(3) **GOOD MANUFACTURING PRACTICE; PRESCRIPTION; PRACTITIONER’S AUTHORIZATION.**—With respect to the emergency use of a product for which an authorization under this section is issued (whether for an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the circumstances of the emergency—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 503(b); and

“(C) requirements established under section 520(e).”; and

(D) by adding at the end the following:

“(5) **EXISTING AUTHORITIES.**—Nothing in this section restricts any authority vested in the Secretary by any other provision of this Act or the Public Health Service Act for establishing conditions of authorization for a product.”; and

(6) in subsection (g)—

(A) in the heading, by striking “REVOCATION OF AUTHORIZATION” and inserting “REVIEW, MODIFICATION, AND REVOCATION OF AUTHORIZATION”;

(B) in paragraph (1), by striking “periodically review” and inserting “review not less than every three years”; and

(C) by adding at the end the following:

“(3) **MODIFICATION.**—The Secretary may modify an authorization under this section or the conditions of such an authorization, at any time, based on a review of the authorization or new information that is otherwise obtained, in-

cluding information obtained during an emergency.”.

#### **SEC. 7. ADDITIONAL PROVISIONS RELATED TO MEDICAL PRODUCTS FOR EMERGENCY USE.**

(a) *IN GENERAL.*—The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 564 (21 U.S.C. 360bbb-3) the following:

#### **“SEC. 564A. ADDITIONAL PROVISIONS RELATED TO MEDICAL PRODUCTS FOR EMERGENCY USE.**

“(a) *DEFINITIONS.*—For purposes of this section:

“(1) The term ‘product’ means a drug, device, or biological product.

“(2) The term ‘eligible product’ means a product that is—

“(A) approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act; and

“(B) intended to be used to diagnose, prevent, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents during—

“(i) a domestic emergency or military emergency involving heightened risk of attack with such an agent or agents; or

“(ii) a public health emergency affecting national security or the health and security of United States citizens abroad.

“(b) *EXPIRATION DATING.*—

“(1) *IN GENERAL.*—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

“(A) the eligible product is intended to be held for use for a domestic, military, or public health emergency described in subsection (a)(2)(B);

“(B) the expiration date extension is intended to support the United States’ ability to protect—

“(i) the public health; or

“(ii) military preparedness and effectiveness; and

“(C) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

“(2) *REQUIREMENTS AND CONDITIONS.*—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

“(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

“(B) the duration of the extension; and

“(C) any other requirements or conditions as the Secretary may deem appropriate for the protection of the public health, which may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

“(3) *EFFECT.*—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under paragraph (1), extended the expiration date and authorized the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer.

“(c) *CURRENT GOOD MANUFACTURING PRACTICES.*—

“(1) *IN GENERAL.*—The Secretary may, when the circumstances of a domestic, military, or public health emergency described in subsection (a)(2)(B) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

“(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

“(d) MASS DISPENSING.—The requirements of section 503(b) and 520(e) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

“(1) the product is dispensed during an actual emergency described in subsection (a)(2)(B); and

“(2) such dispensing without an individual prescription occurs—

“(A) as permitted under the law of the State in which the product is dispensed; or

“(B) in accordance with an order issued by the Secretary.

“(e) EMERGENCY USE INSTRUCTIONS.—

“(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.

“(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because of—

“(A) the issuance of emergency use instructions under paragraph (1) with respect to such product; or

“(B) the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions during an emergency response to an actual emergency described in subsection (a)(2)(B).”

(b) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505-1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355&dash;1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

“(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F-1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, an actual or potential domestic emergency or military emergency involving heightened risk of attack with a biological, chemical, radiological, or nuclear agent, or an actual or potential public health emergency affecting national security or the health and security of United States citizens abroad.”

#### SEC. 8. PRODUCTS HELD FOR EMERGENCY USE.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by section 7, the following:

#### “SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

“It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

“(1) is intended to be held and not used; and

“(2) is held and not used, unless and until that product—

“(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

“(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

“(C) is authorized for use under section 564.”

#### SEC. 9. ACCELERATE COUNTERMEASURE DEVELOPMENT BY STRENGTHENING FDA'S ROLE IN REVIEWING PRODUCTS FOR NATIONAL SECURITY PRIORITIES.

(a) IN GENERAL.—Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4) is amended to read as follows:

#### “SEC. 565. COUNTERMEASURE DEVELOPMENT AND REVIEW.

“(a) COUNTERMEASURES AND PRODUCTS.—The countermeasures and products referred to in this subsection are—

“(1) qualified countermeasures (as defined in section 319F-1 of the Public Health Service Act);

“(2) security countermeasures (as defined in section 319F-2 of such Act); and

“(3) qualified pandemic or epidemic products (as defined in section 319F-3 of such Act) that the Secretary determines to be a priority.

“(b) IN GENERAL.—

“(1) INVOLVEMENT OF FDA PERSONNEL IN INTERAGENCY ACTIVITIES.—For the purpose of accelerating the development, stockpiling, approval, clearance, and licensure of countermeasures and products referred to in subsection (a), the Secretary shall expand the involvement of Food and Drug Administration personnel in interagency activities with the Assistant Secretary for Preparedness and Response (including the Biomedical Advanced Research and Development Authority), the Centers for Disease Control and Prevention, the National Institutes of Health, and the Department of Defense.

“(2) TECHNICAL ASSISTANCE.—The Secretary shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practices) to provide both off-site and on-site technical assistance to the manufacturers of countermeasures and products referred to in subsection (a). On-site technical assistance shall be provided upon the request of the manufacturer and at the discretion of the Secretary if the Secretary determines that the provision of such assistance would accelerate the development, manufacturing, or approval, clearance, or licensure of countermeasures and products referred to in subsection (a).

“(c) AGENCY INTERACTION WITH SECURITY COUNTERMEASURE SPONSORS.—

“(1) IN GENERAL.—For security countermeasures (as defined in section 319F-2 of the Public Health Service Act) that are procured under such section 319F-2—

“(A) the Secretary shall establish a process for frequent scientific feedback and interactions between the Food and Drug Administration and the security countermeasure sponsor (referred to in this subsection as the ‘sponsor’), designed to facilitate the approval, clearance, and licensure of the security countermeasures;

“(B) such feedback and interactions shall include meetings and, in accordance with subsection (b)(2), on-site technical assistance; and

“(C) at the request of the Secretary, the process under this paragraph shall include participation by the Food and Drug Administration in meetings between the Biomedical Advanced Research and Development Authority and sponsors on the development of such countermeasures.

“(2) REGULATORY MANAGEMENT PLAN.—

“(A) IN GENERAL.—The process established under paragraph (1) shall allow for the development of a written regulatory management plan (in this paragraph referred to as the ‘plan’) for a security countermeasure (as defined in paragraph (1)) in accordance with this paragraph.

“(B) PROPOSAL AND FINALIZATION OF PLAN.—In carrying out the process under paragraph (1), the Secretary shall direct the Food and

Drug Administration, upon submission of a written request by the sponsor that includes a proposed plan and relevant data and future planning detail to support such a plan, to work with the sponsor to agree on a final plan within a reasonable time not to exceed 90 days. The basis for this agreement shall be the proposed plan submitted by the sponsor. Notwithstanding the preceding sentence, the Secretary shall retain full discretion to determine the contents of the final plan or to determine that no such plan can be agreed upon. If the Secretary determines that no final plan can be agreed upon, the Secretary shall provide to the sponsor, in writing, the scientific or regulatory rationale why such agreement cannot be reached. If a final plan is agreed upon, it shall be shared with the sponsor in writing.

“(C) CONTENTS.—The plan shall include an agreement on the nature of, and timelines for, feedback and interactions between the sponsor and the Food and Drug Administration, shall provide reasonable flexibility in implementing and adjusting the agreement under this paragraph as warranted during the countermeasure development process, and shall identify—

“(i) the current regulatory status of the countermeasure, an assessment of known scientific gaps relevant to approval, clearance, or licensure of the countermeasure, and a proposed pathway to approval, clearance, or licensure of the countermeasure;

“(ii) developmental milestones whose completion will result in meetings to be scheduled within a reasonable time between the applicable review division of the Food and Drug Administration and the sponsor;

“(iii) sponsor submissions that will result in written feedback from the review division within a reasonable time;

“(iv) feedback by the Food and Drug Administration regarding the data required to support delivery of the countermeasure to the Strategic National Stockpile under section 319F-2 of the Public Health Service Act;

“(v) feedback by the Food and Drug Administration regarding data required to support submission of a proposed agreement on the design and size of clinical trials for review under section 505(b)(5)(B); and

“(vi) other issues that have the potential to delay approval, clearance, or licensure.

“(D) CHANGES.—Changes to the plan shall be made by subsequent agreement between the Secretary and the sponsor. If after reasonable attempts to negotiate changes to the plan the Secretary and the sponsor are unable to finalize such changes, the Secretary shall provide to the sponsor, in writing, the scientific or regulatory rationale why such changes are required or cannot be included in the plan.

“(3) APPLICABILITY TO CERTAIN QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS.—The Secretary may, with respect to qualified pandemic or epidemic products (as defined in section 319F-3 of the Public Health Service Act) for which a contract for advanced research and development is entered into under section 319L of such Act, choose to apply the provisions of paragraphs (1) and (2) to the same extent and in the same manner as such provisions apply with respect to security countermeasures.

“(d) FINAL GUIDANCE ON DEVELOPMENT OF ANIMAL MODELS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011, the Secretary shall provide final guidance to industry regarding the development of animal models to support approval, clearance, or licensure of countermeasures and products referred to in subsection (a) when human efficacy studies are not ethical or feasible.

“(2) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the deadline for providing final guidance under paragraph (1) by not more than 6 months upon submission by the Secretary of a report on the status of such guidance to the

Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(e) BIENNIAL REPORT.—Not later than January 1, 2013, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, that, with respect to the preceding 2 fiscal years, includes—

“(1) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures and products referred to in subsection (a);

“(2) estimates of funds obligated by the Food and Drug Administration for review of such countermeasures and products;

“(3) the number of regulatory teams at the Food and Drug Administration specific to such countermeasures and products and, for each such team, the assigned products, classes of products, or technologies;

“(4) the length of time between each request by the sponsor of such a countermeasure or product for information and the provision of such information by the Food and Drug Administration;

“(5) the number, type, and frequency of official interactions between the Food and Drug Administration and—

“(A) sponsors of a countermeasure or product referred to in subsection (a); or

“(B) another agency engaged in development or management of portfolios for such countermeasures or products, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense;

“(6) a description of other measures that, as determined by the Secretary, are appropriate to determine the efficiency of the regulatory teams described in paragraph (3); and

“(7) the regulatory science priorities that relate to countermeasures or products referred to in subsection (a) and which the Food and Drug Administration is addressing and the progress made on these priorities.”.

(b) SPECIAL PROTOCOL ASSESSMENT.—Subparagraph (B) of section 505(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)) is amended to read as follows:

“(B)(i) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection or section 351 of the Public Health Service Act if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of—

“(I) clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) animal efficacy trials and any associated clinical trials that in combination are intended to form the primary basis of an effectiveness claim for a countermeasure or product referred to in section 565(a) when human efficacy studies are not ethical or feasible.

“(ii) The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of the clinical trials. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant upon request.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

H.R. 2405, introduced by my colleague MIKE ROGERS from Michigan, would reauthorize certain provisions of the Project Bioshield Act of 2004 and the Pandemic and All-Hazards Preparedness Act of 2006. These two laws help protect the United States against attacks from chemical, biological, radiological, and nuclear weapons.

Project Bioshield authorized funds for the purchase of medical countermeasures through the Special Reserve Fund and enabled the Secretary of Health and Human Services to authorize the emergency use of medical products. PAHPA created the Biodefense Advanced Research and Development Authority within HHS to help with the development of medical countermeasures and to ensure the communication between HHS and the developers of the medical countermeasures. PAHPA also created a position at HHS to lead the government's efforts on the chemical, biological, radiological, and nuclear weapons preparedness and response, the Assistant Secretary for Preparedness and Response.

Some of these key provisions expired at the end of FY 2011. Since the terrorist attacks of 9/11, we have become more aware of the dangers our country faces and of the lengths to which some may go to inflict harm on us. These provisions must be reauthorized, so I would urge all Members to support this critical piece of legislation.

I reserve the balance of my time.

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

I am pleased to rise in support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011. This bill is an opportunity to build a more prepared and resilient public health infrastructure. We all know very well that our Nation continues to face threats that require an ongoing commitment to public health and emergency preparedness, which is why, over the past 10 years, this Congress has placed a high priority on biodefense.

In 2004, with tremendous bipartisan support, we passed the Project Bioshield Act. Democrats and Republicans worked together to establish a process that would help our Nation respond to bioterrorism threats and attacks. We then identified some shortfalls and, in 2006, worked to amend the program by passing the Pandemic and All-Hazards Preparedness Act, also known as PAHPA. Specifically, PAHPA provided the Department of Health and Human Services with the additional authorities and resources necessary to rapidly develop drugs and vaccines to protect

citizens from various medical incidents, whether accidental, such as H1N1 outbreaks, or those that are deliberate, such as anthrax attacks.

The programs and activities first established in both the 2004 Project Bioshield Act and the 2006 PAHPA codified and expanded the Federal Government's support for public health preparedness. As a result of these bills and the investments that followed, our Nation is better equipped to respond to bioterrorism threats and attacks.

H.R. 2405 will now help to build on that progress. The bill further facilitates the development of medical countermeasures, and it bolsters the Nation's public health preparedness infrastructure. It strengthens and clarifies the position of Assistant Secretary for Preparedness and Response, who has led the Federal Government's efforts and attempts to improve coordination and accountability.

I was especially supportive of the bill's provisions to identify and dedicate the FDA's role in hazardous events. H.R. 2405 enhances the flexibility of FDA while strengthening their emergency use administrative functions.

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These revisions are a significant step forward on a framework for FDA to develop better policies and guidance in emergency situations.

In addition, I was appreciative of the bipartisan effort to address the special needs of pediatric populations in emergency situations. It was clear that there were some gaps in our Nation's public health emergency strategy for children, and I'm confident we took an appropriate approach for filling in these gaps.

So I really want to thank Representative MIKE ROGERS and Representative GENE GREEN and their staffs, who authored the base bill and have continued to work to strengthen its provisions.

I would also like to thank the staff of the Energy and Commerce Committee and, of course, my chairman, Mr. PITTS, who collaborated in a bipartisan manner to further enhance the bill. They have worked hard to accomplish the goals of our Members, as well as stakeholders, and to strengthen its provisions. It's been a good bipartisan process and one that I think should be emulated in our subcommittee and full committee in the future.

I would urge all Members to support H.R. 2405.

I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the prime sponsor of the legislation.

Mr. ROGERS of Michigan. Thank you, Mr. PITTS, and thank you for your leadership on the committee to allow this bill to come to the floor today. Good news, Mr. Speaker: this bill is bipartisan, it's fiscally responsible, and it will make a positive impact on our Nation's national security.

It's been more than 10 years since 9/11 and the anthrax attacks that followed. And while we haven't had a successful terrorist attack on U.S. soil, our enemies are still working every day to kill innocent Americans. Today the threat of bioterrorism remains very real.

Earlier this year, the bipartisan Graham-Talent Commission warned that the United States it is still "vulnerable to a large-scale biological attack."

Thankfully, we have spent the last decade preparing for chemical, biological, radiological, and nuclear threats by developing and stockpiling numerous medical countermeasures to protect American citizens in case of such an attack. Because of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save lives, and thousands of lives, in the event of such an attack.

But we have more work to do to be prepared. H.R. 2405 is a bipartisan, fiscally responsible bill that will reauthorize successful biodefense programs at the Department of Health and Human Services while also making some key changes to our Nation's biodefense strategy.

In 2004 Congress passed Project BioShield, which created a market guarantee that prompted the private sector to develop countermeasures for the Federal Government. Because the government is the only purchaser of these countermeasures, it was important to show the private sector we were committed to developing and eventually purchasing these products for stockpile.

Project BioShield Special Reserve Fund has been a critical tool to protect our country against an attack, and this legislation will reauthorize the fund for 5 additional years to continue the Federal Government's commitment to procurement of medical countermeasures. Importantly, this legislation reaffirms that the Special Reserve Fund should only be used for chemical, biological, radiological, and nuclear countermeasure procurement. This is a national security priority, and these funds should never be diverted for other purposes.

In 2006, Congress created a Biomedical Advanced Research and Development Authority, called BARDA, which helped bridge what many termed the "valley of death" that had prevented many countermeasure developers from being successful. BARDA was created because we recognize that most of the CBRN countermeasures do not yet exist and medical development countermeasure is a risky, expensive and lengthy process.

BARDA bridges the funding gap between early-stage research and the ultimate procurement of products from the SRF fund from the national stockpile. H.R. 2405 reauthorizes BARDA for 5 years.

In 2006, we also created a unique set of public health programs to assist hospitals, local public health departments,

and first responders in their preparedness efforts. Under H.R. 2405, these programs have been reauthorized for an additional 5 years so that we can continue to strengthen our preparedness infrastructure so critical for prevention and dealing with any possible attack.

H.R. 2405 also strengthens the role of the HHS Assistant Secretary of Preparedness and Response. We need to have one leader at HHS that coordinates countermeasure development and stockpiling across all agencies. This bill does that.

Finally, this bill includes important reforms to the Food and Drug Administration, the FDA. The bill strengthens FDA's role in reviewing medical products for national security priorities.

I believe that we've identified biological threats and spent millions in taxpayers' funds to develop countermeasures. The FDA must take a lead role in getting these countermeasures approved.

While we can use many of these products without FDA approval through an emergency-use authorization, the FDA licensure is hugely important and sends an important signal to developers of these new hopeful technologies and immunizations working on next-generation medical countermeasures.

Simply put, medical countermeasures for national security priorities cannot continue to be treated the same way as the next Viagra or Lipitor. FDA must accelerate their review and approval.

It's important for Members to know that this legislation, again, is fiscally responsible. H.R. 2405 does not create any new Federal programs or increase spending in any existing programs. I am pleased CBO has confirmed this in their score. H.R. 2405 creates a 5-year reauthorization of the biodefense programs we know are working while making critical policy changes at HHS to strengthen countermeasure development and public health preparedness.

I would like to thank my colleagues on the Energy and Commerce Committee for their hard work on this bipartisan legislation. Mr. UPTON, Mr. PITTS, Mr. WAXMAN, Mr. PALLONE, and their staffs have spent several months helping us develop a bipartisan bill that can be signed into law. I want to especially thank my friends, GENE GREEN, SUE MYRICK, and ANNA ESHOO for their work to advance this legislation; and I appreciate your work and counsel along the way, Mr. GREEN.

I hope we never have to use these countermeasures, Mr. Speaker; but they are critical to the assurance that the public will be protected from an attack, and we must continue to speed development and strengthen our national stockpile. Simply put, we must always be prepared.

I would urge the strong support of H.R. 2405.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to one of the authors of the bill, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, as a personal aside, this probably won't be the headline on the 6 o'clock news tonight around the country because we're actually agreeing on something, and I think I can associate myself with the remarks of my colleague, the primary sponsor of this bill, as well as he could associate with mine, Mr. PALLONE, and Mr. PITTS.

But I rise today in strong support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011, which will reauthorize certain provisions of the Project BioShield Act of 2004 and the Pandemic and All-Hazards Preparedness Act of 2006, and I'm proud to be an original cosponsor of this legislation.

This legislation was initially passed by Congress to help the U.S. develop medical countermeasures against chemical, biological, radiological, and nuclear terrorism agents to provide a mechanism for Federal acquisition of these newly developed countermeasures.

Our Nation remains vulnerable to these threats because many of the vaccines and medicines that are needed to protect our citizens do not exist. Developing and stockpiling these medical countermeasures require time, resources and research, all of which will be provided under this legislation before us today.

As my colleague from Michigan said, it may not be the bestseller on the market, like so many other pharmaceuticals, but this is something that our country needs.

H.R. 2405 is important to me because the University of Texas Medical Branch-Galveston National Laboratory is literally in the backyard of our congressional district. The Galveston National Lab is the only BSL-4 lab located on a university campus.

At the lab, the scientists conduct research and develop therapies, vaccines, and diagnostic tests for naturally-occurring emerging diseases such as SARS and avian influenza, as well as for microbes that may be employed by terrorists.

This is exactly the type of research we hope to encourage under the Pandemic and All-Hazards Preparedness Reauthorization Act. As an original cosponsor of H.R. 2405 with Mr. ROGERS, I'm really pleased with how quickly we moved this rare bipartisan piece of legislation. I want to thank Mr. ROGERS, Chairman UPTON, Ranking Member WAXMAN and Ranking Member PALLONE, along with the chair of our Health Subcommittee, Mr. PITTS, Mrs. MYRICK, Ms. ESHOO, and Mr. MARKEY for their work on H.R. 2405.

I strongly urge my colleagues to vote "yes."

□ 1340

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act. But I want to take this time to discuss a critical health issue that Congress must address before the year is out—fixing the sustainable growth rate issue.

Medicare physicians are facing steep reimbursement cuts of nearly 30 percent. And to let these cuts go into effect will harm not only them and their employees, but our seniors as well. That's why I have been a longtime supporter of efforts to postpone SGR cuts and continue to work on a permanent fix.

We here in the House passed legislation to do just that through our version of health care reform. And here we are again, just weeks from the next scheduled cut with an opportunity to craft a bipartisan solution to an issue that both sides of the aisle say they care about. But there is no workable plan in sight.

Instead, it is reported that any fix on the House side will come with indefensible strings attached, pitting doctors' salaries against seniors' benefits, Federal workers, and important cost-saving prevention programs. To be clear, SGR must be fixed permanently, but the idea of stripping other critical health care funding to pay for it, ideas that will not see the light of day in the Senate, is like robbing Peter to pay Paul. It is disingenuous to our Nation's doctors, and it is an indefensible action which will harm our seniors.

So I urge the majority to stop playing politics with the health and well-being of our seniors and to work together to achieve a meaningful and realistic fix.

Mr. PITTS. Mr. Speaker, I would tell the gentleman from New Jersey that I have no other speakers.

Mr. PALLONE. I have no additional speakers. I urge support for this legislation. It is truly bipartisan.

I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, this is good, bipartisan legislation. I would like to thank Mr. PALLONE, Mr. GREEN, Mr. WAXMAN, along with our side of the aisle, for developing and helping move this bipartisan legislation. I urge my colleagues to support it, and I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I rise in support of the Pandemic and All-Hazards Preparedness Reauthorization Act that aims to bolster the nation's public health preparedness infrastructure.

In particular, I want to thank Congressman ROGERS for including key provisions that enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency. This includes section two that adds the critical care system to the National Health Security Strategy's medical preparedness goals, to ensure that critical care is prioritized in planning efforts to increase preparedness in respect to public health emergencies.

We must understand the significant role critical care medicine plays in providing high

quality health care for the critically ill and injured in the context of public health preparedness.

The 2009 H1N1 pandemic highlighted some of the deficiencies in current federal critical care preparedness efforts, as hospitals and intensive care units faced very real shortages of ventilators and federal officials scrambled to identify solutions to mitigate this potential life threatening situation.

In order to ensure that the nation's critical care system is structured to provide the highest quality and most efficient health care, including during a national health emergency, I joined with Congresswoman BALDWIN earlier this year to introduce the Critical Care Assessment and Improvement Act (H.R. 971). This legislation is designed to identify gaps in the current critical care delivery model and bolster capabilities to meet future demand. Today's bill includes provisions that reflect some of the national preparedness priorities from in H.R. 971.

We must ensure that critical care medicine is given sufficient consideration by the Administration in respect to disaster preparedness efforts.

Ms. BALDWIN. Mr. Speaker, I rise in support of the Pandemic and All-Hazards Preparedness Reauthorization Act, H.R. 2405, a measure that will improve our nation's medical preparedness and response capabilities.

I am especially pleased to see that this bill takes important steps to ensure that our medical response systems are prepared to care for the critically ill and injured in the aftermath of a public health emergency.

As you can imagine, when we face a health emergency such as a flu pandemic, the critical care delivery system is an integral component of our nation's medical response. Yet, up to this point, critical care medicine has been largely under-contemplated in our national health policy.

Earlier this year, I introduced the bipartisan Critical Care Assessment Act, H.R. 971, with my colleague from Minnesota, ERIK PAULSEN. This measure seeks to identify gaps in the current critical care delivery model and bolster our capabilities to meet future demands.

I am pleased that the measure before us today includes two important provisions from my bill to improve federal disaster preparedness efforts to care for the critically ill and injured.

Notably, the reauthorization bill adds critical care to the priorities within the nation's medical preparedness goals. When a natural disaster strikes or a pandemic sweeps the nation, the demands on critical care increase exponentially, and I am pleased to see this language that recognizes the importance of treating the critically ill and injured in a public health emergency.

Additionally, the reauthorization bill improves efforts to ensure that the systems we have in place to address surge capacity will work effectively and efficiently during an emergency. Specifically, the bill includes language to provide for periodic evaluation and testing of the databases intended to ensure medical surge capacity.

As we learned during Hurricane Katrina and the 2009 H1N1 pandemic, having a system in place for the effective deployment of needed medical personnel and supplies is vital for the care of the critically ill and injured.

I would like to thank Chairman UPTON, Chairman PITTS, and my colleagues on both

sides of the aisle for working with me to recognize the importance of critical care preparedness by including these important provisions. I look forward to continuing to work to ensure we have a robust critical care infrastructure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 2405, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SOAR TECHNICAL CORRECTIONS ACT

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3237

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "SOAR Technical Corrections Act".

#### SEC. 2. USE OF FUNDS.

Section 3007(a)(4)(F) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 203) is amended to read as follows:

"(F) ensures that, with respect to core academic subjects (as such term is defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)), participating students are taught by a teacher who has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States."

#### SEC. 3. NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.

Section 3008(h) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 205) is amended by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATION OF TESTS.—The Institute of Education Sciences shall administer nationally norm-referenced standardized tests, as described in paragraph (3)(A) of section 3009(a), to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section, except where a student is attending a participating school that is administering the same nationally norm-referenced standardized test in accordance with the testing requirements described in paragraph (1).

"(3) TEST RESULTS.—Each participating school that administers the nationally norm-referenced standardized test described in paragraph (2) to an eligible student shall make the test results, with respect to such student, available to the Secretary as necessary for evaluation under section 3009(a)."

#### SEC. 4. EVALUATIONS.

Section 3009(a)(3) of the Scholarships for Opportunity and Results Act (Public Law 112-10; 125 Stat. 206) is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: "in a manner consistent with section 3008(h)"; and

(2) in subparagraph (C), by inserting “, if requested by the Institute of Education Sciences,” after “will participate”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Earlier this year, this body debated and ultimately approved legislation authorizing scholarships to give needy District of Columbia students the opportunity to leave their public school and enroll in a private school of their choice.

Following the House's approval of the SOAR Act, the legislation was enacted into law as a part of the Department of Defense and Full-Year Continuing Appropriations Act, which was signed by the President on April 15.

We are here today because there are several small and technical modifications that need to be made in order for the scholarship program to achieve its goal. This legislation would clarify three provisions: first, the education requirements for teachers of scholarship students; second, how the nationally norm-referenced test would be administered in order to properly collect data to study the effectiveness of the program; and, third, which students participate in the study.

On November 3, the House Committee on Oversight and Government Reform approved H.R. 3237, the SOAR Technical Corrections Act, by a voice vote.

Mr. Speaker, I would also like to thank my colleague, Ms. NORTON, and my colleague, Ranking Member CUMMINGS, for working with us to ensure we had the appropriate language to modify the legislation that is before us today.

With that, I reserve the balance of my time.

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

I appreciate Speaker BOEHNER, Senate Homeland Security and Government Affairs Committee Chair LIEBERMAN, and Oversight and Government Reform Chair ISSA, as well as my good colleague on the other side of the aisle, the subcommittee chairman, Mr. GOWDY, I appreciate that all of them have worked with us and have consulted with us on these technical changes, and I do not oppose this bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would again thank our colleagues Ms. NORTON and Mr. CUMMINGS, and I urge Members to support the passage of H.R. 3237.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 3237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2297

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

**SECTION 1. PROMOTING DEVELOPMENT OF SOUTHWEST WATERFRONT.**

(a) **UPDATED DESCRIPTION OF PROPERTY.**—Section 1 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District”, approved September 8, 1960 (sec. 6-321.01, D.C. Official Code), is amended by striking all that follows the colon and inserting the following: “The property located within the bounds of the site the legal description of which is the Southwest Waterfront Project Site (dated October 8, 2009) under Exhibit A of the document titled ‘Intent to Clarify the Legal Description in Furtherance of Land Disposition Agreement’, as filed with the Recorder of Deeds on October 27, 2009 as Instrument Number 2009116776.”.

(b) **CLARIFICATION OF METHOD OF TRANSFER.**—Section 1 of such Act (sec. 6-321.01, D.C. Official Code) is amended by inserting “by one or more quitclaim deeds” immediately after “to transfer”.

(c) **CLARIFICATION OF RELATION TO MASTER DEVELOPMENT PLAN.**—Section 2 of such Act (sec. 6-321.02, D.C. Official Code) is amended—

(1) by striking “an urban renewal plan” and inserting “a master plan”; and

(2) by striking “such urban renewal plan” and inserting “such master plan”.

(d) **EXPANDING PERMITTED DISPOSITIONS AND USES OF CERTAIN PROPERTY.**—Section 4 of such Act (sec. 6-321.04, D.C. Official Code) is amended to read as follows:

“SEC. 4. The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945 and section 1, to lease or sell to a redevelopment company or other lessee or purchaser such real property as may be transferred to the Agency under the authority of this Act.”.

(e) **REPEAL OF REVERSION.**—

(1) **REPEAL.**—Section 5 of such Act (sec. 6-321.05, D.C. Official Code) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 3 of such Act (sec. 6-321.03, D.C. Official Code) is amended by striking “Subject to the provisions

of section 5 of this Act, the” and inserting “The”.

(f) **CLARIFICATION OF ROLE OF DISTRICT OF COLUMBIA AS SUCCESSOR IN INTEREST.**—Section 8 of such Act (sec. 6-321.08, D.C. Official Code) is amended by striking “the terms” and all that follows and inserting “any reference to the ‘Agency’ shall be deemed to be a reference to the District of Columbia as the successor in interest to the Agency.”.

**SEC. 2. CLARIFICATION OF PERMITTED ACTIVITIES AT MUNICIPAL FISH MARKET.**

The Act entitled “An Act Authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf”, approved March 19, 1906 (sec. 37-205.01, D.C. Official Code), is amended—

(1) by striking “operate as a municipal fish wharf and market” and inserting “operate as a market and for such other uses as the Mayor determines to be appropriate”;

(2) by striking “, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia”; and

(3) by striking “operation of said municipal fish wharf and market” and inserting “operation of said market”.

**SEC. 3. MAINE LOBSTERMAN MEMORIAL.**

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in this Act or any amendment made by this Act authorizes the removal, destruction, or obstruction of the Maine Lobsterman Memorial which is located near Maine Avenue in the District of Columbia as of the date of enactment of this Act.

(b) **MOVEMENT OF MEMORIAL.**—The Maine Lobsterman Memorial referred to in subsection (a) may be moved from its location as of the date of the enactment of this Act to another location on the Southwest waterfront near Maine Avenue in the District of Columbia if at that location there would be a clear, unimpeded pedestrian pathway and line of sight from the Memorial to the water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Although the United States Constitution gives Congress exclusive legislative authority over the Federal District, in 1973 we granted the District of Columbia some significant autonomy by approving the Home Rule Act. Congress still must act, however, before the city can pursue certain activities. This brings us to the legislation before us today.

Mr. Speaker, H.R. 2297 is needed to update zoning laws to allow the District the flexibility to lease or sell real property on the Southwest waterfront to a private-sector developer. There is

currently a \$2 billion redevelopment plan pending to renovate this area, which is only a short distance from the United States Capitol building.

We hope this redevelopment plan will accomplish its goal of spurring economic development and bringing jobs to the city of Washington, D.C.

This legislation was approved by the Committee on Oversight and Government Reform by a voice vote. I again would like to thank my colleague, Ms. HOLMES NORTON from the District of Columbia, and Ranking Member CUMMINGS for working with us on this legislation.

I reserve the balance of my time.

□ 1350

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

I want to thank the chairman of the full committee, Mr. ISSA and my good friend on the other side who is managing the bill for the committee, the chair of the subcommittee, Mr. GOWDY, for working closely with us on this bill so that we could get it to the floor today. I also thank the ranking member of the full committee and Mr. DAVIS, the subcommittee ranking member, for their very important consultation.

H.R. 2297 will allow development of the waterfront area in Southwest Washington, D.C., by making technical changes concerning land owned by the District of Columbia. The District has owned the Southwest waterfront since the early 1960s, but the legislation that transferred the land to the District contained restraints typical of the pre-home-rule period.

H.R. 2297 updates that outdated legislation to allow for the highest and best use of the land. The limitations serve no Federal purpose, but the unintended effect was to make a wasted asset of land that could be productive and revenue- and jobs-producing. Federal agencies have been consulted on H.R. 2297 and raised no objections.

The bill will allow mixed-use development on the waterfront for the first time and will create jobs and raise local and Federal revenue at a time when they are needed most. The Federal Government has no interest in the Southwest waterfront other than the Maine Lobsterman Memorial and the Titanic Memorial, which the District and the National Park Service have worked together to preserve.

The bill also expands the types of goods that can be sold at the fish market on the waterfront—a market well known in the region. The bill includes language that we developed with Senator SUSAN COLLINS of Maine to ensure the protection of the Maine Lobsterman Memorial, which is located at the Southwest waterfront near Maine Avenue.

Mr. Speaker, this is a noncontroversial bill that passed committee by voice vote that removes out-of-date restrictions. It involves no cost to the Federal Government.

I urge passage of the bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would once again thank our colleague Ms. HOLMES NORTON and Ranking Member CUMMINGS. Mr. DAVIS, the ranking member of the subcommittee, as my colleague so aptly pointed out, also deserves credit.

With that, I would urge all of our fellow Members to support the passage of H.R. 2297, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 1 o'clock and 54 minutes p.m.), the House stood in recess until approximately 2:45 p.m.

□ 1451

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 2 o'clock and 51 minutes p.m.

#### ONLINE CONSENT FOR SHARING VIDEO SERVICE USE

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2471

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

#### SECTION 1. AMENDMENT.

*Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:*

*“(B) to any person with the informed, written consent (including through an electronic means using the Internet) in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer given at one or both of the following times—*

*“(i) the time the disclosure is sought; and*

*“(ii) in advance for a set period of time or until consent is withdrawn by such consumer;”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gen-

tleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2471, as amended.

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

There was no objection.

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

Today I am pleased that we are considering a bipartisan bill to update the Video Privacy Protection Act of 1988. This bill will ensure that a law related to the handling of videotape rental information is updated to reflect the realities of the 21st century.

The VPPA was passed by Congress in the wake of Judge Robert Bork's 1987 Supreme Court nomination battle, during which a local Washington, D.C., newspaper obtained a list of videotapes the Bork family rented from its neighborhood videotape rental store. This disclosure caused bipartisan outrage, which resulted in the enactment of the VPPA.

The commercial video distribution landscape has changed dramatically since 1988. Back then, the primary consumer consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes. This required users to travel to their local video rental store to pick a movie. Afterward, consumers had to travel back to the store to return the rented movie. Movies that consumers rented and enjoyed were recommended to friends primarily through face-to-face conversations. With today's technology, consumers can quickly and efficiently access video programming through a variety of platforms, including through Internet protocol-based video services, all without leaving their homes.

This bill updates the VPPA to allow videotape service providers to facilitate the sharing on social media networks of the movies watched or recommended by users. Specifically, it is narrowly crafted to preserve the VPPA's protections for consumers' privacy while modernizing the law to empower consumers to do more with their video consumption preferences, including sharing names of new or favorite TV shows or movies on social media in a simple way. However, it protects the consumer's control over the information by requiring consumer consent before any of this occurs, and it makes clear that a consumer can opt-in to the ongoing sharing of his or her favorite movies or TV shows without having to provide consent each and every time a movie is rented.

It also makes clear that written, affirmative consent can be provided

through the Internet and can be withdrawn at any time.

Finally, thanks to an amendment from the gentleman from New York, the ranking member of the Constitution Subcommittee, Mr. NADLER, the amended bill we are considering today requires that the consent be distinct and separate from any other form setting forth other legal and financial obligations.

This bill is truly pro-consumer and places the decision of whether or not to share video rentals with one's friends squarely in the hands of the consumer. In fact, the cochairs of the Future of Privacy Forum correctly pointed out, in an opinion piece in Roll Call on November 29, that "the antiquated law on the books is a hindrance to consumers."

This legislation does not change the scope of who is covered by the VPPA or the definition of "personally identifiable information." In addition, it preserves the requirement that the user provide affirmative, written consent.

It is time that Congress updates the VPPA to keep up with today's technology and the consumer marketplace. This bill does just that. I hope my colleagues will join me in supporting this important piece of bipartisan legislation.

I reserve the balance of my time.

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

I thank the gentleman from Virginia (Mr. GOODLATTE) for his excellent presentation. I agree with him that what probably triggered this bill in 1988 was Supreme Court nominee Robert Bork's video rental history in which his privacy was violated in a very major way. And so I join him and the members of the House Judiciary Committee in supporting the Video Privacy Protection Act, which provides continued consumer protection. H.R. 2471 is very important in this respect because, over the course of the 23 years since this measure has become law, there have been significant changes in the ways and the means by which people view technological content.

Movies can now be downloaded to mobile phones; live events can be streamed in real-time to laptops using mobile Internet services. There were so many other things happening in the transformation that go on at all times that could not have been contemplated in 1988. So there was ambiguity about whether the statute applies only to physical goods, such as videocassettes and DVDs.

Under this bill, a videotape service provider means anybody engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery or prerecorded videocassette tapes or similar audiovisual materials. It's the phrase "similar audiovisual materials" that has created some ambiguity. So what we've done is specified the requirement of informed written consent for disclosure may include consent through electronic means using the Internet.

As the bill moved through committee markup, I wanted to make sure that the bill provided the greatest protections for consumer privacy. Accordingly, like the subcommittee chair, I supported the Nadler amendments that required such consent requests be clearly and prominently presented to the consumer.

□ 1500

Fortunately, those amendments were accepted. And though I feel that the bill could have gone further—I believe, for example, that the consumer should be asked periodically if their consent should be renewed—it is a good bill. Accordingly, I join in supporting its passage.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Michigan, the distinguished ranking member of the committee, for his support for the legislation.

I continue to reserve the balance of my time.

Mr. CONYERS. I am pleased to yield such time as he may consume to the gentleman from North Carolina, my friend MEL WATT of the Judiciary Committee. He is the ranking subcommittee member of this part of the Judiciary Committee.

Mr. WATT. I thank the gentleman from Michigan for yielding time. I regret that I have to be the skunk at the party today in opposition to this bill.

While I support innovation on the Web, I do not support it at the expense of consumer privacy. I believe we've rushed this bill to the floor without sufficient development and, consequently, without giving any thought to its implications for consumer privacy.

The bill would amend what is widely considered to be one of the strongest protections of consumer privacy records in the United States, the Video Privacy Protection Act, without receiving testimony from a single privacy expert. It also ignores the impact this bill may have on State laws providing similar or greater protections. At a time when we know that technology that's pervasive and invasive has become almost commonplace, our responsibility as policymakers is not to surrender to technology and to sacrifice the values that we have held dear since the founding of this Nation.

Technology and privacy are not incompatible. We can and should promote technological innovation while simultaneously preventing the unwarranted, uninformed dissemination of personal information. This bill falls short of that objective. The supporters of this bill point to the widespread sharing already taking place over the Internet, but they neglect to publicize the privacy lawsuits, some of which are still pending, against those video and music sites that permit their users to share their playlist.

The Video Privacy Protection Act was not only a reaction to the publica-

tion of Judge Robert Bork's rental records during his nomination proceeding to the United States Supreme Court. The committee report also noted where an attorney obtained video records in a custody dispute to demonstrate that the father was unfit to have custody of his children based largely on his video rental records. Many of the lawsuits today reflect consumer concerns with precisely this type of abuse and misuse of rental records and other equally private information.

The stated purpose of the bill is to respond to the new commercial video distribution landscape by empowering consumers to do more with their video consumption preference, including sharing names of new or favorite TV shows or movies on social media in a simple way. But when you really peel away the layers, you have to ask yourself one question: Who does this bill benefit? It really doesn't benefit the consumer. The consumer already has the capacity to share his or her video preferences online however she pleases.

The bill instead benefits companies by relieving them of the burden of protecting consumer records by getting a one-time universal consent to disclose users' viewing history in order to share them on social media sites. But because social media sites are often dynamic, with users' rosters of friends ever changing, a consumer's consent today to allow access to their viewing history is clearly not informed by who will be their friend tomorrow.

Today, when online bullying of teens or young adults is increasing and leading to depression or suicide, we should have greater care to ensure that their interests are not cavalierly disregarded. Allowing video service providers to release information as private as a person's viewing history, which clearly shows to the world their loves, likes, and dislikes, should not be done without careful contemplation and consideration.

In closing, I would just emphasize that I believe that technological advance and innovation are both extremely important. It is the future of America's economy. I don't question that. However, allowing the release of truly private consumer information in the name of innovation without careful consideration is reckless on our part, and I urge my colleagues to vote "no" on this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from North Carolina. He and I have attempted to work together to resolve his differences. In fact, I believe that the amendment offered by the gentleman from New York (Mr. NADLER) does resolve some of the concerns the gentleman had. But obviously, as he has just expressed, not all of them. So I would like to respond to what he has indicated.

Content providers, the Internet community, and consumer advocacy groups

support the bipartisan effort to enact a commonsense modernization of the Video Privacy Protection Act. Hulu, Google, Facebook, IAC, Apple, the Center for Democracy and Technology, and the Future of Privacy Forum are among those who see H.R. 2471 for the simple modernizing amendment that it is.

The VPPA contains a strict standard of privacy: Opt-in consent. The proposed amendment to the VPPA, H.R. 2471, keeps the opt-in standard fully intact. H.R. 2471 enhances the protection provided by the VPPA by ensuring that the opt-in consent required must be separate and distinct from any other end-user agreement. This measure further empowers consumers to make decisions about their information in a manner that is fully informed.

None of the examples provided by Mr. WATT illustrated disagreement between the commenters he highlighted with the consumer empowerment measures that H.R. 2471 provides. H.R. 2471 simply gives consumers the freedom to share what they've watched with their friends if they would like to. It grants consumers the same right to share movies and television shows that they've enjoyed, as is already possible for music, news, and books. He correctly notes that someone can right now go on Facebook or some other social media and say, I watched this movie or that television show, and I like it or don't like it. The difference, however, is that consumers do not understand why they can have an arrangement for the music they listen to to immediately go up online so that their friends can listen to the same music simultaneously, but with regard to movies they have to take additional steps that can, under circumstances, be inconvenient to them. That's why they like this convenience, and that's why consumers should have it. And that's why this bill empowers consumers in ways that they are not empowered today, and why it is a real consumer bill.

H.R. 2471 ensures that the VPPA's high standard of privacy protection remains untouched. Consumers must affirmatively opt in to share with friends the movies and television shows they've watched. A consumer can withdraw his or her consent at any time. And H.R. 2471 is narrowly tailored to update the VPPA, a 1980s law, to make it compatible with consumers' desires, with consumers' communication, with consumers' socializing on the Internet in the 21st century.

□ 1510

The committee has indicated in its report language that there is no intention for this clarification to negate in any way existing laws, regulations, and practices designed to protect and provide the privacy of children on the Internet. As always, however, the first line of defense to protecting a child's privacy while online is the parents.

Social networking Web sites allow users to share personal information

about themselves with their friends; but used inappropriately, personal information can be shared beyond a user's friends. Just as parents are responsible for teaching their children not to talk to strangers, the committee expects parents to play an active role in ensuring their children's proper use of social networking or any other Web sites on the Internet.

This legislation in no way changes the privacy protection for children on the Internet. And that law, as the VPPA itself, with regard to its privacy protections and its opt-in requirements, is not changed. This is simply a modern way for people to be able to communicate with their friends in ways that are convenient to them and that they already use and do not understand why, if they can use it with music, with news, with books, with other forms of communication and speech, that they can't do it with regard to their movie and television shows.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield my colleague from North Carolina (Mr. WATT) as much time as he may consume.

Mr. WATT. I thank the gentleman for yielding once again.

And in response to my colleague from Virginia (Mr. GOODLATTE), we have in fact been trying to work out our differences. The problem is that his definition of protecting privacy is not as extensive as my definition of protecting privacy. And I think my definition of protecting privacy is more consistent with consumers, because consumers keep filing these lawsuits to try to protect themselves from the disclosure of their personal information.

The Electronic Privacy Information Center, which has been at the forefront of ensuring privacy protections for consumers in the information age, just last week secured a victory for Facebook users when its complaint to the Federal Trade Commission resulted in a settlement requiring Facebook to establish an extensive privacy program. Analytics Company and Web video Hulu.com have been hit with another privacy lawsuit over their alleged use of supercookies to track people.

There is case after case after case of consumers' information being used, abused, and misused, and here we are making it easier for that to occur by saying you can give one time—they already have the authority to release the information when they download a movie now, but this will give one-time, universal coverage to release everything that I view on video. And that's inconsistent with what I think is necessary to protect the privacy of people in this electronic age.

Now, I understand that there are people who have an interest in this; I mean, there are people who profit from mining this kind of information. But our interest should be in protecting the rights of consumers, protecting them

from having this kind of private information—I would think since the original Video Protection Act was about protecting the privacy of Judge Robert Bork and people going into his records to review his video viewing privacy, that my colleagues on the opposite side of the aisle would be the most vigorous in trying to protect this. But here we are giving in to the interests that will make money out of this and exposing our children and our own viewing habits to this kind of intrusive action on our part, and we are doing it without the benefit of any testimony at a hearing to talk about this. We should simply not be doing this.

I would like to submit for the RECORD a letter dated December 5, 2012, from the Electronic Privacy Information Center in which they aggressively oppose this legislation. They say they are a nonpartisan public interest research organization.

The Video Privacy Protection Act was passed in 1988, following disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage, and the act was signed by President Ronald Reagan. This act is considered a model privacy act in many respects. It is technology neutral.

And this bill undermines this Video Privacy Act that was the model act that was designed to protect a Republican nominee to the Supreme Court and was signed into law by a Republican President. And here we are in this Congress getting ready to send a bill over to the Senate—which hopefully they won't act on; they will save us from our own ineptitude—which would undermine the key provision of the Video Protection Act, which is the right of users to give meaningful consent to the disclosure of their personal information.

This blanket consent, according to the Electronic Privacy Information Center—and I agree with them wholeheartedly. The blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information.

“While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this. The history of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for.”

In fact, Facebook, as we just indicated, just entered into a settlement of a privacy lawsuit. And here we are on the floor of the House saying that we value the business interests more than we value the personal privacy interests of individual citizens.

This is a bad idea. It shouldn't be here on the suspension calendar as if it's a noncontroversial clarification of

the law. This is a dramatic undermining of the Video Privacy Protection Act. We are doing a disservice to our constituents by giving this authority. They already have the authority to do it on a case-by-case-by-case basis. It may be inconvenient to the companies to get the authority given to them that way, but that's the way it should be given to them, not in some blanket authority that just allows the companies to go in and use this information willy-nilly and without regard to the privacy.

I thank the gentleman for yielding again. And I may ask him to yield again depending on what happens—oh, he says he's not going to yield to me anymore.

I just think my colleagues should vote against this bill, defeat it on suspension, and let's at least debate it under regular order on the floor of the House or send it back to the committee so we can have some hearings about the privacy implications so we can get this done.

ELECTRONIC PRIVACY  
INFORMATION CENTER,

Washington, DC, December 5, 2011.

Congressman MEL WATT,  
Rayburn HOB,  
Washington, DC.

DEAR CONGRESSMAN WATT: Thank you for your request for comments from the Electronic Privacy Information Center ("EPIC") regarding H.R. 2471, which would amend the Video Privacy Protection Act ("VPPA"). EPIC had hoped to provide comments at a hearing on the bill, but as the sponsors of the legislation chose to push through the legislation without the opportunity for public discussion, we appreciate the opportunity to share our views in response to your request.

EPIC is nonpartisan, public interest research organization, established in 1994 to focus public attention on emerging privacy and civil liberties issues. We maintain two of the most popular privacy sites on the Internet—EPIC.ORG and PRIVACY.ORG—and testify frequently in Congress. We have also represented the interests of Facebook users over the years in a wide range of privacy matters.

The Video Privacy Protection Act was passed in 1988 following the disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage and the Act was signed into law by President Reagan. The VPPA is considered a model privacy law in many respects—it is technology neutral, focusing on the obligations of businesses and the rights of customers in the collection and use of personal information. It makes clear the circumstances when personal information may be disclosed and it provides a private right of action when violations occur.

The VPPA makes no specific references to particular technologies. First Amendment concerns are addressed in the Act by recognizing that when the press seeks to publish information, Congress may not limit the rights of the press. However, businesses that collect information from their customers have an obligation to safeguard that information and to ensure it is used only for appropriate purposes. As with most privacy laws, the VPPA contains a consent provision that allows individuals to disclose their personal information to others if they wish. There is nothing in the Act that prevents individuals from so doing.

H.R. 2471 would undermine the key provision in the VPPA, which is the right of users to give meaningful consent to the disclosure of their personal information. Such blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information. While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this—the history of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for. If anything, most Netflix users seem to be unhappy about the company's disregard for its customers.

The proposal is particularly surprising in light of the recent decision by the Federal Trade Commission concerning Facebook and privacy, which found that when companies seek to change the privacy defaults of their users, they are essentially engaging in an unfair and deceptive trade practice. That would be the practical impact of this amendment—to take away control of the user's information after the user had subscribed to the service. There is nothing in the proposal that would "modernize" the Act; it simply allows Netflix to post more information about the activity of its customers, whether or not the customers would choose to post such information themselves.

EPIC would therefore recommend that members of Congress vote NO on H.R. 2471. Users remain free to disclose their video viewing habits if they wish; there is no reason to change the default. EPIC would also recommend a hearing on the legislation so that all views, both for and against, can be presented, and Members are provided an opportunity to fully assess the proposal.

Privacy is the number one concern of Internet users today. It would be foolish to adopt an amendment that weakens privacy legislation already in place.

Please feel free to contact me if you have any further questions.

Sincerely,

MARC ROTENBERG,  
President, *Electronic Privacy  
Information Center (EPIC)*.

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

In no way does this legislation in any way undercut the principal purpose of the Video Privacy Protection Act because the power rests with the consumer.

□ 1520

Basically, what this legislation does is it empowers consumers to do things in the 21st century with regard to their movie and television viewing, communications with their friends that they already have with music, they already have with news, they already have with books or magazine articles that they read; and we should have that kind of consistency in the law.

The Video Protection Privacy Act remains strong, and its principal purposes remain there intact; and it has an opt-in requirement, an opt-in requirement that anyone who wants to avail themselves of this convenience has to give informed consent to do so.

I urge my colleagues to support this very bipartisan legislation. It has

strong support on both sides of the aisle.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield the remainder of my time to a distinguished magistrate from Georgia (Mr. JOHNSON), now a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. JOHNSON of Georgia. Thank you, mister ranking member.

Mr. Speaker, I rise today in opposition to passage of H.R. 2471. This bill will make it easy for video producers to be able to sell to others information that consumers may feel is private.

Now, I, myself, don't want folks to know that I have ordered up "Debbie Does Dallas." I may not mind if they know that I ordered up "J. Edgar," but I don't want them to know that I ordered "Good Girls Gone Bad." And on behalf of Judge Robert Bork, I certainly wouldn't want anyone to be able to uncover the fact that he's been ordering up relentlessly the film "Bad Boys of Summer."

We have a right to privacy, and that right should not just be given away without adequate knowledge on behalf of the consumer what they're giving away.

This bill has proceeded to the suspension calendar without any kind of hearing before the Judiciary Committee on whether or not the bill should be marked up or not. We have not heard from experts. We don't know what kind of waiver by Internet, we don't know the mechanics of that waiver. We don't know how easy it will be to waive your right. It could be as easy as waiving your right to a jury trial in a cell phone contract. For those reasons, I ask that this bill be denied.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume just to say to the gentleman from Georgia that I have good news for him. There is absolutely no way that anyone can, under this legislation, find out any of his video-viewing habits unless he consents, with informed consent, with a separate consent to allowing that information to be made known to anybody.

Again, this legislation makes good sense. It's what consumers want in the 21st century. It's how they share their information online. And those who don't want to share their information this way do not have to give this consent. Therefore, this legislation, I think, strikes the right balance.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2471. This bill would update the Video Privacy Protection Act by giving consumers the ability to use social media to discuss movies they have been watching. When it was passed in 1988, internet social media did not exist, and the law needs an update for the digital age.

This legislation explicitly prevents businesses from using an "opt out" mechanism

which businesses might abuse to consumers' detriment. Instead, it requires that consumers proactively choose to share their movie preferences with their friends. For this reason, the Future of Privacy Forum, a consumer advocacy group, supports this legislation.

This update ensures that consumers can use existing social media outlets to discuss movies they have watched. It may also contribute to the health of the movie industry by integrating it more fully into new modes of internet communications used by consumers.

I applaud my colleague from Virginia, Mr. GOODLATTE, for his work on this legislation and urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 2471, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### TEMPORARY BANKRUPTCY JUDGESHIP EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1021

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Bankruptcy Judgeships Extension Act of 2011".

##### SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

- (A) The central district of California.
- (B) The eastern district of California.
- (C) The district of Delaware.
- (D) The southern district of Florida.
- (E) The southern district of Georgia.
- (F) The district of Maryland.
- (G) The eastern district of Michigan.
- (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York.
- (K) The eastern district of North Carolina.
- (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.

(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the central district of California—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102-361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

##### SEC. 3. BANKRUPTCY FILING FEE.

(a) BANKRUPTCY FILING FEE.—Section 1930(a)(3) of title 28, United States Code, is amended by striking "\$1,000" and inserting "\$1,042".

(b) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

##### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1021, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

One of the results of a slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past 3 years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our Federal bankruptcy courts. The important bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse; and large, complex chapter 11 cases, like the recently filed mega-case of American Airline, are time intensive for our bankruptcy judges.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status, and extended temporary judgeships. The House passed that bill, but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the ranking member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN, the chairman of that subcommittee, HOWARD COBLE, and the ranking member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next 5 years as a result of a judge's death, removal, retirement, or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession; but Congress should also conserve Federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I want to thank the bill's cosponsors for their bipartisan support.

One of the results of the slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past three years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our federal bankruptcy courts. The im-

portant bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse. And large, complex chapter 11 cases, like the recently filed mega-case of American Airlines, are time-intensive for our bankruptcy judges.

However, no new bankruptcy judgeships have been created since 2005. At that time, Congress created temporary judgeships so that it could periodically review the caseloads in each district and assess whether the temporary judgeship was still needed. Permanent judgeships have not been authorized since 1992.

Every two years, the Judicial Conference of the United States publishes a report to Congress that details the judicial needs of each district. The Conference evaluates need based on a "weighted caseload" analysis. The 2011 weighted caseload statistics demonstrate that judges are desperately needed in many districts.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status and extended temporary judgeships. The House passed that bill but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the Ranking Member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN; the Chairman of that subcommittee, HOWARD COBLE; and the Ranking Member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next five years as a result of a judge's death, removal, retirement or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession. But Congress should also conserve federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

The relief a debtor receives from the bankruptcy system is extraordinary; they either reorganize their debts on more favorable terms or they get a complete discharge of all their prepetition debts. All except the poorest of debtors pay a fee to file a bankruptcy case and receive these benefits.

I believe it is fair to use debtors' filing fees to pay for the costs associated with our bankruptcy judges. This legislation, as amended, raises the filing fee on chapter 11 reorganization cases from \$1000 to \$1042—a modest 4 percent increase. As a result, this bill does not increase direct spending by the federal government.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I thank the bill's cosponsors for their bipartisan support.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 5, 2011.

Hon. LAMAR SMITH,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 1021, as amended, the "Temporary Bankruptcy Judgeships Extension Act of 2011," which is scheduled for Floor consideration the week of December 5, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over revenue measures generally. H.R. 1021, as amended, contains a provision that raises revenue by increasing the Chapter 11 filing fees for the operation and maintenance of the courts of the United States, which falls within the jurisdiction of the Committee on Ways and Means. In order to expedite this bill for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1021, as amended, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 1021, the "Temporary Bankruptcy Judgeships Extension Act of 2011," as amended, which is scheduled for consideration by the House during the week of December 5.

I am most appreciative of your decision to forego consideration of H.R. 1021, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Ways and Means is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that Ways and Means be represented therein.

Finally, I shall be pleased to include this letter and your letter of the same date in the Congressional Record during floor consideration of H.R. 1021.

Sincerely,

LAMAR SMITH,  
Chairman.

I reserve the balance of my time.  
Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the excellent description of the chairman, LAMAR SMITH, on H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act. This is a very bipartisan piece of legislation, extending by 5 years the authorizations for 30 temporary bankruptcy judges in more than 20 judicial districts around the country.

I might point out that we're not adding bankruptcy judges; and, Members of the House, that's what we ought to be doing, really, instead of just continuing the same number. We need

more. Why? Because bankruptcy judges are needed more than ever.

The bankruptcy filings have increased during the worst economic downturn the Nation has experienced since the Great Depression because long-term high unemployment rates and reduced incomes have sent more people into the bankruptcy court, because of the continuing mortgage foreclosure crisis which has affected so many people, and the increasingly onerous credit card obligations, and the sky-high student loans that are being collected on, and the uninsured medical debt.

□ 1530

Last year 1.6 million bankruptcy cases were filed, representing a more than 8 percent increase over the prior years. Two of the Nation's largest automobile manufacturers in Detroit, General Motors and Chrysler, filed for bankruptcy relief under chapter 11. These two cases alone involved billions of dollars, tens of thousands of workers, thousands of auto dealers, and thousands of creditors located in all parts of our Nation. Just last month, American Airlines filed for chapter 11 bankruptcy relief, and the national bookstore chain Borders filed last month.

A third factor must be kept in mind: that while we maintain the status quo, more needs to be done. Bankruptcy courts have been performing admirably but under critical strain. So while the bankruptcy courts' workload increases, judicial resources are, in fact, diminishing. And that's why we're authorizing new judicial membership in the bankruptcy courts in the coming year, if everything works out as we anticipate.

Right now, though, we merely ask the House of Representatives to support the bill that I and Chairman SMITH have cosponsored which would maintain the new judges that are on the bench but will not add any more.

I urge your support for the additional judgeships.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. I yield such time as he may consume to the distinguished gentleman from Georgia, Mr. HANK JOHNSON, a member of the committee.

Mr. JOHNSON of Georgia. I thank the ranking member.

Mr. Speaker, I rise in support of H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act of 2011, sponsored by my good friend Representative SMITH of Texas, who is also the chair of the Judiciary Committee, which I am pleased to serve on.

I would point out how ironic it is because we are now in the 336th day of this reign of the Tea Party Republican Party, which is unalterably linked with the notorious Grover Norquist and his tax pledge, his pledge to not raise taxes. We're getting ready, Mr. Speaker, to get to the end of this year, and

we still have 160 million Americans at risk of suffering a tax increase, \$1,000 a person on average. I don't know how many millions of dollars that would take out of consumers' pockets. And I don't hear Grover Norquist or the Tea Party Republicans crying about that. If it's the middle class, the working people tax increase, it's okay. If it is the top 1 percent making over a million bucks a year, then "you can't touch this." Well, I think the American people know that it's "hammer time" out here. It's time for there to be justice and fairness for all under the law. And it's ironic we need these bankruptcy court judges' tenures to be extended, as this Act would allow, because there's going to be more bankruptcies filed.

Just \$1,000 can push a person over the edge in terms of their solvency. People are now just living paycheck to paycheck, hand-to-mouth, trying to determine whether or not we're going to pay the light bill or whether or not we're going to get the medication that we need in order to be healthy. People are deciding whether or not to pay the gas bill or whether or not they're going to be able to eat more than ramen noodles every night for the month. So \$1,000 means a lot. It may not mean a lot to a millionaire, one of those top 1 percent that my Tea Party Republican friends so heartily support, but it will hurt the little man and woman and their families, especially at Christmas time.

At a time when the corporate chieftains are getting their bonuses, multi-million-dollar bonuses based on increased profits, we're still left on December 6 with people being worried about whether or not they're going to suffer a tax increase on January 1. So let's not impose an average \$1,000—actually, \$1,500; let's not impose the threat of a \$1,500 tax increase on the middle class and working people by failing to do what we should have done much earlier. There's no reason why we have not done this, why we have not expanded the payroll tax cut that was enacted last year. Let's keep that \$1,500 in the pockets of the average middle class family. Let's try to keep down the need for people to go into bankruptcy court. Let's at some point let it expire, the number of bankruptcy court judges temporarily serving.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1021, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 479; adopting House Resolution 479, if ordered; and suspending the rules and passing H.R. 2471.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 13, as follows:

[Roll No. 889]

YEAS—236

Adams	Coffman (CO)	Gosar
Aderholt	Cole	Gowdy
Amash	Conaway	Granger
Amodei	Cravaack	Graves (GA)
Austria	Crawford	Graves (MO)
Bachus	Crenshaw	Griffin (AR)
Barletta	Culberson	Griffith (VA)
Bartlett	Davis (KY)	Grimm
Barton (TX)	Denham	Guinta
Bass (NH)	Dent	Guthrie
Benishkek	DesJarlais	Hall
Berg	Diaz-Balart	Hanna
Biggert	Dold	Harper
Bilbray	Dreier	Harris
Bilirakis	Duffy	Hartzler
Bishop (UT)	Duncan (SC)	Hastings (WA)
Black	Duncan (TN)	Hayworth
Blackburn	Ellmers	Heck
Bonner	Emerson	Hensarling
Bono Mack	Farenthold	Herger
Boustany	Fincher	Herrera Beutler
Brady (TX)	Fitzpatrick	Huelskamp
Brooks	Flake	Hultgren (MI)
Broun (GA)	Fleischmann	Hultgren
Buchanan	Fleming	Hunter
Bucshon	Flores	Hurt
Buerkle	Forbes	Issa
Burgess	Fortenberry	Jenkins
Burton (IN)	Fox	Johnson (IL)
Calvert	Franks (AZ)	Johnson (OH)
Camp	Frelinghuysen	Johnson, Sam
Campbell	Galleghy	Jones
Canseco	Gardner	Jordan
Cantor	Garrett	Kelly
Capito	Gerlach	King (IA)
Carter	Gibbs	King (NY)
Cassidy	Gibson	Kingston
Chabot	Gingrey (GA)	Kinzing (IL)
Chaffetz	Gohmert	Kline
Coble	Goodlatte	Labrador

Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luettkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

## NAYS—184

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
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

Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Schalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)

Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky

## NOT VOTING—13

Akin  
Alexander  
Bachmann  
Cardoza  
Castor (FL)

Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman

Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Giffords  
Hinchev  
Inslee  
Lowey  
Marino

Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Schalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns

Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

## □ 1607

Mr. COURTNEY and Ms. LORETTA SANCHEZ of California changed their vote from “yea” to “nay.”

Ms. BUERKLE changed her vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 235, nays 180, not voting 18, as follows:

[Roll No. 890]

## YEAS—235

Adams  
Aderholt  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Barrett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier

Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gratch  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goollatte  
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  
Huitzenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins

Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
LoBiondo  
Long  
Lucas  
Luettkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Cardoza  
Olson  
Palazzo

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  
Carnahan  
Carney  
Carson (IN)  
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)

## NAYS—180

Fudge  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
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  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
McIntyre  
Doyle  
Edwards  
Ellison  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Napolitano  
Neal  
Oliver

Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Royal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
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  
Velazquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—18

Akin  
Alexander  
Bachmann  
Cardoza  
Castor (FL)  
Cole

Cravaack  
Franks (AZ)  
Garamendi  
Myrick  
Hinchev  
Inslee

King (IA)  
Lewis (CA)  
Marino  
Myrick  
Nadler  
Young (FL)

□ 1613

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.

**ONLINE CONSENT FOR SHARING VIDEO SERVICE USE**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.  
The vote was taken by electronic device, and there were—yeas 303, nays 116, not voting 14, as follows:

[Roll No. 891]

**YEAS—303**

Adams	Connolly (VA)	Green, Gene
Aderholt	Conyers	Griffin (AR)
Altmire	Cooper	Griffith (VA)
Amash	Costa	Grimm
Amodei	Courtney	Guinta
Andrews	Crawaack	Guthrie
Austria	Crawford	Hall
Bachus	Crenshaw	Hanna
Barletta	Critz	Harper
Barrow	Cuellar	Harris
Bartlett	Davis (CA)	Hartzler
Bass (NH)	Davis (KY)	Hastings (WA)
Benishek	Denham	Hayworth
Berg	Dent	Heck
Berkley	DesJarlais	Heinrich
Berman	Deutch	Hensarling
Biggert	Diaz-Balart	Heger
Bilbray	Doggett	Higgins
Bilirakis	Dold	Hochul
Bishop (UT)	Donnelly (IN)	Holden
Black	Doyle	Honda
Blackburn	Dreier	Hoyer
Blumenauer	Duffy	Huelskamp
Bonner	Duncan (SC)	Huizenga (MI)
Bono Mack	Duncan (TN)	Hultgren
Boren	Ellmers	Hunter
Boswell	Emerson	Hurt
Boustany	Eshoo	Israel
Brady (PA)	Farr	Issa
Brady (TX)	Filner	Jenkins
Braley (IA)	Fincher	Johnson (OH)
Brooks	Fitzpatrick	Johnson, Sam
Broun (GA)	Flake	Jordan
Buchanan	Fleischmann	Kelly
Bucshon	Fleming	King (IA)
Buerkle	Flores	King (NY)
Burgess	Forbes	Kingston
Burton (IN)	Fortenberry	Kinzinger (IL)
Calvert	Fox	Kline
Camp	Franks (AZ)	Labrador
Campbell	Frelinghuysen	Lamborn
Canseco	Galleghy	Lance
Cantor	Gardner	Landry
Capito	Garrett	Langevin
Capps	Gerlach	Lankford
Carney	Gibbs	Larsen (WA)
Carter	Gibson	Latham
Cassidy	Gingrey (GA)	LaTourette
Chabot	Gonzalez	Latta
Chaffetz	Goodlatte	Lewis (CA)
Chu	Gosar	Lipinski
Coble	Govdy	LoBiondo
Coffman (CO)	Granger	Lofgren, Zoe
Cole	Graves (GA)	Long
Conaway	Graves (MO)	Lucas

Luetkemeyer	Pence
Lujan	Perlmutter
Lummis	Peters
Lungren, Daniel E.	Petri
Lynch	Pitts
Mack	Platts
Manzullo	Poe (TX)
Marchant	Polis
Matheson	Pompeo
Matsui	Posey
McCarthy (CA)	Price (GA)
McCarthy (NY)	Quayle
McCaul	Quigley
McClintock	Rahall
McCollum	Reed
McCotter	Rehberg
McHenry	Reichert
McIntyre	Renacci
McKeon	Ribble
McKinley	Rigell
McMorris	Rivera
Rodgers	Roby
McNerney	Roe (TN)
Meehan	Rogers (AL)
Mica	Rogers (KY)
Michaud	Rogers (MI)
Miller (FL)	Rohrabacher
Miller (MI)	Rokita
Miller, Gary	Rooney
Mulvaney	Ros-Lehtinen
Murphy (CT)	Roskam
Murphy (PA)	Ross (AR)
Neugebauer	Ross (FL)
Noem	Rothman (NJ)
Nugent	Royce
Nunes	Runyan
Nunnelee	Ruppersberger
Olson	Ryan (WI)
Owens	Sánchez, Linda T.
Palazzo	Sanchez, Loretta
Pallone	Sarbanes
Pascarella	Scalise
Paul	Schilling
Paulsen	Schmidt
Pearce	Schock
Pelosi	Schrader

**NAYS—116**

Ackerman	Gutierrez
Baca	Hahn
Baldwin	Hanabusa
Barton (TX)	Hastings (FL)
Bass (CA)	Herrera Beutler
Becerra	Himes
Bishop (GA)	Hinojosa
Bishop (NY)	Hirono
Brown (FL)	Holt
Butterfield	Jackson (IL)
Capuano	Jackson Lee
Carnahan	(TX)
Carson (IN)	Johnson (GA)
Chandler	Johnson (IL)
Cicilline	Johnson, E. B.
Clarke (MI)	Jones
Clarke (NY)	Kaptur
Clay	Keating
Cleaver	Kildee
Clyburn	Kind
Cohen	Kissell
Costello	Kucinich
Crowley	Larson (CT)
Culberson	Lee (CA)
Cummings	Levin
Davis (IL)	Lewis (GA)
DeFazio	Loeb
DeGette	Loeb
DeLauro	Lowey
Dingell	Maloney
Edwards	Markey
Ellison	McDermott
Engel	McGovern
Farenthold	Meeke
Fattah	Miller (NC)
Frank (MA)	Miller, George
Fudge	Moore
Garamendi	Moran
Green, Al	Napolitano
Grijalva	Neal
	Oliver

**NOT VOTING—14**

Akin	Dicks	Marino
Alexander	Giffords	Myrick
Bachmann	Gohmert	Nadler
Cardoza	Hinchee	Young (FL)
Castor (FL)	Inslee	

□ 1621

Mr. RUSH changed his vote from "yea" to "nay."  
So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Mr. AKIN. Mr. Speaker, on rollcall No. 889, 890 and 891, I was delayed and unable to vote. Had I been present I would have voted "yea" on all three.

□ 1620

**GIVING CONGRESSIONAL CONSENT TO MISSOURI AND ILLINOIS BI-STATE DEVELOPMENT AGENCY**

Mr. GOHMERT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

**S.J. RES. 22**

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONSENT.**

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

**SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.**

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

**SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is expressly reserved.

**SEC. 4. RESERVATION OF RIGHTS.**

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The text of the amendment is as follows:

Amendment:

Strike out all after the resolving clause and insert:

**SECTION 1. CONSENT.**

(a) *IN GENERAL.*—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) *EFFECTIVE DATE.*—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on the date of enactment of this Act.

**SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.**

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

**SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is expressly reserved.

**SEC. 4. RESERVATION OF RIGHTS.**

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S.J. Res. 22, as amended, currently under consideration.

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

There was no objection.

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

The Founding Fathers did not believe that the Federal Government should try to solve every problem in the country. Instead, they believed that local problems should have local solutions. This system of federalism became the bedrock of the Constitution.

One particular aspect of our federalist system is found in the Compact Clause of the Constitution. The clause recognizes agreements or contracts that States make among themselves, with congressional approval when necessary. Today, there are approximately 200 active interstate compacts addressing a variety of issues that range from environmental and energy policy to natural resources to traffic and transportation. Rather than wait for a one-size-fits-all program from Washington, D.C., the Constitution allows States to solve these kinds of problems for themselves.

In 1949, Missouri and Illinois formed a compact to create the Bi-State Development Agency. The agency's mission is to facilitate and coordinate economic and infrastructure development in the St. Louis metropolitan area. Among other projects, the agency runs the public transportation system in St. Louis. The agency does not have taxing authority, but it may issue bonds. For example, in the 1960s, the agency sold bonds to finance construction of the tram to the top of the Gateway Arch, which it operates today. The compact allows the agency to sell 30-year bonds. Last year, most States adopted legislation to amend the compact and allow the agency to issue 40-year bonds.

In addition to other capital improvements, the agency could use revenue from these 40-year bonds to support the CityArchRiver 2015 initiative. The purpose of the CityArchRiver 2015 is to better connect downtown St. Louis with the Gateway Arch and the Jefferson National Expansion Memorial national park. The project also involves building elevated walkways across the river to Illinois.

Senate Joint Resolution 22 gives congressional approval to this amendment, the Missouri-Illinois Interstate Compact. The Judiciary Committee marked up its companion, House Joint Resolution 70, on September 21. The suspension version of Senate Joint Resolution 22 contains one amendment, to correct a minor drafting error regarding the effective date. With this amendment, Senate Joint Resolution 22 will be effective upon the date of enactment.

In conclusion, I'm pleased to see this feature of our federalist system at work. I urge my colleagues to join me in supporting this resolution and look forward to its swift passage.

With that, I reserve the balance of my time.

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

Members of the House, under the Constitution, article I, section 10, clause 3, these kinds of interstate compacts must be ratified by the House of Representatives. Senate Joint Resolution 22 gives congressional approval to an agreement between Missouri and Illinois to amend the interstate compact establishing the Bi-State Development Agency.

My colleague on the Judiciary, Judge Gohmert, has expertly described what it is that brings us here, but I would merely add that the congressionally approved interstate compact establishing the Bi-State Development Agency in 1950 serves as the primary provider of the public transportation for the St. Louis metropolitan area. It also develops, maintains, owns, and operates bridges, airports, wharves, docks, grain elevators, industrial parks, parking facilities, refuse and waste handling facilities, as well as fuel, energy, air, water, rail, or commodity storage areas. Also, there is a 40-year maximum maturity period for

bonds and other financial instruments which will allow the agency to finance projects for longer periods of time.

I congratulate my colleague from St. Louis, WILLIAM LACY CLAY, a distinguished Member from Missouri whose father was in on the first interstate compact, and now we're proud that he and other of his colleagues from both Missouri and Illinois are supporting this Senate Joint Resolution 22. I urge its favorable consideration.

I would like to yield the distinguished gentleman as much time as he may consume.

□ 1630

Mr. CLAY. Madam Speaker, I want to thank the chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee for their leadership and for moving this critical resolution.

I'm proud to have introduced the House version of this joint resolution, and it accomplishes two very good things: S.J. Res. 22 approves an important amendment to a compact between two States.

As was mentioned before, in 1949, Missouri and Illinois entered into an agreement to foster "regional economic development through excellence in transportation." The compact created the Bi-State Development Agency. Congress approved it, and has approved several amendments over the last 6 decades.

The agency, now known as "Metro," operates the St. Louis Metropolitan region's public transportation system. It has more than 2,400 employees and carries over 55 million passengers each year.

This resolution approves a small but crucial change to the Bi-State Compact. Both State legislatures have passed it, and both Governors have signed it. This is a necessary and good amendment, and there is no negative impact to the Nation or to States. As such, Congress should approve it.

This resolution also enables the Congress to fulfill one of its constitutional duties. And I agree with my good friend, Mr. GOHMERT, that Congress should not overstep its authority. While we do not always agree on the limits of that power, we agree on this resolution and on the constitutional authority for it.

Article I, section 10, clause 3 of the Constitution says that "No State shall, without the consent of Congress . . . enter into an agreement or compact with another State."

The Framers of the Constitution required that Congress would have to approve these agreements to protect the interests and rights of the other States. This also protects the rights of the citizens within the States that are party to the compact by providing Federal oversight.

This clause was a compromise. There were those who wanted to give the Federal Government greater power over the States, including the authority to

regulate to negate State laws. Others felt very strongly that this would be overly nationalist and broad.

The Constitutional Convention, rather than giving the Federal Government complete control over everything, or nothing, compromised. They compromised for the good of the Nation. They granted the Federal Government blanket authority over some areas. They also limited the Federal Government's authority in others. And they required congressional approval for agreements between the States.

This compromise, one of many that formed our great country, demonstrates that two opposing sides, who each feel passionately about their point of view, can come together and compromise for the good of the Nation. They each put aside their well-intentioned and strongly held belief that they were completely correct, and that the other side was completely wrong, and found a way to work out the differences. Each gave up something they held dear in order to achieve a higher good: That was the creation of a strong Nation, a Nation that would endure.

Madam Speaker, there is a lesson here, a 224-year old lesson for us who serve in Congress today.

Once again, I thank the chairman and ranking member.

Mr. GOHMERT. I have no requests for time, and I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield as much time as she may consume to the distinguished gentlelady from Houston, Texas (Ms. JACKSON LEE), a senior member of the committee.

Ms. JACKSON LEE of Texas. Madam Speaker, I want to applaud the gentleman from Texas (Mr. GOHMERT), the ranking member, and my colleague from Missouri, and to echo the comments of Mr. CONYERS on his father, but also the stellar work that he is doing. As a member of the delegation, we can always count on Missouri to test the Constitution and to ask the United States to do what is right.

I am rising to support this compact. Frankly, I want to really embrace it because it is maybe one aspect of legislation, Madam Speaker, that we are actually bipartisan and supporting it without hesitation.

I, frankly, believe that the Federal Government should not overreach as it relates to compacts that have been between States. But I do think that regulation is key and crucial to give States extra leverage.

So let me congratulate Mr. CLAY. And I look forward to supporting this legislation.

I will add, as well, that when I think of bonds, I think of opportunities for building, using resources to restore. And by the very nature of that, Madam Speaker, we're talking about creating jobs.

So I add another applause to this particular legislation coming out of the Judiciary Committee because, for once,

among many bills that we have been debating from the Judiciary Committee, this bill might enhance opportunities for jobs. I think of bonds. I think of jobs. I think of utilization of funds from bonds as they mature. And this is a good thing.

I'm sad to say that in the course of the time that we've spent, maybe over the last 3 weeks, when we could have actually engaged in reasonable debate on how we raise the payroll tax, how do we extend the payroll tax cut, and how do we extend the unemployment benefits, we have not been able to do that.

So let me just share my assessment of the folk who are needing unemployment benefits. Personal savings have gone. Family savings have gone. They've exhausted the 401(k)s and they have tapped every other fungible amount of dollars that they might have, maybe even to the kiddie's saving account that started with 25 cents, leaving many individuals in this harmonious, humble holiday time, desperate, desperate for a job, desperate for assistance, desperate for being able to pay their mortgage, desperate for paying their rent.

Madam Speaker, maybe we should also say, desperate in getting one more allotment of food stamps. Maybe we're not aware that there are 46 million families on food stamps, and most of them wait all the way to the exhaustion of those food stamps; find themselves, before the next opportunity for food stamps, literally drinking water, making tea, and eating crackers. There was an expose on this just recently on one of our cable stations, families waiting until 12 midnight to watch and see if their account has in it the amount of money they needed to enter a grocery store to feed their children.

I don't believe that we can leave this sacred and august institution without, one, providing relief on extending the payroll tax cut, giving \$1,000 and \$1,500 to the American working class. And clearly, I don't believe that we can leave without providing for unemployment. Every dollar invested in unemployment insurance yields \$1.52 in economic growth, and at least 200,000 jobs will be lost if Republicans block extension of the unemployment insurance.

In fact, frankly, I know that Scrooge would not find a place of comfort in this House.

□ 1640

We have always risen to the occasion of helping the most desperate. Whether it has been under Franklin Delano Roosevelt in World War II, where he had to put the apple sellers back to work, or whether it was when our President had to stop the bleeding with the \$800 billion stimulus, we have always risen to be able to find a way to move our economy. And if we would tell the truth, we would see that our economy is percolating along.

So in the tribute of President Obama, who speaks today in Kansas in the same place that President Teddy Roo-

sevelt spoke about opportunity for Americans, I'm asking for the Members of Congress to come to the floor and give opportunity for Americans.

I will close by saying to my friends, there are many good friends who are running for President. Many of us have worked with them. And anytime an American wants to offer themselves to serve this country, I have no angst with them, no matter how much I disagree with their policy. But let me be very clear, as a child that grew up poor, lived with neighbors who were poor—not in our minds, but certainly by our economics—I want to make the record very clear: poor children have role models because poor families get up every day and go to work. And the solution to poor children being the best that they can be is not a Donald Trump apprenticeship, and it sure isn't to get rid of the working janitors who are supporting their families and put the poor children to work.

I hope that we can do better than that, Madam Speaker, and get back to work and make sure we extend the payroll tax for working families. And let's extend the unemployment insurance for the 99ers.

Mr. CONYERS. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the Representative from Michigan for the opportunity to speak to this measure and to really express concern about the inordinate time that we are spending on measures that allow us to harm the air that we breathe and the water that we drink.

The American people are asking us to set priorities here that focus on job creation. They're demanding that this body focus on jobs and helping rebuild our economy. Instead, we seek to be spending hours debating regulatory and bureaucratic measures that are flawed and would dramatically undermine the ability of our government to protect the air that we breathe and the water that we drink. Instead, I would suggest that our time be better spent focusing on putting more money in the pockets of American workers, empowering our middle class.

Mr. GOHMERT. Will the gentleman yield?

Mr. TONKO. I yield to the gentleman from Texas.

Mr. GOHMERT. I thank the gentleman.

If our time would be better spent on those things, we would be glad to withdraw the suspension on your suggestion and just drop it right now. We will be glad to do that. I will make that offer.

Mr. TONKO. Madam Speaker, might I suggest that during this holiday season, as the American public struggles to pay bills that range from gas bills to groceries that are required for their mortgages, again, the focus should be on job creation. And the payroll tax holiday is nearing its expiration. This body should act to extend that tax cut for hardworking middle class American

families. A failure to do so would result in job losses, a reduction in economic activity, and higher taxes for many families when they can least afford it.

So my suggestion here is to stop wasting time on less important priorities and start focusing on creating jobs and standing up for our middle class, enabling them to strengthen their purchasing power and to enable our economic recovery to be as vital and strong as possible.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. As a closing comment, I have come to know the gentleman from Missouri (Mr. CLAY), my friend across the aisle, and hold him in very high regard. I appreciate very much his comments earlier about what this compact means to Illinois and to Missouri. I know Mr. CLAY has been a leading proponent of this happening, and I really very much appreciate his comments. This will not provide jobs across the country, but it solves a problem. It will ease things for those two States so that jobs should be easier.

And I was totally serious when I offered my colleague who was saying that we were wasting our time on this—I know Mr. CLAY and many others have spent a great deal of time on this, and I didn't think the Democrats that were pushing this bill so hard were wasting our time. I think it's a very legitimate use of our time.

Some people like to confuse the term "interstate," as used in the Constitution; and they want the term "interstate" to be expanded, as it has sometimes, to apply to nothing but activity wholly within one State. The Supreme Court has even given some regard to those kinds of arguments, but this is not one of those cases. This is a matter that's been taken up and passed by the Senate, and we should pass it today. It takes up a matter clearly between two States that makes it interstate.

And then it is not the State of Illinois or Missouri coming and begging for the Federal Government to take over a State responsibility. It is two States with different opinions, different concerns, but wanting things to work together for good, coming to a solution; and then the Federal Government, since it is interstate, must recognize that compact. I think it is an appropriate thing to do. I don't think the Democrats who are pushing this bill were wasting our time. I think it's an appropriate use of Federal time.

With that, I would urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. NOEM). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the joint resolution, S.J. Res. 22, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING AMERICAN LEGION GUIDANCE TO INDIVIDUAL POSTS

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1639

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

#### SECTION 1. ADDITIONAL POWER OF AMERICAN LEGION UNDER FEDERAL CHARTER.

Section 21704 of title 36, United States Code, is amended—

(1) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1639, currently under consideration.

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

There was no objection.

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

The American Legion received its Federal charter in 1919 as a patriotic veterans organization. Today, the Legion is America's largest Veterans Service Organization with 2.5 million members. Membership is available to persons who have served in the United States Armed Forces during wartime, including the current war on terrorism, and were honorably discharged or are continuing their service.

□ 1650

The Legion's goals are to uphold and defend the U.S. Constitution, promote worldwide peace and goodwill, and preserve the memories of the two world wars and the other conflicts fought to uphold democracy. The Legion also aims to cement the ties and comradeship born of service and to commit the

efforts of its members to service to the United States.

The American Legion has over 14,000 local posts. The national organization is not designed to have control over all the independent posts. As the Supreme Court of Minnesota has found, local "posts and State chapters are separately incorporated . . . and the posts all have their own constitutions and bylaws." The court found that there was a very limited relationship between the posts and national headquarters.

The national organization's "Officer's Guide and Manual of Ceremonies" states "the post is a separate and distinct unit which can and often does function independently."

The American Legion has asked Congress to amend its Federal charter to specify that the national organization may provide guidance and leadership to the individual departments and posts but that it may not control or otherwise influence the specific activities and conduct of the departments and posts.

The director of the Legion's National Legislative Commission explained the request by stating the following:

"The Legion wants to allow members to renew their memberships and pay their dues to the national organization through the use of a credit card over the Internet . . . Currently, these dues payments flow to the national organization from our posts through our departments. We are concerned that plaintiffs' lawyers would argue this would indicate that the national organization has control over those departments and posts . . . Appearance of control may . . . support a claim of liability against the national organization when a legal dispute against a post arises."

S. 1639 amends the Legion's Federal charter as requested. Our colleague, the gentleman from Pennsylvania (Mr. ALTMIRE), introduced the House version of the bill, H.R. 2369, which the Judiciary Committee approved by voice vote.

I thank the gentleman from Pennsylvania for his work on this legislation and am pleased to see that his bill has a remarkable 432 cosponsors. It's almost unheard of.

So there are things that this Congress needs to be doing, and there are many things that are very important that this Congress does; but this is something that only the Congress can do. So if we hear from other speakers who want to talk about a jobs bill, I would encourage them to go talk to the Senate about the 15 to 20 jobs bills that they are down there sitting on.

I look forward to the day when the President says that this is a do-nothing Congress that he's no longer half right in making that statement. The House is certainly not a do-nothing House. The Senate is sitting on many bills. This is a bill for which the gentleman from Pennsylvania saw a need, so he stepped up and filled that need, and I appreciate his efforts in doing this.

The American Legion has performed a great service in bringing together veterans. I've spent a great deal of time with American Legion posts, and I'm grateful they exist. I think this is a good bill, and I would urge my colleagues to support it.

With that, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume and am glad to be the Hoyt Wilhelm of the Judiciary Committee and to relieve the gentleman from Michigan, Chairman CONYERS.

S. 1639, the Senate version of H.R. 2369, is a bipartisan bill which makes a minor change to the Federal charter of the American Legion. The American Legion, as we all know, is the Nation's largest veterans service organization, which was chartered after World War I, by Congress in 1919.

S. 1639, introduced by Senator TESTER of Montana, a distinguished Member of the Senate, is the Senate companion of the bill introduced by the distinguished Representative and former defensive back from the Florida State Seminoles, Representative ALTMIRE of Pennsylvania, who introduced H.R. 2369. He did a phenomenal job of getting 432 cosponsors—433 if including himself in the sponsorship. He can't be a cosponsor because he is "the" sponsor, which might make this the easiest suspension vote we've ever taken.

The change made by this bill simply reaffirms the organization's structure, which grants broad autonomy to the departments and posts throughout the country. While this is not a major change to the existing charter, it will help the American Legion carry out changes to the membership renewal process that were adopted by resolution at its national convention last year.

Senator TESTER and Representative ALTMIRE are responding to a call from the American Legion. I am proud to join with them, as just about everybody else is in this House; and I support the bill.

I reserve the balance of my time.

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

Mr. COHEN. I now yield 3 minutes and 7 seconds to the gentleman who represents the State of Pennsylvania (Mr. ALTMIRE), an alumnus of Florida State University, who lost to the University of Tennessee in the national championship football game that I attended in Phoenix.

Mr. ALTMIRE. I thank the gentleman, my friend from Tennessee, and I especially thank the gentleman from Texas for his kind words.

There are other things that are more important than this—our friends in the American Legion would be the first to agree—that we are working on in this Congress; but as the gentleman from Texas pointed out, this is something only the Congress can do.

This is an important issue for the American Legion. It modernizes the

charter of the American Legion, and it clarifies the local autonomy of the local posts throughout the country. This needs to be done. It is important, and it is something that we in this Chamber have come together to do. It is long overdue.

When I first introduced this bill in June, I started to talk with folks in this Chamber, and I found out that there really are things we can agree on. We've spent a lot of time over the course of the year—in fact, a lot of time today—pointing fingers at each other and casting blame and talking about all the things that we don't agree on. Yet, for our men and women in uniform, the people who are honorably and bravely serving this country, and our American veterans, we agree that they need this change and that we support them.

As the gentleman from Texas pointed out, according to the Congressional Research Service, this bill that we introduced in the House, which is the companion bill to the Senate bill on which we will vote tomorrow, has received the most cosponsors of any bill ever introduced in the history of the Congress—432 cosponsors. It's more than any bill that has ever been introduced in history. It passed unanimously in the Senate after it was introduced in October, which shows there really are things we can work together on.

Maybe this isn't the most important thing we could be doing, but it's something we need to do; and it's something we're going to do. Hopefully, it will send a message on both sides of this Capitol that we should come together and that we should put our differences aside. That doesn't mean we have to always agree, but at least let's work together, because this bill proves we can do it.

So I am proud to stand here as the author of the House companion of this bill, and I am a proud supporter of the Senate bill that we will be voting on. I'm grateful that Senator TESTER took the leadership role in the Senate to get this done.

I thank the gentleman from Texas, and I thank the gentleman from Tennessee. I support this bill and urge my colleagues to vote for it.

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

Mr. GOHMERT. Madam Speaker, again, Mr. ALTMIRE is owed a great debt of thanks. When my friend from Tennessee said this was a bipartisan bill, apparently it's the most bipartisan bill ever brought before the House. It's wonderful that a group like the American Legion could bring us together, and I appreciate Mr. ALTMIRE's efforts in doing that.

I would urge my colleagues to support its passage. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1639.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CHANGES IN MEMBERSHIP REQUIREMENTS FOR BLUE STAR MOTHERS OF AMERICA, INC.

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1541

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

#### SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the text preceding subparagraph (A) and inserting "she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, step-mother, foster-mother, grandmother, or legal guardian) of a person who—"; and

(B) in subparagraph (B), by striking "in World War II or the Korean hostilities"; and (2) in paragraph (2), by inserting "or is a citizen of the United States living outside the United States" before the period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1541, currently under consideration.

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

There was no objection.

□ 1700

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

The Blue Star Mothers of America was established during World War II and federally chartered in 1960. The organization's 5,000 members and 225 chapters provide support for our men and women in uniform and assist veterans' organizations. According to their charter, the Blue Star Mothers also care for unsupported mothers.

Membership in the Blue Star Mothers is open to a mother, an adoptive mother or stepmother who lives in the U.S. of a child who serves in the Armed Forces or has served in the Armed Forces during World War II or the Korean War.

Wendy Hoffman, the national president of the Blue Star Mothers, has sent a letter to the committee and requests that their charter be amended consistent with the resolution passed at their national convention. She stated the following:

“As mothers of American servicemen and veterans, we recognize changing family dynamics and have found it extremely important to include other ‘mothers’ who have played a part in raising military heroes and also those mothers who are not residents of the U.S.”

The Blue Star Mothers have also opened membership to mothers of children who have served in the military at any time. This bill makes the changes to the charter requested by the Blue Star Mothers. Our colleague SCOTT TIPTON introduced the House version of the bill, H.R. 2815, and the Judiciary Committee approved Mr. TIPTON’s bill by voice vote.

This commonsense bill opens eligibility to “a woman who filled the role of birth mother, adoptive mother, stepmother, foster-mother, grandmother, or legal guardian” to a current member of the Armed Forces or to a child who has served at any time. To be eligible, the mother will not have to reside in the United States as long as she is a U.S. citizen.

I urge my colleagues to support this bill to help enable the Blue Star Mothers to continue their wonderful work.

With that, I reserve the balance of my time.

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

S. 1541, the Senate version of H.R. 2815, is another bipartisan bill to revise the Federal charter of the Blue Star Mothers of America. The revisions implemented by the legislation once again reflect minor changes recently made to the organization’s membership eligibility requirements.

The Blue Star Mothers of America, representing the mothers of military servicemen and -women, has been a federally chartered organization since 1960. The existing charter restricts member in three ways:

A, members must be birth mothers, adoptive mothers, or certain stepmothers;

B, members must be U.S. citizens currently living in the country; and

C, the corresponding serviceman or -woman must be currently serving in the Armed Forces or must have served in World War II or the Korean War.

Last year, at the organization’s national convention, the group adopted a resolution expanding these eligibility criteria. A conforming amendment to the Federal charter is needed in order make these changes operable.

S. 1541, the Senate bill, was introduced by Senator MICHAEL BENNET of Colorado. Its House companion was introduced by Representative SCOTT TIPTON, also of Colorado.

The legislation makes three minor revisions to the organization’s charter:

First, to expand the membership eligibility requirements to include foster mothers, grandmothers, female legal guardians, and all stepmothers;

Second, it expands membership to U.S. citizens living abroad;

Third, it expands eligibility to servicemen and -women who served in prior conflicts other than World War II and the Korean War.

Our men and women in the military need all the support we can offer, so I applaud this effort by the Blue Star Mothers to provide the circle of support that the organization can provide. They do much to remember our servicepeople, and I appreciate their efforts. I support these changes, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, this is also another very bipartisan bill.

The Blue Star Mothers is a wonderful group. I have met with them and I have wept with them. I’ve prayed for them and am grateful to them for their work. I’m grateful for my mother, who passed away in 1991, as the mother of a servicemember and my stepmother as well, now.

What they’re asking for makes perfect sense, and I would encourage my colleagues to support this resolution as the Blue Star Mothers have requested.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SAVE THE POST OFFICE

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

Mr. COHEN. Madam Speaker, the other day the Postmaster General said that first class mail wasn’t going to be first class anymore; it wasn’t going to be overnight; it might be 2 or 3 days.

Because of the problems we have with making the post office financially sufficient, there are ways they could accomplish this, and I’ve got a bill that allows them to go into other services to expand their revenue base, and there’s also about \$5 billion that’s an issue concerning payments into a health fund that could be resolved.

The post office is almost as American as apple pie. A lot of people will switch to using the Internet to pay their bills and they’ll never go back to the post office. I’m afraid that what’s been recommended is penny-wise and pound-foolish, and a great American institution that serves many rural people and others without a lot of connectivity and fortune will suffer.

I wish the Postmaster General will reconsider his action. I have a “Dear

Colleague” being circulated. I hope people will sign on and that we will save the U.S. Postal Service.

#### AMERICA AT A CROSSROADS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, there are an awful lot of people hurting across America now.

We take up a few suspension bills here that only the Congress could deal with, so it’s something we have to do, we’re proud to do, important to those organizations in two States. It’s important to them; it’s important to us.

We have people on the other side of the aisle who come forward and try to make it into a jobs debate when it would seem that some of the best debate would be if all of us, en masse, walked down to the other end of the hall of this building and began to seek to debate the Senate—the Senate leadership, that is—and Democratic Party on why they are so intent on stopping legislation that could put people back to work.

There are many besides the President, in addition to the President, who say this is a do-nothing Congress; and because the Senate does so very little, they give credence to that argument. One need only look to all the bills we have been passing here in the House that could help the economy, would help the economy, would put people back to work, would bring down dramatically the cost of energy, which would bring down inflation and the stagnation and stagflation that’s been put in place by this President and, actually, the 2 years prior to this President when our Democratic friends across the aisle controlled Congress and jumped up spending like we could not have anticipated.

Our friends across the aisle correctly pointed out that Republicans in 2006 were spending too much money. They were right in pointing out that we should never be spending \$160 billion more than we were taking in. They were right.

As a result of their being right on that and their promises that they would rein in that runaway spending, our friends across the aisle were given the majority in November of 2006.

□ 1710

What followed in 2007, 2008, 2009, and 2010 under the Democratic majority was runaway spending at a level never even dreamed of, at least on our side of the aisle.

Who would have ever dreamed that the same party that condemned Republicans—correctly—for overspending the amount of money coming into the Federal Treasury by \$160 billion would up that ante and overspend by 10 times that much? Over a \$1.5 trillion deficit in just 1 year. It is just unfathomable.

One of the things that so concerned me about TARP, not only the bill when I read it, but the fact that it desensitized Americans to just how much \$700 billion is and how much it was in late 2008.

It's my belief that if we had not passed TARP and people being so desensitized as to how much \$700 billion was, President Obama could never have gotten through what was said to be around an \$800 billion porkulus, stimulus, whatever you want to call it, which turned out, by some accounts, to be more like a trillion dollar giveaway program—only if you consider giving away amounts like \$500 million to \$600 million to Solyndra, that goes bankrupt, as throwing away money.

We have set this country on a course toward ruin. And now the Secretary of the Treasury, Mr. Geithner, who we recall had time with the International Monetary Fund, as came to light during his unfortunate confirmation hearings, 4 years in a row he was paid by the International Monetary Fund and was said to be an independent contractor, although he manifested control and some level of governance within the International Monetary Fund. He had a job with the International Monetary Fund, but they paid him as an independent contractor, and, therefore, when he signed a document swearing that he would pay all of the taxes due on those amounts that were listed on those four documents, then he was allowed to receive all of the money that should have been paid to the Federal Government in taxes in return for his sworn agreement to pay that tax independently on his own. As we found out during those confirmation hearings, he did not fulfill his oath. He broke his oath. He didn't pay those taxes, and now he's in charge of the Treasury. How amazing.

I've privately had Internal Revenue Service employees tell me how grieved they were to have had someone who did not pay his taxes when he was required to do so by law, went even further and he signed a sworn document that he would take care of it, and didn't, because, despite all the jokes about the IRS and despite there being some people with the IRS who can be a bit brutal at times, there are some wonderful people who work for the Internal Revenue Service who are abundantly fair, want to do the right thing, and have incredibly clean backgrounds.

In fact, the rule as I was given to understand by IRS employees is, if you ever have underpaid your taxes or failed to pay taxes, you're out. You cannot work for the IRS. There have been incidents where an IRS agent has overpaid taxes and then recalled someone giving them cash, and without anyone ever being able to hold them accountable, no one would have ever reported it, but to keep a clean conscience because an IRS agent was so clean and had a conscience and wanted so to abide by honesty and truth and the U.S. law, filed an amended tax re-

turn which still allowed a refund coming back. And as a result, their em-  
ployment was in jeopardy.

Imagine the feeling of Internal Revenue Service employees who have had to throughout their stellar careers at the Internal Revenue Service, had to keep all of their affairs clean and in order, open, honest, to find out they are going to be ruled and governed by someone who misrepresented on signing a sworn document that they would pay taxes that they didn't until someone called it to their attention prior to being appointed to that role. It has to be tough for IRS agents who have had such stellar, honorable careers to have dealt with that.

So what's wrong with having somebody who plays so fast and loose with signing documents, not paying taxes, playing with other people's money in the International Monetary Fund? I would submit to you that we get things, as we have here recently, with our Secretary of the Treasury, who enjoyed spending hundreds of billions of dollars from TARP, who has enjoyed the power of giving away money, paying money. Under TARP, in fact, a provision allowed the Secretary of Treasury to pay more than fair market value if anything—and this is my interpretation—if anything in his opinion, his sole opinion, would somehow, some way, some day help our economy somehow, even if it was helping a foreign economy. That's the mentality at the IMF and apparently the mentality currently at the Treasury Department.

I did not think we could get a worse Treasury Secretary than Hank Paulson until we got our current Treasury Secretary, making the mistakes he has and taking the position he has, and now wanting Americans to come in and bail out foreign countries who are slightly ahead of us on the road to socialism.

If you go back to the Roman Empire, the Romans found that over time when you continue to give people bread and circuses, they come to rely on those. They come to believe that they shouldn't have to work, that the government will give them entertainment and will give them money to use, food that they need, and it materially affects work.

Socialism of a sort was tried in the New Testament church. And on this Earth, on this planet with fallible individuals, it resulted, as it always has and always will, in the Apostle Paul ultimately having to come to the conclusion and issue the order, okay, new rule: if you don't work, you don't eat.

The Pilgrims had a beautiful compact. They were going to bring together all into a common storehouse and share and share alike. That brutal first winter caused them to lose so many. Eventually, they got to a new thing that we now call private property where people would own their own property, produce from it as they wished with full freedom to do so. They could eat what they raised. They could

trade what they raised. They could use it as they saw fit. That kind of mentality and that kind of structure that affords private property to people to own and use on their own, or rental property that they can use to produce income, those kind of freedoms have allowed the entrepreneurship that has brought us to the point in history where we are the greatest Nation in the history of mankind, with more freedoms than any in the history of mankind.

□ 1720

But over time we've seen those who fled Europe and England to come to America to start a new life, so many of them fleeing persecution as Christians, coming to a new land where they would not be persecuted as Christians. They came to America. And with private property engendering the kind of thought processes that led our Founders through the guidance—divinely, I believe—that they got, as pointed to by so many of the Founders, we got our Constitution. We have a structure of government from Founders who did not trust government; who wanted to make it as difficult as possible to pass laws. Even once they were passed, they could be vetoed. Struck down. They wanted it difficult. They saw gridlock as being a good thing. The more difficult it was to pass laws, the less chance the government would interfere in personal property rights and personal freedoms of the individual.

Europe after World War II seemed to move into this socialist type of thinking where the government will take care of people. Some in this country after World War II for 60 years, going on 70 years now, have been pushing an agenda to get us to a socialist state, where we take on the attributes of those systems that have repeatedly failed over and over in time.

I was recently in Israel. I went to a former kibbutz. Those were truly communes. They had real communism there. Share and share alike. But socialism, communism, it can sound so nice. Everyone bring in to the common storehouse. Share and share alike. It sounds nice, but it never works.

And I saw that so clearly in an exchange program to the Soviet Union back in 1973, when it really was the Soviet Union. And on visiting a collective farm, a socialist farm, you look out, the fields did not look very good. I have worked on farms and ranches, and those did not look productive. But I was surprised to see in the middle of the morning the farmers were sitting in the shade in the center of the village. I spoke some Russian back then and asked as nicely as I could without meaning to insult because I really was curious, When do you work out in the fields? And they laughed. And one of them that seemed to be the most boisterous of the group said, I make the same number of rubles if I'm out there or I'm here in the shade. So I'm here in the shade.

That's socialism. That's why it fails.

And we've seen the riots in Greece as the government tried to be responsible and say, Look, we're going broke. We're out of business. We have got to stop spending money we don't have. We've got to rein it in. And people have rioted and say, No, no, no, don't cut back what I'm getting from the government, not understanding if it's not there, your government will eventually be taken over by some type of radical form—at least historically that's what often happens—and some dictator, which they would hope would be a benevolent dictator, would take over, get the rioting under control, and set the government on a course.

We saw a government after World War I in Germany trying to work toward a process. Economic times were tough. So a little guy with a mustache ends up actually getting elected to office and then eventually taking over the country. We know the results of that—at least most of us do. There are some, like Ahmadinejad, that thought the Holocaust never happened. But it did.

So why in the world, when we see how that works out and we see that a country will not accept its own responsibility, as incredible as the people can be of a country like Greece—you meet people from Greece, you love them. They're just great folks. As beautiful as a country can be, as rich a history as a country can have like Greece, you want to embrace them. Understandable.

But when a people such as those in Greece want to continue down a bankrupt course and you see them heading for the edge of a cliff and they say, Come join hands with us, it doesn't make me feel any better to hear people like Secretary Geithner say, figuratively speaking, Let's join hands as they jump off the cliff and take us with them. But we're told, Well, gee, some of the European countries, they'll feel better about trying to bail out Greece if they know that the United States will come in if things don't work out and bail them out.

We have had such radicalized spending that's been out of control. And until we get that under control, we're of very little use to most of the world economically. The best thing we could do for Greece, for all of Europe, is get our spending under control, come back from a point of strength financially, show them by example how you get out of your problems, and then the world will be better off financially because you see repeatedly in history when a country gets in trouble financially, it opens the door to dictators or a radical form of a government such as we see in Iran today. That wasn't entirely economic.

We do recall—I was in the Army at the time—when President Carter failed to support our ally, the Shah. I never met the man, but apparently historically not a warm fuzzy fellow. Was not fine with the folks in Iran. But using

very poor judgment, President Carter hailed the Ayatollah Khomeini in his return to Iran as a man of peace; and as a result that man of peace, as President Carter hailed him, thousands and thousands and thousands of Americans have given their lives or had their lives taken from them.

There are prices that are paid by bad judgment; and this country has paid a price for bad judgment, and now we have more efforts at bad judgment. That would include telling the world that as we've overspent more than a trillion dollars more than what we have coming in, Don't worry, we'll come bail you out. I was surprised to find out this summer that we're not printing money to get us out of our problem. No, we're not printing money. I was surprised to find out—because I've said that before. I think we're just printing money to try to pay off our debt. That causes runaway inflation. I was corrected. And I stand corrected.

We're not printing money to get out of our financial dilemma. No, I was told we're not printing this money. We're just adding ones and zeroes in a computer to say that we've got more money. We're not even printing it anymore. How irresponsible is that? There is a price that will be paid for that kind of irresponsibility, and it is very tragic that it may well be paid by our children and grandchildren. It is the height of irresponsibility to leave that to future generations.

And then to have our Treasury Secretary say, Let's go bail these folks out. Well, it's not really us. It's the International Monetary Fund.

□ 1730

It is kind of reminiscent of President Obama saying, We're going to go get Qadhafi, we're going to help these so-called "rebels," but we're not actually going to do it. No, we're not going to do it; NATO will do it. We started a little bit out there, but now it's not the United States at all; it's NATO.

So we checked, and we find out 65 percent of NATO's military is United States Armed Services. Oh, no, it wasn't NATO—much. Sixty-five percent was the United States. It was the United States. And now the Secretary of the Treasury wants us to do this with countries that are failing and yet still unwilling to embrace the problem they've created.

And then we're told there's such great news, that unemployment has now dropped from 9.1 percent to 8.6 percent, or 9.0 to 8.6 percent, and we're supposed to feel like that is such a wonderful thing. I'm not a huge fan of The New York Times, but there was an article in December 2's New York Times, an editorial entitled, "Been Down So Long." I think it's worth entering into the CONGRESSIONAL RECORD by its reading.

The unemployment rate dropped to 8.6 percent in November from 9 percent in October in the jobs report released Friday. The economy added 120,000 jobs and job growth was revised upward in September and October.

That's better than rising unemployment and falling payrolls. Yet, properly understood, the new figures reveal more about the depth of distress in the job market than about real improvement in job prospects.

Most of the decline in November's unemployment rate was not because jobless people found new work. Rather, it is because 315,000 people dropped out of the work force, a reflection of extraordinarily weak demand by employers for new workers. It is also a sign of socioeconomic decline, of wasted resources and untapped potential, the human equivalent of boarded-up Main Streets and shuttered factories.

The job growth numbers also come with caveats. More jobs were created than economists expected, but with the job market so weak for so long, that is a low bar. It would take nearly 11 million new jobs to replace the ones that were lost during the recession and to keep up with the growth in the working-age population in the last four years. To fill that gap would require 275,000 new jobs a month for the next five years. That's not in the cards. Even with the better-than-expected job growth in the past three months, the economy added only 143,000 jobs on average.

And most of those new jobs are low-end ones. In November, for example, big job-growth areas included retail sales, bartending and temporary services. Teachers and other public employees continued to lose jobs, and job growth in construction and manufacturing were basically flat. Indeed, work—once the pathway to a rising standard of living—has become for many a route to downward mobility. Motoko Rich reported in The Times recently on new research showing that most people who lost their jobs in recent years now make less and have not maintained their lifestyles, with many experiencing what they describe as drastic—and probably irreversible—declines in income.

Against that backdrop, the modest improvement in the jobs report, even if sustained in the months to come, would not be enough to repair the damage from the recession and its slow-growth aftermath. Help is needed, yet Congress is tied in knots over even basic recovery measures, like extending federal unemployment benefits and the temporary payroll tax cut.

Meanwhile, the increasing likelihood of a recession in Europe, or any other setback, could easily derail the weak American economy, sending unemployment back up to double-digit recession levels.

Now, we've been hearing a great deal lately from the President and from Members of Congress on the Democratic side about how we just needed to extend this wonderful payroll tax holiday. Well, as the person who came up with the idea of a payroll tax holiday 3 years ago, I'm offended at the use of the term "payroll tax holiday" to cut 6.2 percent Social Security tax down to 4.2 Social Security tax when it has not increased jobs, it has not helped jobs.

We're talking \$30, \$40, \$50, \$60, when the payroll tax holiday I was proposing was a true holiday. It would have allowed every worker in America not to pay any Social Security tax, any Medicare tax, any income tax for at least 2 months. It would not have hurt Social Security, the trust fund, and it would not have hurt the Medicare system because it was totally paid for.

My bill said that money that was leftover—which was available at the time before our Secretary of the Treasury just started giving it away—that

money would be moved over and would cover the Social Security trust fund monies that were necessary so the tax would not be missed. It would cover the monies that were supposed to go in to cover Medicare. And so the only way that money would be missed is that Secretary Geithner would not have been able to give it away and support those four-to-one Democrats or Republicans that are executives on Wall Street and who reside in controlling our investment banks.

And that's a shock to some people when they actually do their research and find out Wall Street is four-to-one Democrat over Republican because they've been listening to Democratic leaders for years talk about those sorry fat-cat Republicans on Wall Street. Well, they hadn't done their research either; or if they had, they would have been very disingenuous in so saying.

That money—as I and many others contended—that was in TARP and was in the slush fund of the Secretary of the Treasury would have been far better used by those people who earned it, by just saying you get every dime back that you were paying in this month and next month. And I also knew privately in my heart that if we could have that payroll tax holiday, a true payroll tax holiday for 2 months—and initially I said a year.

But if we could have had that for even 2 months, then I knew taxpayers across the country would see—many, most for the first time—just how much money they were sending for the Federal Government to use, and they would demand better from their Congress, from their President. They would demand better from the bureaucrats in Washington that get to the end of the year and see they've got money left and rush out and throw it away, spend it on whatever they can. They would have demanded better government, and they would have gotten it or they would have fired everybody at the next election and gotten better. But we didn't get a true payroll tax holiday.

I was very honored to have a chance to explain the concept of a payroll tax holiday when President Obama came to our Republican Conference back the first of the year in 2009. As I explained to him, this is immediate; it immediately helps the economy. Moody's said the tax holiday idea—a true tax holiday, not this bastardization of one—the true tax holiday would have increased the 1-year GDP more than any other proposal, more than any other Democratic proposal or any other Republican proposal. And as I explained to the President, we pass this and you sign it—and if you just say you are willing to sign it, we would get it passed. If you sign it on a Thursday, then on Friday all of that money, all of the income tax, Social Security, Medicare tax, all of that will be in the check of the person that owned it.

□ 1740

It doesn't have to go through Washington, and Washington take its cut

out and dribbles out \$30, \$40, \$50, \$60 to the worker. They got it all. And then, to know that was going to be paid for by stopping the giveaways to the auto companies, to the investment banks, to the fat cats, as the President calls them, that was what I wanted to see. And that money would go into the hands of the people that earned it, and then they would have decided.

We did a survey in our district about what people would use their money for. Look at your check. Think about it for 2 months. What would you use it for? And we weren't talking about \$20, \$30, \$40, \$50, \$60 like this President has. We were talking about, \$2,000 \$3,000 \$5,000 \$6,000. And when people did that, they told us, for example, we've got a gas guzzler, and gas is so high now we can barely pay our gasoline bill, but we're underwater on our car. We owe more than the car is worth so we can't afford to trade it in. So we're stuck.

You let us have our money for 2 months, we'll buy a new car. And the people in America would have decided which car companies deserved to be bailed out, and they would do that by deciding which car they would buy. And you wouldn't have had to have an auto task force secretly meeting in the White House and an auto czar and all those folks breaching the Constitution, breaching bankruptcy law, and deciding which dealers got to keep their dealership and which would have had them arbitrarily yanked away, only years down the road to find out, oops, we made a mistake on that. Oh, well, they're gone. Too bad. We could have avoided all that.

And with all the effort that was undertaken to try to shore up the real estate market, we had people telling us, look, we got behind on our mortgage payments when gas hit \$4 a gallon. You let us have the \$6,000 we'd get to keep over 2 months, we'll catch up on our mortgage. We'll catch up on the other things. You don't need to have some big financial bailout situation because we'll take care of it ourselves if we have our own money.

Then again, to know that that would have been paid for by the TARP money, and Social Security would not have been hurt. They would have gotten all the tax money that would have come in. It would have just come from TARP, instead of the individual taxpayers. And to know that Medicare would not have been hurt, because that money would have gone directly into Medicare, not from the taxpayer for 2 months, but from TARP. That would have been the right thing to do.

If you really want a stimulus, let the people that earned it spend it. They'll know better than the people here in Washington did.

And it didn't pass. And President Obama has chosen to take the name "payroll tax holiday" that I was using 3 years ago and use it for a 2 percent tax. Why? Because it will look good for the election. Why? Because it looks to be so grand because, see, you can tell

people that are working that, gee, the President's got you a petty \$30 extra in your check, and these Republicans don't want you to keep that.

That's not true. We do. But we also, at the same time, don't want Social Security not to have the money that it needs. What the President is not telling people, as he has pitted those who are working now against our seniors, and to the one group saying, hey, workers, I want you to have that little extra 30 bucks in your pay check, and Republicans don't want you to have it. And then going to seniors and saying, you've got to worry about those Republicans because they're not going to take care of Social Security, never bothering to mention that when he says we're allowing you to keep this money in your check now, it means that money will not be in the Social Security Trust Fund, not even the IOU will be in the Social Security Trust Fund to take care of our seniors.

We were told when this President was running that he was a uniter, not a divider. And yet we see in this campaign ploy that working people are being pitted against our seniors. We've seen class warfare. In essence, if you see somebody has more than you do, you need to want it and go after it. After all, that basically seems to be the one common thread running through all the Occupy Wall Street, Washington, all the Occupy groups.

We had them come through Washington screaming in the hallways today. It wasn't enough that they're trying to disrupt a beautiful park people used to enjoy. Why? Because they have no regard for private property. Why? Because they've become envious and jealous.

I can say that because I'm repeatedly told in the analyses that I have less assets than most people. One time I had the least assets of anybody from Texas in Congress.

My wife and I cashed out all our assets, except our house, so I could run for Congress, so I could try to make a difference. And I am not jealous of anyone who has more than me. I thank God we have a country where people can be entrepreneurs. And I've accepted that as a role I can play in helping try to do that.

So it breaks my heart when I see a President dividing America with class warfare, encouraging envy and jealousy. You ought to want what they have and demand that you get theirs. Leaders coming out and saying they fully embrace the Occupy movement, it's a great thing, when even the Occupy folks can't explain anything other than they hate the people that got more than they do.

Then there's a report—I don't often cite CNBC, but cnbc.com, more Americans are going abroad for economic opportunities. It says that the State Department now estimates that 6.3 million Americans are studying or working abroad, the highest number on record.

We're told that 70 percent of Americans, adults, believe that their children will not have as much opportunity and freedom as they've had. That's why I ran for Congress. That should not happen. We can change that.

But I'm mystified when I think about the record spending in 2007 that was followed by additional record spending in 2008, under the guidance of Speaker PELOSI and Leader REID, because we know all spending originates in Congress. This is where budgets are passed. It's where appropriations are passed. If money is appropriated, it has to be appropriated from here.

In 2007, 2008, I never heard anybody, Democrat or Republican, complain that those budgets didn't spend enough money, each year going beyond what we had spent the year before. And so, then to have a new President come in in 2009, and with Speaker PELOSI and Leader REID still at the reins, jump up spending an extra trillion dollars, and then come before Congress and the country and say, look, you're just going to have to raise taxes to get up to where this extra trillion dollars is that I've already spent.

Why couldn't we just say, Nobody complained in 2007 or 2008 about too little money being spent. Let's go back to the Pelosi-Reid budget that was so much more than the Republican budgets of 2005 and 2006. We'll go back to those. It means we drop \$1 trillion in spending. Boom, there you go. We didn't need a supercommittee. There you are.

Another easy solution that isn't talked about enough, but this House voted to cut our own legislative budget 5 percent last year and 6.4 percent the year we're in. That amount of money, though significant to most of us, is a drop in the bucket when you look at the overall Federal budget. And the way that that should be used to make a difference is for this House, since we've done it to ourselves, now having the moral authority to say to every Federal department, every agency, we cut ourselves 5 percent last year, you're cutting yourself 5 percent next year.

□ 1750

And the year after that, since we've already done it, you're cutting yourself another 6.4 percent; an 11 percent cut. And there you are. We didn't need a supercommittee. You've got your cuts.

I am so grateful to Chairman PAUL RYAN. We had a good discussion back in July. Since he's been in Congress like I have, the four terms I have been in Congress, each time I filed a zero-baseline budget bill that says no more automatic increases for every Department. No automatic increases. It ought to be an easy concept.

But we're living under the rules that were established for CBO back in 1974, a very, very liberal Congress that ended our participation in Southeast Asia. We should have ended it because we had not given our soldiers, sailors,

airmen—we had not given them the go-ahead to win that war. We had tied their hands.

When I hear some people say we ought to remember the lessons from Vietnam—and then it turns out they didn't get the lesson. The lesson is that unless you are willing to commit 100 percent of the resources and give the rules of engagement that allow our military to win, they should never be sent. It is outrageous to have our military in foreign countries with rules of engagement that don't allow them to adequately protect themselves. That's the lesson that should have been learned from Vietnam. We could have won the war.

SAM JOHNSON can tell you, the leaders in Hanoi, as the POWs were taken out, one was laughing: You stupid Americans. If you had just bombed us one more week—like the 2 weeks they had before—we would have had to surrender unconditionally. They could have done that years before, saved thousands and thousands of American lives in Vietnam, but we didn't commit to win it.

We shouldn't send anybody anywhere unless we're committed to win. It costs too much money. But even more than that, it costs the greatest American treasure, and that's American lives.

We are in an economic crisis; and as Peter Marshall as chaplain of the U.S. Senate prayed in the 1940s: What we call crises, God sees as opportunities.

It turns out, those of us in the House, those of us in the Senate, even the President, have an incredible opportunity. We'll never be called the greatest generation; but 100 years from now, if we bring spending down under control, people can look back and say: Wow, they had about 60 years, 65 years of uncontrolled spending. It grew and grew and grew. And the people that were in government then did something that most have never been able to do when they get to that point, when nearly 50 percent are getting more back than they are paying in. They were able to restrain their spending, get control of their financial destiny, and we got another 200 years of the greatest Nation in history.

The other is possible. They could look back and say: Wow, the United States followed the tried-and-true path to the dustbin of history. They spent more than they had. People found that they could get Congress to vote them money out of the Treasury. And once again, that socialist concept failed, and the Nation failed. The Nation that provided for that brief time of Camelot, a time of hope, relative peace, evolving toward more perfect freedom, was lost because of financial irresponsibility.

People have heard me so many times quote Ben Franklin. But it's easy to see from Proverbs, it's easy to see from speeches of people like Ben Franklin, our problem is a selfish problem—anytime we spend more money than we have with complete and utter disregard, gross negligent disregard, even

intentional disregard for the future of our children and one day their children and one day their children, complete disregard, we want to spend it on ourselves now.

It's time to tell Greece, to tell everyone, let's hold hands and do this together, not jump over the cliff by spending good money after bad. Let's do it by not spending money we don't have. And there's no way a country would not be upgraded when S&P and the world see, these people are really serious about not spending more than they have coming in.

This is a brave country. They know how to make commitments. And that would get us back to having true freedom and not having the American citizens have to come begging to Congress. Please, please, throw us more morsels. Instead, Congress would be a body that inspired greatness and inspired potential again and wouldn't lure young women into the rut of having children out of wedlock because they're bored with high school. It would, instead, give them incentives and encouragement: Reach your potential; finish high school; go to college.

Let's have incentives not to stay out of work. Let's have incentives to get back to work. Let's have incentives to sell our products around the world. You do that by decreasing the tariff that we put on American-made goods by every American company. That would help get us on the road back to financial independence.

One other thing: When you have been blessed as the greatest country in the world when it comes to having your own energy, we ought to use it. We have it. We've been blessed with it. It's time to use it. And I would humbly suggest that this President get out of the way, stop preventing us from using our own energy, and allow us to become an independent and great Nation again.

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

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2011 at 2:04 p.m.:

That the Senate passed S. 384.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

□ 1800

## THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. I thank you very much, Madam Speaker.

I am very pleased to join my colleagues this evening, including JOHN GARAMENDI of California, to talk a little bit about the standoff that appears to be happening in discussions between the Senate and the House and the seemingly irresolvable issue of whether or not average American families are going to be able to maintain a tax benefit on their payroll tax deduction relating to Social Security contributions for the average family, which is about \$1,000 a year; or whether that money is going to be taken away from them and, instead, tax breaks given to multimillionaires and billionaires in our country.

It appears that the Republican Party is quite averse to having everybody in this country pay their fair share, so I just want to go on record as saying, at this point in our economic recovery, nothing could be more important than keeping that tax benefit in the hands and pockets of America's families. They're the ones who actually take those dollars every month and buy essentials, not extravagant purchases. They make their car payments if they're fortunate enough to have cars; they buy enough food for their families; they buy clothing; my golly, during the holiday season, they might even be able to buy a little bit extra—something special—for their holiday dinners; and they pay down some of the debt their kids have in trying to pay their college or after-high school training bills.

It's really amazing to me that in the richest and most powerful country in the world that we continue to have this tremendous friction here in the Congress to do something that is so reasonable—that is just so eminently reasonable—and would contribute to economic growth. We know that consumer spending is the most powerful instrument to help lift this economy out of its doldrums.

We see the automotive industry recover, this industry that the Obama administration and certain Members of this Congress worked so hard to fight for the recovery of; and we got more signs of that today in Ohio with a wonderful announcement by Ford that it is moving its truck line from Mexico back up to Avon Lake, Ohio, and that it's making over a \$128 million investment there. We see car sales increasing, and that's because people have spendable income.

So why at this point in our history would you want to allow those who have the most not to pay their fair share and take away \$1,000 a year, on

average, from middle class families who would spend those dollars in helping to propel economic growth?

I can guarantee you that at firms that I represent, like Chrysler, Jeep, Fiat, that the Wrangler, that the Cherokee, that the Liberty are selling very well and that General Motors' Cruze vehicle, which is largely a northern Ohio-made car, is selling like hotcakes because people are able to make those monthly payments. So that particular part of the discussion here in Washington makes such eminent sense.

Why in the world would you want to penalize middle class families because you want to just take care of the top 1 percent? It simply isn't fair. It simply isn't fair.

It would seem to me, in the holiday spirit, that the tax-writing committees of both Chambers should get together and figure out a solution that is fair to all families. It's pretty clear to me what that is, and it's pretty clear to me that with corporate profits at all-time highs and with those who run these corporations and sit on their boards that they have been doing quite well, thank you, and it's time for them to do something for the Republic.

It's not that big a deal. Who is going to miss an eighth home or a seventh yacht? But the average family is having trouble meeting its credit card debt, paying its children's bills, having enough, as prices go up, to pay for food on the table, and taking care of elderly relatives sometimes who need extra medications.

So I would urge those in both Chambers who are on these budget and tax-writing committees to spend the time that's necessary and not burden the American people with unnecessary delay. Instead, give the economy the boost that it needs by maintaining the middle class payroll tax cut and by making those in the top 1 percent pay their fair share.

Many, many years ago, they paid a lot more percentage-wise than they do today, and we had lots of job creation in this country. It simply eludes me why those at the very top of the income scale, who have taken most of the benefit of growth in the last 20 years and who are doing so well, are so averse to helping our country and to making sure that everyone has a chance to prosper because, when everyone prospers, so does the top 1 percent. That's where this consumer spending injection from the middle class payroll tax cut plays such a significant role in the economy.

Now, as we buy for the holiday season, nothing could be more important than buying "made in the USA" goods. Why is that important? It's important because, when you see that label, "made in the USA," you know that those dollars flow back to that company and to those workers and that you actually help build wealth in this country.

Last weekend, when we were doing some shopping for the holidays, we

went in one store. I kept looking at labels, and it was China, China, China; and I'd put them back on the shelf. It was actually staggering what percentage of those goods—a majority of the goods on the shelves—were actually made someplace else. I made a point of going to a craft fair in our region and was able to buy several Christmas gifts that were handmade. I felt really good about that because I knew that those were people who had taken their artistic abilities and that they had created tableware, table linens and other items. There was jewelry that was handmade. I knew the profits would benefit those families and that they would go to the communities that they came from. It shouldn't be so hard to find "made in the USA" goods on the shelves of our major retailers.

So I would just urge our citizens—and I know sometimes it's hard—as you're doing your holiday shopping to really try to look for that label "made in the USA" and to help your own community. Find small businesses and find products in your community that are made here so that those dollars recirculate over and over and over again and so they help to build the real wealth of our Nation that made America great.

I would urge you to look at candy-makers in your region, at those who are making cookies, at those who are small entrepreneurs of different kinds, making scarves. I was able to go to one potter in our region, and I ordered several items for this holiday season. That's a local artist who has her own shop and makes her own goods right there. She exports out of that shop, and I know that that's going to help our region grow. So we can do a lot in our own lives and in the way that we spend those precious dollars to really help job creation in our regions, in our country, at a time when we really need it.

I see that some of our other colleagues have joined us here on the floor. I want to thank Congressman PAUL TONKO of the great State of New York for joining us this evening. He is such an outstanding and really relentless voice on job creation and economic recovery in our country.

Mr. TONKO. I thank the gentlewoman from Ohio. Thank you very much for kicking us off on a wonderful hour of discussion as to a plan to revitalize our economy and to grow the opportunities for our working families across this country.

President Obama has ushered forward a wonderful package called the American Jobs Act that will enable us as an American society to respond to the crisis for jobs and to the crisis for economic recovery, all of which are incredibly valuable to the future of this country.

□ 1810

We need to invest, I believe, in a way that allows us to provide the tools that are essential for a modern-day economy and modern-day manufacturing.

This proposal stands in sharp contrast to the work done a decade and a half ago, a decade ago.

What was done then is this spending frenzy that paid for tax cuts for millionaires and paid for tax cuts for billionaires and bought wars in Iraq and Afghanistan and offered a pharmaceutical plan for the Medicare program, all without having a payment mechanism.

And so this spending frenzy, which was tremendous, it was a huge bill for the American public, had been done off budget and had no funding sources. There were no pay-fors, as they are addressed today.

The contrast here with the President's proposal, with President Obama's proposal, is that there is an offering for relief for America's working families, for her middle class strata, with a payroll tax reduction extension, and that enables both employers and employees to realize the savings that then allow us to put together a balanced approach on assisting the economic revitalization of our working families and middle class, and on providing the investments that are essential in going forward, automating our manufacturing concepts in providing an inducement for an ideas economy into the equation of success for this country.

That all requires investment. And so as we look at this plan that is very balanced and paid for, we know that we can compete in that global market if we're given the appropriate revenues to invest in a modern manufacturing concept. Keep in mind, certain sectors were totally avoided by the Bush administration. No focus on agriculture, no focus on manufacturing, a focus on the service sector of the economy, but they are narrowly on the financial services.

We all know the saga there. We know the scenario all too well, that avoidance of a watchdog, turning our back so that there could be this laissez faire approach that brought America's economy to its knees, and we saw the displacement of 8.2 million jobs.

That was painful and impacted people in tremendously profound measure, and people lost their lifetime savings through those failures. Housing values went down. They plummeted and, again, 8.2 million jobs were lost.

So we have an opportunity, Representative KAPTUR, as you've talked about an extension of the payroll tax holiday, we have an opportunity here to not only provide for savings, for our families, but for investments in a modern world manufacturing model that enables us to, again, utilize the strength of research, the strength of technology, the strength of ideas that can then bridge into a new threshold of manufacturing opportunities in this Nation, and then, of course, the investment in the human infrastructure where we train and retrain workers for that automated phase that comes in manufacturing.

So, I thank you for bringing the focus tonight on the floor of the House of Representatives to what we call in our caucus a progressive agenda for revitalizing the economy, and emphasizing, underscoring the concept of making it in the USA, making it in America, putting a focus, again, onto the manufacturing base.

I represent a host of communities dubbed mill towns. They were the economic engine for an industrial revolution. They were the epicenters of invention and innovation that led to this westward movement that enabled us to impact not only the growth of this Nation in favorable measure, but to impact the quality of life in peoples around the world simply by our spirit of pioneer, which is within our DNA to make a difference in the product delivery, in the quality of life that's addressed by that product line.

I'm filled with optimism. I'm filled with optimism if we move to go forward in a way that invests in the American worker, invests in the American business, small business, and invests in our ingenuity and our innovation.

Thank you so much for the discussion.

Ms. KAPTUR. Congressman TONKO, I want to thank you so much for coming to the floor tonight to again express your deep and abiding passion for jobs in our country. And I wanted to follow on something you said.

This is actually a chart which shows our trade deficit with China. Like your community, our communities are just loaded with goods that are coming in here from China. And if we just look back at the last decade, the enormous rise in those goods on our shelves, when you really put the math of it on a chart, it looks like an avalanche. It is just crowding all this money—in 2010, over \$273 billion of hard-earned American money was actually used to purchase Chinese goods, and that money then went back to, not the United States, but to China.

And you think about the displacement of production in this country, for everything from tableware to sometimes food products now, and I had an experience over the weekend because I like to work with small businesses, and I ran into a woman who was blending coffee, she's called a master roaster, and her product is called Bea's Blends, Bea's Blends from Toledo, Ohio.

And she was asking me, I want to expand my company but I need a very small loan, and I don't want to go into debt and, oh, gosh, what should I do next? And I told her I would try to put her in touch with the Small Business Administration.

But it was really, when you said the optimism that you have, I'm meeting companies all the time that are inventing new products—incidentally very good products—and trying to counter this trend of more imports versus our exports. And her product is a product that can be sold locally, it can be sold

interstate, and ultimately it can be sold internationally because it's vacuum packed.

And I was thinking about the creativity of this individual American trying to make it in a very tough economy. And then a couple of days later I was over at a coffee shop in Lakewood, Ohio, and I happened to tell the owner of that shop—also a woman—that I had met this master roaster. And she said to me, well, you know, Congresswoman, it's interesting you should say that. I'm trying to bring together all these master roasters across the coast.

I said, gosh, we have coastal roasters or roaster coastals? But the point was people were thinking, they were creative, they were bringing something new to the market, beautifully labeled, an excellent product, and trying to counter these trends.

And because small business is located in our communities, it's interesting to look at the last several years as well, which conform to the rise of Chinese imports and other imports into our country. And look at the distribution of income of people in our country. And what's happening is what the American people obviously know, which is why we need to maintain the payroll tax holiday and to make those in the top 1 percent pay their fair share.

The divergence between people who are in the lower income spectrum and the upper has just exploded. It is just that before, those who had much and those who had little were not so far apart. But the gap has just widened to a level where the American people know something is fundamentally wrong, and that the ship of State is very out of balance, and that somehow we have to begin to make sure that all boats are lifted in this society and not just some boats get lifted.

And we know that job creation, business growth, business startups, business expansion of American-made products are essential; products that can be exported, that can help to close the trade gap but also then begin to narrow the income gap that we see as we allow more income to be earned by those who are in the middle class and who are in some of the categories of income where they're stretching just to make it every day, every week, to put enough food on the table.

This is really almost un-American. This looks more like an old, stratified society from times past that was very, very undemocratic, places where we wouldn't want to live, the kinds of places that our relatives fled because they couldn't get enough to eat, because they didn't have a chance to earn a fair day's wage.

□ 1820

We are joined this evening by Congresswoman SHEILA JACKSON LEE from the great State of Texas, such a hard-working and able Member who is such a voice for citizens across our country and our world every day.

We thank you so much for joining us this evening.

Ms. JACKSON LEE of Texas, Congresswoman KAPTUR, thank you for allowing me to join you and to join the distinguished gentleman from New York. We are on the floor often, but it is very special to come here tonight as I listen to you discussing the issues not only of Make It In America, but something you have been on—and, in fact, we have known Ohio to be the center point of manufacturing, the center point of production of what we call the raw materials, overlapping with our friends in the Midwest on steel production. We call Ohio the true salt of the earth and the underpinnings of America's economy.

Again, they are very fortunate to have a Member such as MARCY KAPTUR, who has never stepped away from the morality and the moral compass of allowing constituents to work and to fight for them having the opportunity to work and to create opportunities and jobs and manufacturing in Ohio. We thank you. We are joined, of course, by Mr. TONKO, who has never wavered from assisting his constituents, particularly facing the hurricane they had.

I want to join you and pick up the populist chord, if I can. The President went to—I guess he listened to us, listened to you and went to Kansas and went to the place where Teddy Roosevelt, the man with the big stick, went. I think we need a big stick around here. I don't believe in violence, but if I might just get one quote in that I really like: This country succeeds when everyone gets a fair shot, when everyone does their fair share, when everyone plays by the same rules.

This is what we've been speaking about. This is what the public has been asking us. This is what the coffee maker or the small businesses have been asking for: Give us an even playing field.

I want to briefly speak, as I participate in this Special Order, on one or two points, and that is these go hand in hand.

We know there are people who are unemployed. We know there are working people who will benefit from the extension of the payroll tax cut. We also know that we have great respect for our colleagues, but that we have not been tending to the people's business for the last 3 weeks. We have been passing legislation which has been job killers. We could have had a reasonable discussion on how we get to a point. And I don't mind doing things in a bipartisan way. I've never seen you reject bipartisanship. I have never seen Mr. TONKO reject bipartisanship, or Mr. GARAMENDI do so. We are eager to move this country forward.

I'm going to give the other body a compliment because I know they were stuck on the plan of the payroll tax, but I kind of like the idea of a 1.9 percent surtax applied in 2013—not even in 2012—to millionaires over a 10-year pe-

riod. An additional \$31.8 billion would be generated by increasing fees on mortgage lenders paid to Fannie Mae and Freddie Mac; and those may have to be reviewed by this body, but it is seeking a way to ensure that everyone gets a piece. Let me tell you what the response is.

The hostage-taking comes when one Senator of our friends on the other side in the other body, a Republican Senator says: Okay, we don't want the Bush tax cuts to ever expire. That's their response.

So I just want to say to my colleagues that the olive branch has been extended. If we do not do this, I will tell you the GOP will be risking 160 million Americans who will not be protected and will be subjected to this massive, if you will, tax increase. If we do it, it will give 160 million Americans relief. 300,000 people making more than \$1 million a year will give a little bit of sacrifice to give a fair shot, a Teddy Roosevelt fair shot, to the American people of \$1,000 to \$1,500.

Let me speak briefly about the unemployment circumstance here. Six million Americans lost their jobs. And I want to speak briefly, and I want to show this picture of a happy family. You've got manufacturing and I've got the Houston port. We've got stevedores. Obviously, when the international economy slows down, what happens to the guys who load and unload ships? My guy who is in this family that's in need, he's been off work for a month or two months. He's got these beautiful children and a wife. They've got some medical problems. He's had to have surgery. These are the kinds of people that we are castigating, the salt of the earth in Ohio that had jobs in manufacturing and were laid off or they were slowed down.

This headline says: "Illness and budget cuts fail to diminish family's good cheer," but they are the recipients of charitable aid here in Houston, Texas. And you see their three lovely children. If this gentleman does not get unemployment, if, for example, he continues to be laid off, then we are talking about a family that is not on public assistance. We are talking about a family that in fact worked, which is what unemployment insurance is, car insurance, fire insurance. They worked, and they've come upon hard times. New Yorkers worked, and they've come upon hard times. Californians worked, and they've come upon hard times, as have those in Ohio. So I would just, in the spirit of bipartisanship, say to my good friends, find a way to repay the American workers who have come upon hard times, the children who have watched their parents get up every day and work.

Here is my swan song on this point. I wanted to show this picture because I have been plagued over the weekend by the words of one of our national figures who indicated that poor children have no role models; no one in the poor communities ever goes to work; no one who

happens to be poor watches any family member get up and go to work unless they're doing illegal activities.

So a solution is we watch the janitors in the schools—let's make sure the poor children, pluck them out of the pre-K and first grade and sixth grade, let them do the janitorial work of an adult who is providing for his family. In my day, janitorial work, the sanitation department, that was good, hard work for individuals who were providing for their families, and maybe they educated a whole generation of children by being a janitor. Or someone who was housekeeping or someone who was cleaning facilities or office buildings. We are not suggesting that these individuals are not looking for greater aspirations. Maybe somebody went and got a GED or went to a community college.

But to suggest that poor children in Appalachia, where Robert Kennedy went and said he saw the worst poverty he had ever seen, or in places such as inner-city Houston or rural America don't have role models because they are impoverished and the only thing that they are able to see is illegal activity is an insult to the American spirit and is a reflection on what we have come to in this body when we can't give to the working class, this wonderful family that is on the front pages of our paper, indicating they're only in this predicament, they only can't see daddy go to work because he is a stevedore without work and then getting back surgery, so compounded not because they are poor and in a family where nobody gets up and goes to work.

We've got to do better than this. We have to take the Teddy Roosevelt spirit. I'm glad the President was in Kansas and has taken on this kind of hard talk in order to provide for the working families of America.

Ms. KAPTUR. I want to thank you so much for bringing this family's plight to light here in the Congress on behalf of all of America's families who are suffering at this holiday season.

Isn't it an indictment on the legislative branch of this country at the national level that when people need unemployment benefits, we have to run out the clock right to the bitter end, right to the bitter end for benefits that have been earned—earned.

In church on Sunday, a couple came up to me and the husband asked: Congresswoman, if you know of any other jobs, please let me know. What's going to happen with unemployment benefits? This was a family that obviously needed help, a family that had spent their entire life, the man and wife, both working.

□ 1830

He didn't want to ask about the unemployment benefits; but he knew that for that family, maybe it was all that would be there in the near term.

I'll give you a couple of figures I would like to put on the record this

evening. One, I called the head of one of our major railroads the other day because I was trying to get the word out across my region—not everybody is plugged into the Internet—that there were 4,000 jobs that CSX was offering around the country. I wanted to make sure that people in our region knew that they were available. The chief executive officer of the company said, Well, you know, we've had 500,000 applications for 4,000 jobs.

The American people want to work. It is not that they do not want to work, as some of our friends on the other side infer. No, no. They're looking every day. They're just not finding the jobs that existed in past generations. And we know that those jobs have been displaced by imports from places like China. And company after company that used to be located in our neighborhoods aren't there anymore.

So it's harder to find jobs. We have to create new jobs. But the new ones aren't coming on stream fast enough. The level of desire to work in our country is so much higher. Millions more people want to work than there are jobs available right now. And so for many families, unemployment insurance is all that's left for them. Again, this Congress is just waiting to the bitter moment rather than acting responsibly to help families who have literally built this country and who have a very good work ethic and want to work.

So I want to thank the gentlelady from Texas (Ms. JACKSON LEE) for bringing this subject up and putting a human face on what this unemployment really looks like out in the country. If anyone has any doubt, come to Ohio. Come meet these families who want to work and are looking every day.

Of course, the way it works, you can't go into a company. They tell you, Well, we might have a hundred jobs but apply to us through the Internet. It's like you go into this faceless system where you can't really find a human being.

They're trying out there in the country. All the economic figures show us—and the last thing I will say here for this segment—Mark Zandi from Moody's has classified every single expenditure that one can make that gives the economy more than a dollar for every dollar expended. Would you believe that if one looks at things like unemployment insurance and payments to the unemployed, that produces the biggest bang to the economy? Well over \$1.35 for every dollar invested as opposed to, let's say, tax credits or something like that, these arcane tax provisions, where less than 30 cents is actually reinvested in the economy.

So unemployment insurance extensions also make sense for economic growth at this very tender time because the people who receive those benefits spend them on essentials that drive the economy.

I yield to the gentlelady.

Ms. JACKSON LEE of Texas. I want to follow up and put two more numbers on the record, as you did. You made a very valid point that here we are at the last minute. You would think that we would be sensitive enough to know that families are gathering. Families want to have a holiday for the children. They're trying to be the Santa that they know that the children believe in. They're trying to make preparations. Families are trying to find ways to be with loved ones. It may be gasoline that they may need to drive a car. If we don't do this unemployment insurance, we are poised—unlike if we did it and we get bang for our buck—to lose 200,000 jobs. Compound that with not extending the payroll tax cut and we'd lose 400,000 jobs. That is almost 600,000 jobs.

I finish by saying the tragedy of your point about China—and I want to make it very clear that we love all people. We wish the best for the people of China. It is the policies, the currencies. But not only do we have this in the backdrop; we have to fix our own house so that we're not building a bridge in California that has drawn steel and workers and designers and accountants from way across the ocean in China. We've got to get our house in order.

And so 600,000—if the payroll tax cut extension doesn't go forward, we're losing 400,000 jobs. And if unemployment insurance doesn't go forward, we're losing 200,000 jobs. Is this the way to welcome the most sacred season for many faiths and many families of the year of giving, where we teach our children to give? Is this what we should be doing to the American people? Is this what we should be doing to our soldiers who will be coming home by the end of December? I think not.

I thank the gentlelady for allowing me to share these thoughts. I'm only looking forward to getting our house in order and getting our holiday house in order and reflecting on the needs of the American people and not special interests.

Ms. KAPTUR. I want to thank the gentlelady for those very profound comments tonight and just place on the record that just in our church last weekend the priest informed us that compared to last year he was asking for people to dig deeper because the number of baskets and the number of "asks" was up well over 125. I think just for our church it's over 360 now for this year. For a small congregation, that's a bit of a struggle. That's just one place, just one corner in America, repeated in 50 States, in every hamlet.

I appreciate what the gentlelady said about the spirit of this particular season of light and of giving and that the people who are out of work have earned these benefits. They're not asking for any handout. They're asking for the insurance that they earned as a condition of work in order to help have a merry Christmas and a happy Chanukah and very Eid greeting season. They're not asking for anything they haven't earned.

I thank the gentlelady for coming down tonight.

Our leader, Congressman JOHN GARAMENDI of California, is with us tonight. We thank him so much for reserving this Special Order and for the incredible leadership that he has exhibited each and every week that we have been in session. Just a powerful and sustaining voice on Making It in America and creating jobs here.

Mr. GARAMENDI. Ms. KAPTUR, you've gone too far. Thank you so very, very much for picking up.

Tonight is a very special night for California. We lit the holiday tree in front of the Capitol. It was a tree that came from a community very close to where I was raised in California. I was out there with the choir from Summer-ville High School in Tuolumne County, an area that I represented for some 20 years, and then others around the area. A beautiful, beautiful tree from the Stanislaus National Forest in California.

There really is much to celebrate and much to be concerned about in America. We are still a very great country. We're the strongest, wealthiest place on this Earth. We have incredible opportunity and potential. I saw it in those kids that were singing in front of the Nation's Capitol this evening. Yet there's so much pain, as was pointed out by you and our colleague from Houston earlier.

Americans care about each other. They deeply are concerned about what's going on in our communities, and they want solutions to the problem. That's our task. There's 435 of us here and over in the Senate another 100. And, of course, the President. It's our task to find the solutions. The President has put forth a very powerful program called the American Jobs Act. One piece of it has, fortunately, passed. It was passed just a few days after Veterans Day when I guess we were out at the parades, and we made promises to take care of the veterans. Fortunately, a piece of legislation did pass. Only one part of the American Jobs Act, though there's much more to do.

My colleagues, Ms. KAPTUR, and the gentlelady from Houston, we're talking about a piece of it. The veterans piece provides employers a very powerful incentive to hire a veteran. A very, very powerful incentive. You can reduce your taxes by \$2,600 to hire a veteran that's been unemployed; a long-term unemployed veteran, \$5,600 reduction in your taxes; and in addition to that, the President proposed that if it is a veteran who is disabled as a result of their service, a \$9,600 reduction in taxes.

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That's right off the tax line. So we've got to get the message out to employers: Hire, put people back to work, the veterans. It's one of the elements the President has proposed in his American Jobs Act.

And you were so powerfully putting forward just a moment ago the issue of

the payroll tax deduction. It's going to end. There will be a tax increase for every American who is earning up to \$106,000, a tax increase average of \$1,500 across this Nation. We want to keep that tax reduction in place. We Democrats do not want a tax increase on the working middle class, no.

But again, as was pointed out just a moment ago, our Republican friends are saying, Well, that's a good idea, but where are you going to get the money? You can't get the money from those whose annual income is more than \$1 million; \$1 million a year annual income, you can't tax them. That's not fair to tax those people. They're the job creators.

Baloney. They're not the job creators any more than any other small business in the community who doesn't even come close to having an annual income of \$1 million.

So let's be fair about this. They've had an enormous tax break over the last decade. It's time for them to come forward and to share in the burden of America and put Americans back to work. The American Jobs Act works.

Let me now turn to my colleague from New York.

Well, Ms. KAPTUR, you're running this operation, so, please.

Ms. KAPTUR. I am going to yield the time to you, Congressman GARAMENDI, but I did want to say for the listening audience that this is a coast-to-coast operation. I'm looking at you from California, Congressman TONKO from New York, Congresswoman JACKSON LEE from Texas, and myself from the heartland. That's a pretty broad variety of opinion from across our country, from very significant States.

Mr. GARAMENDI. I thank my colleague from the great State of New York, picking up the east-west program once again.

Mr. TONKO. Representative GARAMENDI, thank you again for bringing us together with this request for a Special Order.

If Representative KAPTUR could just take us back to that second chart that she shared with us earlier this evening and the measurement or the depiction of real average after-tax income.

Now, you talk about the unfairness out there or the inability to go forward and tax fairly. When you look at that graphic, to see the injustice that's displayed just in simple line graph format, that flatlining of America's middle class from 1979 forward, that flatlining contrasted with that steep climb upward for those in the upper income brackets tells us the whole story.

And people have said across this country, when I go home to the district, people say to me that they're concerned, they're upset. They've been taught, rightfully so, they've learned along the way that if you play fair, you roll up your sleeves and you abide by the rules that you should be able to have within your grasp that American Dream. The American Dream, one that allows for working families to climb

the ladder. They don't feel that that's within their grasp today.

And it's not only the injustice here that is measured on a chart—and be mindful, they don't reject the notion of working hard and scoring big, making money. They're not concerned about that. They honor that. What they're concerned about is the undue influence that the powerful have, those sitting perched high on the income ladder, the power they have with the process and the policy outcomes. And the fact that we would avoid fairness in revenues and not invest in the American Dream, not invest in opportunity, not invest in the prosperity of this Nation is what bothers them. They don't want to be ignored that way. They want to know that a process out there, there's a government working to create policies that initiate a comeback, that enable people to have within their grasp the American Dream. That's what they want to know is alive and well here in Washington.

And now it's a fight. It's a fight for the Democrats in this House to score a victory for the middle class. We want that victory. We want people to be able to know that there's a fairness out there. Look at it, \$1,800, \$1,500, whatever your strata would produce as a favorable outcome is something for them. Month to month they will score some victory here where the essentials, as Representative KAPTUR labeled them, are available to them with these savings. Contrasted with opportunities that we see here that find this group that's rising to the top exponentially just won't share the prosperity in that way.

And I think it's the avoidance of sound progressive policy that's really the struggle right now. And people are expressing their anger and their frustration, and rightfully so, because we need to be more fair.

Mr. GARAMENDI. If I might just interrupt you, Mr. TONKO.

You mentioned sound progressive policies. We've all been back home over Thanksgiving. I've talked to a couple of those people that are on that blue line way up there, and they're willing to pay a little more for fairness. But I also have heard from some who say, well, we can't do anything until you control Medicare. And what do they recommend in Medicare? They recommend extending the age from 65 to 67. And I'm going, What sense does that make?

When you consider that Medicare was started in 1964, 51 percent of those men and women over 65 had no health insurance. Today, virtually everyone over 65 has health insurance. It's Medicare. It is one of the solid bedrock programs that keeps people—seniors—from falling into poverty.

Back in 1964, 30 percent of the seniors were in poverty. Without Medicare, they would be in poverty again today. And yet our Republican colleagues want to terminate Medicare, literally turn Medicare over to the private in-

surance companies who I know, as a previous insurance commissioner, will not provide a reasonably priced policy or benefit to somebody who is 65 because those are the people that get sick.

Similarly, they have said repeatedly since the 1930s that they want to terminate Social Security. We hear that. We hear the background buzz around this building. They want to terminate Social Security. These are the programs that give American seniors the dignity and the opportunity not only to live a good life, but to even live, to stay alive.

Mr. TONKO. Let me just talk about a point of clarification, too, to add to that discussion.

On this whole tax fairness, people have approached me. They've said, Now, explain to me—because they hear different scenarios. They were imagining that there would be this tax, this surcharge on \$1.2 million. For instance, if you're over that \$1 million threshold and you have an annual income of \$1.2 million, the people are now reminded that it's on that \$200,000 over and above the first \$1 million upon which the surcharge is levied. You know, that's an important fact that is sometimes lost in the discussion. So now people are saying, Well, wait a minute; so the first million dollars isn't taxed.

Mr. GARAMENDI. Same tax rate, doesn't change at all.

Mr. TONKO. Right. And so they're saying, Well, whoa, we've been flatlined for so long, and this exponential rise for the highest in the income ladder's outcome.

Mr. GARAMENDI. Surcharge is only on the amount over \$1 million.

Mr. TONKO. So now there is more determination by America's middle class families to have it fixed and done correctly.

And the other thing is, I'm reminded, every time I go home, by middle class Americans, modest household incomes, that: We're job creators. My children needed my attention at home. I opened a childcare in my home. I charge. I have a small business.

Many small business people tell me, as an idea came to mind, they now wanted to turn that into a product. They're small business owners. They're the engine. They're connected to the community. They're tethered to the small community.

Mr. GARAMENDI. Can I interrupt for just a second?

The American Jobs Act, which we're trying to push through this Congress to get men and women back to work, provides a tax reduction for the employer on wages less than \$50 million. So for your childcare provider, for the small business person, the carpenter out there in the small business, they also get a 50 percent reduction in their payroll tax. So instead of 6.2, it goes to 3.1. So this isn't just for the wage earner. This is also for the business person.

Mr. TONKO. Exactly.

Mr. GARAMENDI. So why don't they support this?

Mr. TONKO. You know, this is a statement of underpinning of support for middle class, for working families, for small business. It's the engine that's making it happen.

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Small business, the investment we can make, not only the tax cut we can provide here, but the investments that are required for the ideas to move along. We're in a challenging time. We're there competing in a global economy. We invest in the intellectual capacity of this Nation, and how foolish of us not to take that investment, that product of that investment and put it into working order. That's what we're asking for here.

Give small business the tools, give working class families the opportunity, and we will have a comeback story that is glorious, and we should be filled with optimism if we do the things that are so logical, and that polls across America, individual polls from all sectors, all angles, all different groups that measure, they're saying this is what America wants. And how come they can't get it delivered by their government?

They're speaking to us loud and clear through their opinion surveys. We want this progressive schedule. We want this agenda. Make it happen. We're trying here as the Democratic Caucus in the House of Representatives, Representative KAPTUR, to make it happen, and I think we can if we put our minds to working together in a very, very bipartisan, bicameral way, executive branch working with the legislative branch, vice versa, and making a progressive agenda happen.

Ms. KAPTUR. If the gentleman would just yield, I'd like to add that I agree with you completely. Every small business that I walk into tells me, MARCY, bring me customers. Customers are a function of having spendable income.

There are no more important decisions we could make as a country, right now, as we finish the month of December, than to make sure that middle class families have spendable income by not raising their taxes; middle class families, who've been holding the line here without real additional spending power over the last decade, and to make sure that we extend unemployment benefits to those who've earned those benefits because that has the maximum bang inside the economy when people spend those dollars on basics, on essentials.

Those are two practical decisions from an economic standpoint no rational human being would disagree with. And they contribute to economic growth. They contribute to keeping us on an upward path as we move forward here in our country after coming out of this deep, deep, deep recession.

Mr. GARAMENDI. If I might, Ms. KAPTUR, a fascinating piece of information came across my desk today, and it had to do with the Affordable Care Act,

which our Republicans like to call ObamaCare. Hey guys, it's working. It's working.

You just talked about spendable income. Let's see here: 2.65 million seniors, because of the Affordable Care Act, had an average of \$569 additional in their pocket as a result of the discount drug benefit program. Wow. It was incredible. It actually, the 50 percent discount on brand name drugs, saved \$1.5 billion for 2,650,000 seniors. Saved \$1.5 billion, an average of \$569 per senior.

It's working. It's working. And also, very interesting, these kinds of statistics come across, and normally we ignore them. But the annual wellness program, 1,931,927 seniors were able to take advantage of the annual wellness program that is in the Affordable Care Act; 24,175,608 seniors took advantage of the free service program in the Affordable Care Act.

So when folks are out there and they're putting down ObamaCare, be careful. It's not a negative. It's a very, very strong positive.

And you'll like this one, Ms. KAPTUR. Hang on a second. Ohio. One million, let's see here, 1,864,243 seniors took advantage of the affordable care and 50,178 seniors in Ohio took advantage of the discount, the drug discount. It's working. That's exciting.

This is legislation that we passed that's actually helping the seniors and the economy by putting money back in their pockets, rather than in the pockets of the pharmaceutical companies.

Ms. KAPTUR. If I could say, Congressman GARAMENDI, with those seniors, I know the first place they're going to spend those extra dollars, after they pay for food, will be on their grandchildren. And all I hope is that they don't buy Chinese toys this Christmas. I hope they find a way to buy little outfits that are made at your local craft fair, or they find ways to find candy that's made by a local firm, they find ways to spend those dollars wisely, because if we do that, if we spend every dollar as wisely as we can, we really lift the economy of this country, and we put those dollars back into businesses that actually are conducting business on our shores.

Mr. GARAMENDI. Excuse me for getting back into this, but Mr. TONKO gave me that look that says what about New York? 1,410,533 New York seniors were able to get free medical services, and 127,691 were able to take advantage of the 50 percent drug discount. Good for you. You voted for that act. I voted for that act, and I didn't even talk about California. Should I?

Mr. TONKO. You should share it for your home State.

Mr. GARAMENDI. Yes. 1,962,809 seniors in California were able to get free medical services and 139,396 were able to take advantage of the 50 percent drug discount. \$569 average savings for seniors. It's working. The Affordable Care program is working for seniors, and it's putting money back into our economy to grow this economy.

Ms. KAPTUR. I was just going to say, very quickly, that sounds to me very life-giving, Congressman GARAMENDI. It doesn't sound like there are death panels. It doesn't sound anything like some of the opponents were saying when that bill was first passed. In fact, seniors have a greater chance to live now because they can get the medicine they need and they can get the check-ups they need, and to me, that's very life-affirming. I just wanted to put that on the record.

Mr. GARAMENDI. We also know that there are—I don't know the exact number—I think it's about 20-some million young men and women, age 21 to 26, are now back on to health insurance, their parents health insurance as a result of this law. We'll pick up that statistic as soon as I get my hands on it, but I think that's the number, over 20 million.

Mr. TONKO. So many of these programs, including the longstanding Medicare program, are looked at sometimes in dollars and cents and argued about how they're improved or not improved. But sometimes lost in the whole discussion is the value added, the whole underpinning of support that is offered the senior community.

Prior to the inception of Medicare in 1965, families that retired were probably going to see their economic well-being dip precipitously. And what they had here, with the Medicare Foundation, was that their economic stability, their dignity factor, was addressed in tremendously strong and powerful ways so that they were able to move forward in those retirement years with that sense of dignity, with the quality of life, with economic stability.

These are facts that need to be maintained in the front of any discussion; that to undo Medicare would be a tragedy for American families, for our seniors. And certainly, let's go forward, as we have said, with optimism. Let's invest in Medicare. Let's invest in Social Security, and let's invest in an economic recovery where we cut where we can, belt tighten, but invest where we must so we can compete effectively.

And to my colleagues on the floor here tonight, Representative KAPTUR, Representative GARAMENDI, I join with you in being a powerful voice in promoting optimism as we go forward, and wanting to have progressive change.

Mr. GARAMENDI. I thank you so very much.

MARCY KAPTUR, thank you for grabbing the microphone early on. I was down with that Christmas tree and the lighting ceremony from California. I got here just in time to pick up a couple of these issues.

We know we can put men and women back to work. We have the tools. The question is whether this House has the will to do so and not increase our deficit. We can actually do this and not increase the deficit, take people that are not paying taxes now, put them back to work.

The Affordable Care Act is working. And we know that we can continue the

unemployment benefits, and there's a way of paying for it. You show it there on that. The super wealthy, it's time for them to pick up their fair share.

Thank you so very much for this wonderful evening and telling the story of the prosperous America that we can have once again. This is America. This is a great country. We have within our power to get back on our feet and to charge forward, and we really appreciate all that you're doing to make that happen in the great Midwest and in New York and in Houston.

Ms. KAPTUR. I really have enjoyed sharing this hour with Congressman TONKO of New York and Congressman GARAMENDI of California, speaking out for 100 percent—the 99 percent that are often forgotten, the 1 percent that we don't forget but know that your patriotism really will come to shine in this holiday season—and to urge our colleagues in the House and Senate to do what's right, to make the decisions on extending the payroll tax holiday for the middle class, making sure we extend unemployment benefits which are earned benefits, and that we stand up for all of America because we're all in this together.

I thank my colleagues very much, the listening audience, and those who are out there helping us to move the ship of state in a direction so that we create jobs in this country and we keep this economy on an upward roll.

Mr. GARAMENDI. It's for the 99 percent.

Ms. KAPTUR. For the 99 percent as well.

Mr. GARAMENDI. And 100 percent of Americans moving forward.

Ms. KAPTUR. That is right.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for today on account of a family medical emergency.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and December 7 on account of official business.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

#### ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), under its previous order, the House adjourned until to-

morrow, Wednesday, December 7, 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:

4146. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4147. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Regulations G, O, W, BB, LL, MM, Rules regarding availability of information, Rules of Procedure, Rules of Practice for hearings, and Post-employment restrictions for senior examiners [Docket No.: R-1429] (RIN No.: 7100 AD-80) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Remittance Transfers (RIN: 3133-AD94) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4149. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 110930606-1640-01] (RIN: 0694-AF40) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4150. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification [FAC 2005-54; FAR Case 2009-019; Item III; Docket 2010-0108; Sequence 1] (RIN: 9000-AL77) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4151. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act [FAC 2005-54; FAR Case 2010-006; Item I; Docket 2010-0106; Sequence 1] (RIN: 9000-AL76) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4152. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [CBP Dec. No. 11-23] (RIN: 1651-AA91) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Denton, TX [Docket No.: FAA-2010-1327; Airspace Docket No. 10-ASW-19] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Harrisonville, MO [Docket No.: FAA-2011-0251; Airspace Docket No. 11-ACE-5] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class D Airspace; Willow Grove, PA [Docket No.: FAA-2011-0355; Airspace Docket No. 11-AEA-8] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Moberge, SD [Docket No.: FAA-2011-0134; Airspace Docket No. 11-AGL-3] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; El Dorado, KS [Docket No.: FAA-2011-0231; Airspace Docket No. 11-ACE-4] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Information System State Procedures Manual, Release 5.2.0 [Docket No.: FMCSA-2011-0039] (RIN: 2126-AB33) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0033; Directorate Identifier 2009-NM-099-AD; Amendment 39-16737; AD 2011-14-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0000; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.a. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2011-1000; Directorate Identifier 2011-NM-048-AD; Amendment 39-16828; AD 2011-21-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No.: FAA-2011-0999; Directorate Identifier 2010-NM-235-AD; Amendment 39-16825; AD 2011-21-02] (RIN: 2120-AA64)

received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT [Docket No.: FAA-2011-0687; Directorate Identifier 2011-CE-017-AD; Amendment 39-16833; AD 2011-21-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes [Docket No.: FAA-2011-0306; Directorate Identifier 2010-NM-176-AD; Amendment 39-16829; AD 2011-21-06] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2011-0312; Directorate Identifier 2010-NM-159-AD; Amendment 39-16838; AD 2011-21-15] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes [Docket No.: FAA-2011-0811; Directorate Identifier 2011-CE-026-AD; Amendment 39-16839; AD 2011-21-16] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0264; Directorate Identifier 2009-NM-244-AD; Amendment 39-16837; AD 2011-21-14] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Siema Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes [Docket No.: FAA-2010-0040; Directorate Identifier 2008-NM-203-AD; Amendment 39-16831; AD 2011-21-08] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-103, B4-203, and B4-2C Airplanes [Docket No.: FAA-2011-0478; Directorate Identifier 2010-NM-138-AD; Amendment 39-16832; AD 2011-21-09] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0564; Directorate Identifier 2011-NM-021-AD; Amendment 39-16830; AD 2011-21-07] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1161; Directorate Identifier 2011-CE-036-AD; Amendment 39-16850; AD 2011-21-51] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Section 1274A CPI Adjustments (Rev. Rul. 2011-27) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4175. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Allocation of Basis in "All Cash D" Reorganizations [TD 9558] (RIN: 1545-BJ21) received November 21, 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. ISSA: Committee on Oversight and Government Reform. H.R. 3237. A bill to amend the SOAR Act by clarifying the scope of coverage of the Act; with an amendment (Rept. 112-315). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1633. A bill to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes; with an amendment (Rept. 112-316). 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. BILIRAKIS (for himself and Ms. RICHARDSON):

H.R. 3563. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 3564. A bill to repeal the requirements under the United States Housing Act of 1937

for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. FLORES:

H.R. 3565. A bill to reduce the salaries of Members of Congress if a Federal budget deficit exists, prohibit commodities and securities trading based on non-public information relating to Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Agriculture, Rules, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. GUTIERREZ):

H.R. 3566. A bill to ensure uniformity and fairness in deficiency judgments arising from foreclosures on mortgages for single family homes; to the Committee on the Judiciary.

By Mr. BOUSTANY:

H.R. 3567. A bill to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Ms. MCCOLLUM):

H.R. 3568. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, 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 Mr. BACA:

H.R. 3569. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, 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. CAPPS (for herself, Ms. WOOLSEY, Ms. PINGREE of Maine, and Mr. KEATING):

H.R. 3570. A bill to promote ocean and human health and for other purposes; to the Committee on Science, Space, and Technology, 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 Ms. CHU:

H.R. 3571. A bill to direct the Commissioner of Internal Revenue to establish a self-employment tax initiative grant program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 3572. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Ms. MOORE (for herself, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. NORTON, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATERS):

H.R. 3573. A bill to reauthorize and amend the program of block grants to States for

temporary assistance for needy families and related programs; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. GIBSON, Mr. HIGGINS, Mr. HANNA, Ms. SLAUGHTER, Mr. KING of New York, Mr. GRIMM, Mr. HINCHEY, Ms. BUERKLE, Mr. TONKO, Mr. OWENS, Ms. HOCHUL, Mr. ENGEL, and Mr. ALTMIRE):

H.R. 3574. A bill to revise the formula for allocating funding to States under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. ELLISON:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate the disbursement of funds for political activity by for-profit corporations and other for-profit business organizations; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California:

H. Res. 484. A resolution calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom; 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. BILIRAKIS:

H.R. 3563.

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

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RANGEL:

H.R. 3564.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

Section 1: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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By Mr. FLORES:

H.R. 3565.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6; and Article 1, Section 8

By Mr. TOWNS:

H.R. 3566.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution. This provision grants Congress the power to regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes.

By Mr. BOUSTANY:

H.R. 3567.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. KILDEE:

H.R. 3568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BACA:

H.R. 3569.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3570.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. CHU:

H.R. 3571.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States of America, the authority to enact this legislation rests with the Congress.

By Mr. CONNOLLY of Virginia:

H.R. 3572.

Congress has the power to enact this legislation pursuant to the following:

The "necessary and proper" clause of Article 1, Section 8 of the United States Constitution.

By Ms. MOORE:

H.R. 3573.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of Section 8 of Article I of the Constitution

By Mr. REED:

H.R. 3574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. ELLISON:

H.J. Res. 92.

Congress has the power to enact this legislation pursuant to the following:

Article V

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 361: Mr. NUNNELEE, Mr. HECK, and Mr. POSEY.

H.R. 376: Mr. TOWNS and Mr. HANNA.

H.R. 389: Mr. POSEY.

H.R. 452: Mr. NUGENT, Mr. GIBBS, and Mr. COURTNEY.

H.R. 459: Mr. PAULSEN.

H.R. 507: Mr. DOLD and Ms. CASTOR of Florida.

H.R. 721: Mrs. ELLMERS, Mr. MEEHAN, Mr. RIBBLE, Mr. DIAZ-BALART, Mr. FITZPATRICK, Mr. BERMAN, Mr. GARDNER, and Mr. OLSON.

H.R. 835: Mr. MURPHY of Connecticut and Mr. PALLONE.

H.R. 860: Mr. DUFFY, Mr. FLAKE, Mr. KIND, Mr. CLARKE of Michigan, Mr. SCOTT of Virginia, Ms. HAHN, Mr. PITTS, Mr. CARSON of Indiana, Mr. RIBBLE, Mr. WOMACK, Mr. ALTMIRE, Mr. RIVERA, Mr. LUJÁN, and Mr. THOMPSON of California.

H.R. 873: Mr. NADLER.

H.R. 998: Ms. HAHN and Mr. DINGELL.

H.R. 1148: Mr. COSTA, Ms. SCHAKOWSKY, Ms. HAHN, Mr. LEWIS of Georgia, Mr. ALEXANDER, Ms. RICHARDSON, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. CAPUANO, Mr. CUELLAR, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WELCH, Mr. FORTENBERRY, Ms. WATERS, Ms. DELAURO, Mr. HINOJOSA, Mr. ROTHMAN of New Jersey, Mr. POSEY, Mr. FRELINGHUYSEN, Mr. COBLE, Mr. WITTMAN, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. PLATTS, and Mr. CARTER.

H.R. 1159: Mr. BURTON of Indiana.

H.R. 1171: Mr. WAXMAN, Mr. BILBRAY, and Mr. STARK.

H.R. 1179: Mr. BARLETTA.

H.R. 1191: Mr. PAUL.

H.R. 1206: Mr. OLSON.

H.R. 1221: Mr. NUNNELEE.

H.R. 1350: Mr. JOHNSON of Georgia.

H.R. 1370: Mrs. LUMMIS and Mr. BARLETTA.

H.R. 1386: Ms. HAHN, Mr. DIAZ-BALART, Mr. KEATING, Ms. MATSUI, and Mr. HASTINGS of Florida.

H.R. 1477: Mr. DEUTCH.

H.R. 1505: Mr. MCCAUL.

H.R. 1579: Mr. RYAN of Ohio.

H.R. 1581: Mrs. ADAMS.

H.R. 1633: Mr. PENCE.

H.R. 1639: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.

H.R. 1648: Ms. HAHN, Mr. HINOJOSA, Mrs. LOWEY, Mr. FARR, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1704: Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. DOLD, and Mrs. CAPPS.

H.R. 1744: Mr. CONAWAY.

H.R. 1755: Mr. COURTNEY and Mr. PALLONE.

H.R. 1834: Mr. QUAYLE.

H.R. 1903: Mr. HINOJOSA and Ms. SCHAKOWSKY.

H.R. 1968: Mr. COURTNEY.

H.R. 2016: Mr. LOEBSACK.

H.R. 2028: Ms. BASS of California.

H.R. 2047: Mr. TURNER of New York, Mr. FALEOMAVAEGA, Mr. HIGGINS, Mr. MILLER of Florida, and Mr. CHABOT.

H.R. 2051: Mr. RANGEL.

H.R. 2069: Mr. TOWNS.

H.R. 2093: Mr. FILNER and Ms. WOOLSEY.

H.R. 2108: Mr. DEUTCH.

H.R. 2123: Mr. DENT.

H.R. 2144: Mr. CAPUANO.

H.R. 2151: Mr. THOMPSON of Mississippi.

H.R. 2152: Mr. HINOJOSA.

H.R. 2159: Mr. BISHOP of New York.

H.R. 2194: Mr. DAVID SCOTT of Georgia.

H.R. 2210: Mr. GRIJALVA.

H.R. 2304: Mr. WILSON of South Carolina.

H.R. 2315: Mr. GRIJALVA.

H.R. 2376: Ms. SLAUGHTER.

H.R. 2412: Mrs. LOWEY.

H.R. 2446: Mr. GRIMM.

H.R. 2461: Mr. PIERLUISI and Mr. LOEBSACK.

H.R. 2485: Mr. ROE of Tennessee.

H.R. 2489: Mr. DINGELL, Mr. MCGOVERN, Mr. ISRAEL, and Mr. LANCE.

H.R. 2499: Mr. SMITH of New Jersey.

H.R. 2536: Mr. CARSON of Indiana and Ms. CASTOR of Florida.

- H.R. 2541: Mr. DENHAM.  
H.R. 2595: Mr. COHEN.  
H.R. 2599: Mr. MCNERNEY, Mr. KINZINGER of Illinois, and Mr. HASTINGS of Florida.  
H.R. 2607: Ms. HAHN.  
H.R. 2617: Mr. HINOJOSA.  
H.R. 2672: Ms. JENKINS.  
H.R. 2697: Mr. RANGEL, Mr. KLINE, and Mr. YODER.  
H.R. 2706: Mr. SOUTHERLAND.  
H.R. 2735: Mr. CROWLEY.  
H.R. 2742: Ms. LEE of California.  
H.R. 2746: Mrs. MALONEY, Mr. RANGEL, and Mr. POLIS.  
H.R. 2751: Ms. SLAUGHTER, Mr. POLIS, Mr. RUPPERSBERGER, and Mr. JONES.  
H.R. 2866: Mrs. MCCARTHY of New York.  
H.R. 2885: Mr. BASS of New Hampshire and Mr. DUNCAN of Tennessee.  
H.R. 2898: Mr. LUCAS.  
H.R. 2918: Mr. HULTGREN and Mr. POE of Texas.  
H.R. 2948: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. BOSWELL.  
H.R. 2966: Mr. RUSH, Ms. ESHOO, Ms. SLAUGHTER, and Mr. PALLONE.  
H.R. 3000: Mr. HUIZENGA of Michigan.  
H.R. 3059: Ms. MCCOLLUM, Mr. BURTON of Indiana, and Mr. MULVANEY.  
H.R. 3061: Mr. TIERNEY and Mr. CRENSHAW.  
H.R. 3088: Mr. DOGGETT and Ms. SLAUGHTER.  
H.R. 3151: Ms. CHU.  
H.R. 3185: Mr. BERG.  
H.R. 3192: Mr. LATHAM.
- H.R. 3245: Mr. GARAMENDI and Mr. ROTHMAN of New Jersey.  
H.R. 3269: Mr. SULLIVAN, Mr. BENISHEK, Mr. BILBRAY, Mr. POMPEO, Mr. FLORES, and Mr. NUNNELEE.  
H.R. 3334: Ms. MCCOLLUM.  
H.R. 3362: Mr. ISSA.  
H.R. 3393: Mr. ROSS of Florida and Mr. SOUTHERLAND.  
H.R. 3394: Mr. HINCHEY.  
H.R. 3400: Mr. LAMBORN, Mrs. BLACKBURN, Mr. ROSS of Florida, Mr. CAMPBELL, and Mr. POMPEO.  
H.R. 3421: Mr. KIND, Mr. KEATING, Mrs. LOWEY, Mr. PASCRELL, Ms. MCCOLLUM, Mr. MCHENRY, Mr. PETRI, Mrs. BONO MACK, Mr. LAMBORN, Mr. BILBRAY, Mr. MEEKS, Mr. GIBSON, Mr. HERGER, Mr. WAXMAN, Mr. POMPEO, Mr. ALEXANDER, Mr. CAMPBELL, Mr. CANSECO, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, Mr. RIVERA, Mr. HARPER, Mr. BISHOP of Utah, Mr. HALL, Mr. DAVIS of Kentucky, Mr. WALBERG, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. OLSON, Mr. MACK, Mr. DESJARLAIS, Mr. CARTER, Mr. NUNNELEE, Mrs. MALONEY, Mr. JORDAN, Mr. LEWIS of California, Ms. BUERKLE, and Mr. WEBSTER.  
H.R. 3423: Mr. CALVERT, Mr. MORAN, Mr. LYNCH, Ms. BROWN of Florida, Mr. BENISHEK, Mr. AKIN, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. SIRES, and Mr. DAVID SCOTT of Georgia.  
H.R. 3425: Ms. RICHARDSON and Mr. FILNER.  
H.R. 3432: Mr. CONNOLLY of Virginia.  
H.R. 3441: Mr. LONG.
- H.R. 3449: Mr. MICHAUD.  
H.R. 3454: Mrs. HARTZLER.  
H.R. 3480: Mr. WALSH of Illinois, Ms. JENKINS, and Mrs. ROBY.  
H.R. 3483: Mr. JOHNSON of Illinois, Mr. TOWNS, and Mr. KISSELL.  
H.R. 3519: Ms. CHU.  
H.R. 3521: Mr. PAULSEN.  
H.R. 3541: Mr. CRAVAACK, Mr. CANSECO, Mr. KELLY, and Mr. KING of Iowa.  
H.R. 3548: Mr. COBLE.  
H.R. 3550: Mr. ROYCE, Mr. LOEBBACH, and Mr. HUIZENGA of Michigan.  
H.R. 3551: Mr. HUIZENGA of Michigan.  
H.R. 3556: Mr. CONYERS.  
H.J. Res. 69: Mr. DENT.  
H.J. Res. 78: Ms. HIRONO.  
H.J. Res. 88: Mr. DEFAZIO.  
H. Con. Res. 72: Mr. ANDREWS.  
H. Con. Res. 77: Mr. POE of Texas.  
H. Con. Res. 85: Mr. DEFAZIO and Mr. RUSH.  
H. Res. 25: Mr. OWENS.  
H. Res. 111: Mr. CARNAHAN, Mr. SOUTHERLAND, and Mr. LARSON of Connecticut.  
H. Res. 184: Mr. NUGENT.  
H. Res. 282: Mr. DANIEL E. LUNGREN of California.  
H. Res. 460: Mr. RANGEL and Mr. NUGENT.  
H. Res. 475: Mr. GOODLATTE, Mr. CANSECO, Mrs. ROBY, and Mr. KING of Iowa.  
H. Res. 480: Mr. FITZPATRICK, Mr. ROYCE, Mr. LANKFORD, and Mr. OLSON.  
H. Res. 481: Mr. SMITH of Washington.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, TUESDAY, DECEMBER 6, 2011

No. 186

## 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.

O God, who has blessed us abundantly with inner joy and an outer supply of all good things, we are grateful for Your helping us in our poor attempts to do Your will. Lord, forgive the things that keep us divided, the false pride that leads from unity. Give us a yearning for a life shaped and supported by a will better than our own.

Guide our Senators during today's labors. Help them know the strengthening joys of Your spirit. Keep them from being intimidated by the world's problems and threats, because You have overcome the world.

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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 6, 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. INOUE,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

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

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

The legislative clerk proceeded to call the roll.

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

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans will control the second half.

### ORDER OF PROCEDURE

I ask unanimous consent that the order be changed to allow both sides a half an hour.

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

Mr. REID. Following morning business, the Senate will be in executive session to consider the nomination of Caitlin Halligan to be a judge for the District of Columbia Circuit. At noon there will be a cloture vote. I want to make sure that the consent I asked doesn't change that at all. There will be a little less time to debate that, but I think it will be sufficient. So at noon there will be a cloture vote on Halligan.

Following the vote, the Senate will recess until 2:15 this afternoon to allow for our weekly caucus meetings.

### MEASURE PLACED ON THE CALENDAR—S. 1944

Mr. REID. I understand that S. 1944 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1944) to create jobs by providing payroll tax relief for middle-class families and businesses, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

### RECOGNITION OF THE MINORITY LEADER

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

### PAYROLL TAX EXTENSION

Mr. McCONNELL. Madam President, yesterday my friend the majority leader unveiled what he rather misleadingly referred to as a compromise on the payroll tax. I say it was misleading because we had to find out about it from reporters.

This was not a compromise. This was nothing more than another bill designed to fail so Democrats can have another week of fun and games on the Senate floor while tens of millions of working Americans go another week wondering whether they are going to see a smaller paycheck at the end of the year.

I have said I support this extension. I don't think working Americans should

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



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have to suffer any more than they already are for the President's failure to turn this jobs crisis around. Unfortunately, the majority leader has yet to introduce legislation that can actually pass the Senate or the House. One would think if that is one of the President's top priorities, then the Democratic leader of the Senate would put together a proposal that is designed to actually pass. But we haven't seen it yet. We all know what a successful bill would look like. So I hope the majority leader comes forward with a real proposal soon because time is running out. It makes absolutely no sense at a moment when 14 million Americans are looking for jobs to raise taxes on the very people we are counting on to create them. That is why the Senate rejected the idea last week on a bipartisan basis.

Look, the Democrats know as well as we do that this is a terrible idea. They have seen the same letters I have. The National Association of Manufacturers says this tax hike would seriously impair the ability of their members to put unemployed Americans back to work. The Democrats know as well as I do that four out of five of those who would be hit by this are business owners, people who create jobs. The only reason—the only reason—we even went through this exercise is because it obviously polls well.

So this is what Washington has been reduced to: a President and a Senate who would rather spend their time doing cheap political theater than giving people the certainty they want. What we need to do is to step back and realize that the only reason we are talking about a one-shot stimulus measure nearly 3 years into this Presidency is because of the President's failure to turn this jobs crisis around. We need to get beyond the temporary fixes and start talking about fundamental tax reform that puts the American worker in charge of this recovery, not Washington.

But for now, it is perfectly clear that the path to an accomplishment on this issue does not run through tax hikes. Yesterday, the President warned Congress to keep its word to the American people and "don't raise taxes on them now." I wish to remind my colleagues and the President that the Republican plan is the only plan that meets the President's standard. The President just warned us: Don't raise taxes on the American people. The proposal we offer is the only one that meets that standard.

If our friends are serious about passing this extension of the payroll tax cut, they have a choice: We can have an accomplishment or we can have additional partisan show votes.

#### CONSUMER FINANCIAL PROTECTION BUREAU

Mr. McCONNELL. Madam President, later this week the Senate will vote on whether the new Consumer Financial

Protection Bureau should move forward with a director before addressing concerns that have been raised about the bureau's lack of transparency or accountability to the American people.

I understand through press reports that the President plans to make a big push for this nominee to the CFPB. Let me tell my colleagues something the President hasn't done when it comes to this position: In the 7 months since 44 Republicans sent the President a letter outlining some very serious and very reasonable concerns about it, he hasn't done a thing to address these concerns—not one thing. If he picked up the phone to talk these issues over with anybody in our conference, I haven't heard about it. If he has put some thought into how he could ensure the perfectly legitimate concerns we raised in that letter are addressed, he hasn't let us in on the game plan.

Here is what we asked for in that letter, which has now been signed by 45 Republican Senators—not 44, 45: All we asked for before we vote to confirm anybody to run the CFPB—regardless of their party affiliation, regardless of who the President is—are three clear, simple, commonsense reforms that would make sure this new agency is accountable to the American people.

No. 1, replace the single director with a board of directors that would oversee the bureau. Under the deeply flawed Dodd-Frank bill, the Director of the CFPB, by design, is set to lead one of the least accountable and most powerful agencies in Washington. What we are saying is no single person who is unaccountable to the American people should have that much power. We are asking for the same structure as the SEC, the CFTC, the FDIC, the FTC, the NLRB, and the Consumer Product Safety Commission—the same structure we use anytime we give unelected bureaucrats new powers that need to be checked to protect against abuse.

No. 2, subject the bureau to the congressional appropriations process. Subject this new CFPB to the congressional appropriations process. Currently, the CFPB is housed at the Federal Reserve and funded through a percentage of their annual budget, giving it a funding stream that is completely unique in government, entirely without a check from the American people and making it one of the least transparent agencies in Washington. If one likes the level of accountability over at the Fed, one will love the CFPB.

A journalist who wanted some information about the Fed's lending practices recently had to sue to find it out. This is information not even Congress could have gotten on its own.

If my colleagues ask me, the American people should be getting more transparency out of this administration, not less. We don't need any more unelected, unaccountable czars in Washington.

No. 3, we asked for a safety and soundness check for the prudential financial regulators who oversee the

safety and soundness of financial institutions. This would help ensure that we are not inadvertently causing bank failures through excessive regulations.

Our proposal would do nothing more than give congressional committees a proper level of oversight and accountability over this new bureau and ensure that its decisions were subject to the checks and balances that were meant to be inherent in our system—something we owe the American people.

Everybody supports strong and effective consumer protection, but the CFPB, in its current form, cannot stand. In its current form, the CFPB could easily be used for political purposes at the expense of access to credit, job creation, economic growth, and financial stability.

What is needed is transparency and accountability. That is all we have asked for, and the President has done nothing to address these concerns. Instead, he has ignored these perfectly legitimate concerns, and now he is suddenly making a push to confirm his nominee because it fits into some picture he wants to paint about who the good guys and the bad guys are in Washington.

So once again he has used the Senate floor this week to stage a little political theater. He is setting up a vote he knows will fail so he can show up afterward and say he is shocked. This is what passes for leadership right now in the White House, and it is truly unfortunate.

Look, we all believe Americans need access to financial products that are not rigged against them. We just think nobody should be above oversight, including the overseers. We do not think a bureau designed to watch Wall Street should have the ability to squeeze out hiring on Main Street. Frankly, the President's refusal to even consider our calls for oversight and transparency only serve to deepen our concerns about this agency. So, once again, we call on the President to take these concerns seriously and work with us on achieving something positive.

The fact is the CFPB needs a drastic overhaul before any nominee can be confirmed. This will not come as a surprise to anybody at the White House, and our doors remain open.

#### NOMINATION OF CAITLIN HALLIGAN

Mr. McCONNELL. Now, Madam President, on yet another topic—there are a number of things going on this week—today the Senate will vote on the nomination of Caitlin Halligan to the U.S. Court of Appeals for the DC Circuit. I will be opposing this nominee, and I would like to explain why.

First and foremost is Ms. Halligan's record of advocacy for an activist view of the judiciary and a legal career that leads any reasonable person to conclude that she would bring that activism right on to the court. As I have said many times before, the proper role

of a judge is that of an impartial arbiter who gives everybody a fair shake under the law as it exists. The role of a judge in our system, in other words, is to determine what the law says not what they or anybody else wants it to say. Yet looking over Ms. Halligan's record, it is pretty clear she does not share that view.

In Ms. Halligan's view, the courts are not so much a forum for the evenhanded application of the law as a place where a judge can work out his or her own idea of what society should look like. As she herself once put it: The courts are a means to achieve "social progress," with judges presumably writing the script.

Well, my own view is that if the American people want to change the law, then they have elected representatives to do that, and these elected representatives are accountable to them. This also happens to be how the Founders intended it, and it is what the American people expect of their judges: to be fair, impartial arbiters. But that is not what they would get from a Judge Halligan.

So how do we know this? Well, it is true that like many of this President's other judicial nominees, Ms. Halligan repudiated President Obama's own off-stated "empathy standard" for choosing judges and disclaimed an activist bent in her confirmation hearings. But her record belies this now familiar confirmation conversion.

Let's take a quick look at her record to see what it does suggest about the kind of judge she would be.

On the second amendment: As solicitor general of New York, Ms. Halligan advanced the dubious legal theory that those who make firearms should be liable for third parties who misuse them criminally. The State court in New York rejected the theory, noting it had never recognized such a novel claim. Moreover, the court called what Ms. Halligan wanted it to do to manufacturers of a legal product "legally inappropriate."

So let me say again, the New York Appellate Court termed Ms. Halligan's activist and novel legal theory to be "legally inappropriate." The Congress passed legislation on a wide bipartisan basis to stop these sorts of lawsuits because they were an abuse of the legal process. Undeterred, Ms. Halligan then chose to file an amicus brief in the Second Circuit Court of Appeals in another frivolous case against firearms manufacturers. Not surprisingly, she lost that case too.

What about her views on enemy combatants?

In 2005, the U.S. Supreme Court ruled in *Hamdi v. Rumsfeld* that the President has the legal authority to detain as enemy combatants individuals who are associated with al-Qaida. Yet despite this ruling, Ms. Halligan filed an amicus brief years later—years after that—arguing that the President did not possess this legal authority.

On abortion: Ms. Halligan filed an amicus brief in the U.S. Supreme Court

arguing that pro-life protesters—protesters—had engaged in "extortion" within the meaning of Federal law. The Supreme Court roundly rejected this theory 8 to 1.

On immigration: Ms. Halligan chose to file an amicus brief in the Supreme Court arguing that the National Labor Relations Board should have the legal authority to grant backpay to illegal aliens even though Federal law prohibits illegal aliens from working in the United States in the first place. Fortunately, the Court sided with the law and disagreed with Ms. Halligan on that legal theory too.

The point is that even in cases where the law is perfectly clear or the courts have already spoken, including the Supreme Court, Ms. Halligan chose to get involved anyway, using arguments that had already been rejected either by the courts, the legislature or, in the case of frivolous claims against gun manufacturers, by both. In other words, Ms. Halligan has time and time again sought to push her own views over and above those of the courts or those of the people as reflected in the law.

Ms. Halligan's record strongly suggests that she would not view a seat on the U.S. appeals court as an opportunity to evenhandedly adjudicate disputes between parties based on the law but instead as an opportunity to put her thumb on the scale in favor of whatever individual or group cause in which she happens to believe.

So, Madam President, we should not be putting these kinds of activists on the bench. I have nothing against the nominee personally. I just believe, as I think most Americans do, that we should be putting people on the bench who are committed to an evenhanded interpretation of the law so everyone who walks into a courtroom knows he or she will have a fair shake. In my view, Ms. Halligan is not such a nominee. On the contrary, based on her record and her past statements, I think she would use the court to put her activist judicial philosophy into practice, and for that reason alone she should not be confirmed. So I will be voting against cloture on this nomination, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. 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. REID. Mr. 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. REID. Madam President, would the Chair announce morning business, please.

#### 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 now be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

#### EXECUTIVE SESSION

#### NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

##### CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 413, and I send a cloture motion to the desk. In fact, it is at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection:

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Jack Reed, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Richard J. Durbin, Robert Menendez, Jon Tester, Sherrod Brown, Tom Harkin, Tim Johnson.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I now ask unanimous consent that the Senate resume legislative session.

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

Mr. REID. 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. DURBIN. 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.

## ORDER OF BUSINESS

Mr. DURBIN. Madam President, can the Acting President pro tempore notify me in what stage we are in the proceedings?

The ACTING PRESIDENT pro tempore. There is 28½ minutes left for the majority in morning business, followed by 30 minutes for the minority in morning business.

Mr. DURBIN. Thank you, Madam President.

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 NOMINATION OF CAITLIN HALLIGAN

Mr. DURBIN. Madam President, I would like to speak in morning business, and I would like to respond to several things said by the Republican leader of the Senate. The first relates to Caitlin Halligan, who is a nominee to serve on the DC Circuit Court. The DC Circuit Court is the appellate court in the District of Columbia which, I would argue, next to the U.S. Supreme Court is one of our most important.

The decisions of government are often sent to this court for review. At the current time, there are eight who are sitting on that court, and there are three vacancies. Of the eight who are on the court, five are Republican appointments. So it is clear that any effort now to bring a new nominee to the court may tip that political balance. I am afraid that has a lot more to do with the fate of Caitlin Halligan than anything that has been said on the Senate floor this morning.

It is mystifying to me that Senate Republicans would filibuster her nomination. She is extraordinarily well qualified. She served for 7 years as the solicitor general of the State of New York and currently serves as the general counsel at the New York County district attorney's office.

She has argued five cases before the U.S. Supreme Court and has served as counsel of record in dozens of other cases before that Court.

The American Bar Association looked at the qualifications of Caitlin Halligan, and here is what they said: She is unanimously "well-qualified" to serve in this position.

Ms. Halligan's legal views are well within the judicial mainstream. She has received widespread support from across the political spectrum.

What I have heard this morning from the Republican leader are isolated examples of cases she may have argued, but he certainly does not speak to the fact that the National District Attorneys Association, the district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, William Fitzpatrick, James Reams, and Scott Burns have all publicly endorsed her nomination. Raymond Kelly, police commissioner for the City of New York; Robert Morgenthau—one of the most respected dis-

trict attorneys who ever served in this country; served New York County for 34 years—endorses her; the New York Association of Chiefs of Police; and the New York State Sheriff's Association.

When you listen to these endorsements, you wonder: Is that the same woman the Senate Republican leader just questioned as to whether she was serious about stopping terrorism? I listened to some of these things, and I wonder how people of her quality would ever consider putting their name in nomination—that there could be suggestions on the Senate floor that perhaps she is not as strong as she should be in keeping America safe.

There is simply nothing in the background of Caitlin Halligan that suggests we have any extraordinary circumstances that warrant the defeat of the cloture motion on her nomination.

A moment in history, please. When there was a suggestion of filibustering judicial nominations years ago, and the so-called nuclear option was being discussed, a Gang of 14, a bipartisan group of Senators, came up and said: Unless there are extraordinary circumstances, we should vote on these nominees on the Senate floor.

There are no extraordinary circumstances in the case of Caitlin Halligan. The only thing that is extraordinary is how many people from different walks of life have endorsed her candidacy and the American Bar Association finding her unanimously "well-qualified."

There are no legitimate questions about her competence, ethics, temperament, or ideology. All she has done throughout her career is serve as an excellent lawyer on behalf of her client.

The Republican arguments against Ms. Halligan's nomination boil down to just two: First, it does not matter if there are vacancies on the DC Circuit; and, in fact, in the past, they have argued to fill those same vacancies when they had an opportunity to install Republicans. Their second argument: Republicans are not happy with how certain nominees were treated years ago, and they see no problem taking out their unhappiness on this nominee.

This is a dangerous path. I believe our country needs excellent judges. Time and again—in the Acting President pro tempore's State of New Hampshire, in my State of Illinois—you go to people who are sitting on the bench in a State court or in private practice and ask them if they would consider serving their Nation on the Federal court, and they know it is a big decision: whether they are going to change a career. But they know just as well that by submitting their name to the process, they are subjecting themselves to criticism, which many people just do not care to withstand.

In this case, the criticism against Caitlin Halligan is baseless. If judicial nominees cannot be considered fairly by the Senate on their own merits, good lawyers are simply going to stop putting their name into the process for

consideration and our country will suffer as a result.

We should give Ms. Halligan an up-or-down vote on her merits. On that standard, she should clearly be confirmed.

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 TRIBUTE TO JOAQUIN LUNA

Mr. DURBIN. Madam President, I come to the floor today with a sad story for my colleagues. On the day after Thanksgiving, a young man named Joaquin Luna committed suicide in the town of Mission, TX. This is a picture of Joaquin Luna with his mother—a handsome young man full of promise. He took his own life on the day after Thanksgiving.

He was a senior at Juarez-Lincoln High School, where he was a straight-A student, in Mission, TX. He had a passion for architecture. In fact, he designed the home where his family lives. He was an accomplished musician, played guitar in his church choir. His family said he loved helping his neighbors with their landscaping, and he always had a smile on his face.

Joaquin Luna dreamed of becoming an engineer. He had been accepted into a number of excellent schools, including Rice University and Texas A&M. But Joaquin Luna was struggling with a problem most American kids do not even imagine. Joaquin was brought to the United States of America when he was 6 months old by his parents. He came here as a baby, lived his entire life in the United States, and was undocumented. Because of his immigration status, Joaquin Luna was unable to obtain financial aid to attend the universities that accepted him. He was unable to find a legitimate job. Joaquin's brother said his world just closed. He saw that everything he was doing was for nothing. He was never going to be able to succeed.

Joaquin's death is still under investigation, so I do not want to jump to any conclusions about why this tragedy took place. But I felt it was important to come to the floor today to pay tribute to this young man's all-too-brief life and to deliver a message to other young people like Joaquin Luna.

There are tens of thousands of young people in this country facing the same challenges as Joaquin. They were brought to the United States as children. They grew up every single day—just as we did a few moments ago in the Senate—pledging allegiance to the only flag they have ever known, our American flag. They would sing the only national anthem they ever knew. It was not their decision to come to America. Certainly Joaquin did not make any decision at the age of 6 months. But America is their home. And for tens of thousands of others in his status, America is their home and their future, but they are undocumented and their future is uncertain.

I have a message today for all of the young people like Joaquin. Do not give up hope. Keep your dreams alive.

America is a generous and caring country. We can and we will find a way—a fair and just way—to give you a chance to be part of our Nation's future. If you or someone you know is feeling hopeless because of the failure of the DREAM Act to pass in the Senate, there are people available to help and talk to you. You can call the National Suicide Prevention Lifeline. The number is 1-800-273-TALK. That is 1-800-273-8255.

Today, my thoughts and prayers are with Joaquin Luna's family. I send them my sympathy and condolences and assure them I will honor his memory by continuing to fight for all of the young people in America who are just like Joaquin.

I never dreamed 10 years ago when I introduced the DREAM Act that I would be standing on this floor 10 years later with that bill still not enacted into law. Time and again, we have had a majority vote in the Senate stopped by a Republican filibuster. Time and again, we have brought this issue to the floor and argued the cases of young people just like Joaquin Luna. We are only asking that they be given a chance to earn their way to legal status. That is it. They have to graduate high school. They cannot have any serious criminal issues. They have to be willing to either serve 2 years in the military or graduate from college. Those requirements say that they have to be people who are determined to make America a better place.

We just had a debate going on now about bringing in talented people from all over the world to work in the United States. Think about that. We are going to bend the immigration laws so that more talented graduates from other countries can come to our country and help build it into a better nation, creating more jobs and opportunity. At the same time as that is being proposed, we are saying to tens of thousands like Joaquin Luna: There is no place for you in America because your parents brought you here when you were a child, and therefore you are forever banished from being part of America's future. That is a cruel outcome and one we should not accept as Americans. This is a great and caring nation. It is a nation of immigrants.

Madam President, 100 years ago, in 1911, a ship arrived in Baltimore, MD. A woman walked down the stairs, two little children by her side and a baby in her arms. She did not speak a word of English. She came from Lithuania. She was bringing her children to America and trying to find out how to get from Baltimore, MD, to East St. Louis, IL, where my grandfather lived. He was there waiting for her, had a job and a place they could call home. I do not know how she possibly made it, but she did. That baby in her arms, that 2-year-old infant, was my mother. I am a first-generation American. I have the honor of serving in this Senate. I do not know if my mom was legal or not legal. Later in life, after she was mar-

ried and had two children, she became a naturalized citizen. Upstairs in my office, her naturalization certificate is right behind my desk as a reminder about who I am.

That is my story. That is the story of many families in America. It is the story of America. If we cannot open our arms and our hearts to those who will come here and work hard to make this a stronger nation, we will have lost one of the core elements of America's strength and America's future. We are great in our diversity. We are great in the fact that so many people are willing to work hard to come to this Nation and make it a better place to live.

Sadly, Joaquin Luna will not be part of America's future, but I hope his story will inspire others to step up and speak up for those who are promoting the DREAM Act. I want to bring this to the floor again. I want to pass it. I want to make sure that the hopelessness and despair that many young people feel is replaced by the hopeful belief that if they continue to work hard in their lives and continue to be dedicated to America, they can make this a better and stronger nation.

In honor and memory of Joaquin Luna, I ask my colleagues to reconsider their position and join us in passing the DREAM Act.

#### EXTENDING THE PAYROLL TAX DEDUCTION

Mr. DURBIN. Madam President, there was a question raised this morning by the Republican leader about where we stand in the closing 2 weeks before the holiday recess. We have a lot of important issues left. One of the most important is the payroll tax cut. Here is what it means. If you have a job in Illinois, an average job in Illinois that pays about \$50,000 a year, currently you have a break on your payroll taxes that are collected of about 2 percent. So what that means for those families is that they have an additional \$100 a month to spend.

For some Members of the Senate and the House of Representatives, \$100 a month might not make much of a difference, but for a lot of families struggling from paycheck to paycheck, \$100 can make a big difference. When gasoline prices go through the roof, you can fill the gas tank in your car or pickup truck and make it to work. You might have a little extra money left for a utility bill when the natural gas prices and oil prices go up during the course of a cold winter. You might be able to afford some Christmas gifts for your kids, maybe even some clothes for them to go to school, a warm jacket for cold weather. So \$125 dollars is important.

If we do not act, and act before we leave at Christmas, as of January 1 that payroll tax will go up 2 percent on working Americans, and they will have less money to spend. As they spend less money, our economy struggles. When

they buy things, goods and services, it creates more economic activity in businesses small and large and creates profitability and jobs—job opportunities we desperately need with our high unemployment.

Now, we have taken a position with Senator BOB CASEY's bill here when it comes to the payroll tax cut that it is not unreasonable to ask that the wealthiest people in America, the top 0.2 percent in America, pay a little bit more in taxes so that we do not add to our deficit with this payroll tax cut.

There were times in the past, as the President noted yesterday, when the Republicans actually argued: You never have to pay for a payroll tax cut or a tax cut. Now they have taken a different position—it has to be paid for. Well, we do pay for it. We pay for it with a surtax on millionaires. Unfortunately, some Republicans opposed that.

Senator KYL said yesterday on the floor, in a statement relative to an exchange we had, that it is hard to say the rich are not paying taxes. I am not arguing that point. They are paying taxes. But, frankly, under our system of government, with a progressive tax system, those who are well off—Members of Congress and the Senate—those with high salaries should pay more than those who are struggling from paycheck to paycheck.

The people we are talking about, the top 1 percent wage earners in America, will have an average annual income in 2013 of \$1.4 million a year—\$1.4 million a year. By my calculation, that is a paycheck of \$28,000 a week. To say that those people cannot afford to pay a little more in taxes is hard for most families to understand—it is hard for me to understand. The Bush tax cuts, incidentally, which the Republicans support making permanent have been very generous to those people. If the Bush tax cuts for the wealthiest Americans are extended, those in the top 1 percent, making more than \$1.4 million a year, are going to see a tax cut in the year 2013 of \$68,000—a tax cut at a time when we have Federal deficits and needs in our country to get beyond this recession.

These people in the top 1 percent control almost 25 percent of the income in America—1 percent of the population, more than 25 percent of the income. That is up from 12 percent just 25 years ago. They control 40 percent of all of the wealth in the United States. They are comfortable. In 1986, they only controlled 33 percent. In fact, we can say that in the last 25 years, the wealthy in America have become even more comfortable, and to ask them to make even a small sacrifice for the good of this Nation is not unreasonable.

Senator MCCONNELL came to the floor and suggested that what we are dealing with on the floor here is political showmanship. Well, last week we went beyond showmanship and we actually called a vote. We had a proposal—Senator CASEY's proposal—to reinstitute this payroll tax cut and pay

for it, as I mentioned, with a surtax on the wealthiest people in America. At the end of the day, out of 53 Democratic Senators, 50 voted yes, and 1 Republican Senator joined us. We had 51 votes in favor. It took 60 votes to pass, so it did not prevail.

Then Senator MCCONNELL had his chance. He brought to the floor the Republican alternative. They would extend the payroll tax cut by eliminating jobs—over 200,000 jobs in the Federal Government at a time when, frankly, we need more workers in veterans hospitals and we need more people working on medical research at the National Institutes of Health and we need more involved in law enforcement to keep America safe. But Senator MCCONNELL said that the way to pay any tax cut for working families is to eliminate Federal jobs. They called it for a vote. There are 47 Republican Senators on the floor. So how did the vote turn out when the Republicans called their proposal to extend the payroll tax cut? If I am not mistaken, only 20 Republican Senators voted for that proposal. In fact, Senator MCCONNELL was the only Member of the Senate Republican leadership who voted for the proposal.

So you have to ask, when it comes to the competition of ideas, who won that exchange? The answer is, no one won because at the end of the day we did not extend the payroll tax cut.

Back home in Chicago this last week, I had a press conference with a lady, a single mom, three kids, struggling with three jobs, with an annual income—combined income of less than \$25,000 a year. I cannot imagine how she gets by. But she said that \$50 more a month—that is what the payroll tax cuts means to her—would be significant—\$50. That is how close so many people live to the edge.

It is time for us, in the closing days of the session before Christmas, to reach a bipartisan agreement to make sure the payroll tax cut is extended, to make sure the unemployment benefits that are needed so desperately by so many people out of work are there to help them and their families. The only way we can achieve that is in a bipartisan agreement. We now know that the notion of just cutting away at Federal jobs has been rejected soundly, even by the Republican side of the aisle. Let's come to a reasonable conclusion on how to pay for this in a manner that does not add to unemployment but adds more jobs to the American economy, something which most Americans agree should be our highest priority.

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

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

The legislative clerk proceeded to call the roll.

Mr. 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.

#### NOMINATION OF CAITLIN HALLIGAN

Mr. GRASSLEY. Madam President, soon we will be taking up the nomination of Caitlin Halligan to the DC District Court. I oppose the nomination. This is why the nomination should not be confirmed.

Nominations to the DC Circuit deserve special scrutiny. The Court of Appeals, DC Circuit, hears cases affecting all Americans. This court frequently is the last stop for cases involving Federal statutes and regulations. Many view this court as second in importance only to our Supreme Court.

As we all know, judges who sit on the DC Circuit are frequently considered for the Supreme Court. So there is a lot at stake with any nominee appointed to the DC Circuit.

Ms. Halligan has an activist record. There are additional concerns regarding her judicial philosophy and her approach to interpreting the Constitution.

The second amendment, for instance, in 2003, Ms. Halligan gave a speech where she discussed her role in suing gun manufacturers for criminal acts committed with handguns.

At the time, Congress was debating the Protection of Lawful Commerce in Arms Act or, as most of us called it at the time, the gun liability bill. Those lawsuits, of course, were based on meritless legal theories and were specifically designed to drive gun manufacturers out of business.

As it turns out, while many of us were fighting in Congress to stop these nuisance lawsuits, Ms. Halligan was pursuing this precise type of litigation, based on the same bogus legal theories on behalf of the State of New York.

In *New York v. Sturm*, Ms. Halligan argued that gun manufacturers contributed to a public nuisance of illegal handguns in the State. Therefore, she argued that gun manufacturers should be liable for criminal conduct of third parties. The New York appellate court, however, explicitly rejected her theory. The court explained that it had “never recognized [the] common law public nuisance cause of action” that Ms. Halligan had advanced. Moreover, the court correctly concluded that “the Legislative and Executive branches are better suited to address the societal problems concerning the already heavily regulated commercial activity at issue.”

While we were debating the gun liability bill, Ms. Halligan delivered a speech where she expressed her strong opposition to that legislation. She opposed it because it would stop the type of lawsuit she was pursuing. She said:

If enacted, this would nullify lawsuits brought by nearly 30 cities and counties—including one filed by my office—as well as

scores of lawsuits brought by individual victims or groups harmed by gun violence. . . . Such an action would likely cut off at the pass any attempt by States to find solutions—through the legal system or their own legislatures—that might reduce gun crime or promote greater responsibility among gun dealers.

Later in that same speech, she expressed her view of the law and legal system. She said:

Courts are the special friend of liberty. Time and again, we have seen how the dynamics of our rule of law enables enviable social progress and mobility.

This statement is very troubling, especially as it relates to the nuisance lawsuit against gun manufacturers. Those lawsuits are a prime example of how activists on the far left try to use the courts to effect social policy changes they are somehow unable or unwilling to fight to achieve through the ballot box. That is why I believe those lawsuits represent not only bad policy but, more broadly, an activist approach to the law.

I am also concerned about Ms. Halligan's views on the war on terror and the detention of enemy combatants. This is especially troubling because Ms. Halligan is the nominee for the DC Circuit Court, where we know a lot of these issues are often heard.

In 2004, Ms. Halligan was a member of the New York City Bar Association that published a report entitled “The Indefinite Detention of Enemy Combatants and National Security in the Context of the War on Terror.” That report argued there were constitutional concerns with the detention of terrorists in military custody. It also argued vigorously against trying enemy combatants in military tribunals. Instead, it argued in favor of trying terrorists in civilian article III courts.

As I said, Ms. Halligan is listed as one of the authors of that report. But when it came to testifying at her hearing, Ms. Halligan tried to distance herself from that report. She testified she did not become aware of the report until 2010. In a followup letter after her hearing, Ms. Halligan did concede “it is quite possible that [a draft of the report] was sent to me,” but she could not recall reading the report.

I recognize memories fade over time. But as I assess her testimony, I think it is noteworthy that at least four other members of the committee abstained from the final report. Ms. Halligan did not.

I also point out that she coauthored an amicus brief before the Supreme Court in a 2009 case of *Al-Marri v. Spagone*. Ms. Halligan's brief in that case took a position similar to the 2004 report with respect to military detention of terrorists. In that case, she argued that the authorization for use of military force law did not authorize the seizure and indefinite military detention of a lawful permanent resident alien who conspired with al-Qaida to execute terror attacks on our country.

The fact that Ms. Halligan coauthored this brief, pro bono, suggests to

me she supported the conclusions reached by the 2004 report. Again, this issue is particularly troublesome for a nominee to the DC Circuit, where, as I have already said, many of these questions are heard.

There are a number of other aspects of her record that concern me. For instance, she authored an informal opinion on behalf of Attorney General Spitzer regarding New York's domestic relations law. That opinion invoked a theory of an evolving Constitution.

As New York's solicitor general, Ms. Halligan was responsible for recommending to the attorney general that the State intervene in several high-profile Supreme Court cases. She filed amicus briefs that consistently took activist positions on controversial issues, such as abortion, affirmative action, immigration, and federalism.

I will give you some instances. In *Scheidler v. National Organization for Women*, she supported NOW's claim that pro-life groups had engaged in extortion.

In the twin affirmative action cases of *Grutter v. Bollinger* and *Gratz v. Bollinger*, she argued that the use of race in college and law school admissions was not only appropriate but constitutional.

In *Hoffman Plastics Compounds v. NLRB*, she argued that the NLRB should have the authority to grant backpay to illegal aliens, even though Federal law prohibits illegal aliens from working in the United States.

Ms. Halligan represented New York in *Massachusetts v. EPA*, where a number of States argued that the Clean Air Act authorized and required the EPA to regulate automobile emissions and other greenhouse gases associated with climate change.

These are just some of my many concerns regarding the nominee's judicial philosophy and her approach to constitutional interpretation.

Based on her record, I do not believe she will be able to put aside her long record of liberal advocacy and be a fair and impartial jurist.

Yesterday, before the votes on the judicial nominations we confirmed, I made a few remarks regarding the history of this seat. So I will briefly review again the approach I have been arguing for more than a decade—and I had the support of other Senators—that there are too many seats and it is an underworked circuit. It may come as a surprise to some, but this seat has been vacant for over 6 years. It became vacant in September 2005, when John Roberts was elevated to Chief Justice of our Supreme Court. But it has not been without a nominee for all that time.

In June of 2006, President Bush nominated an eminently qualified individual for this seat, Peter Keisler. Mr. Keisler was widely lauded as a consensus bipartisan nominee. His distinguished record of public service included service as Acting Attorney General. Despite his broad bipartisan sup-

port and qualifications, Mr. Keisler waited 918 days for a committee vote that never came.

But Mr. Keisler was not the only one of President Bush's nominees to the DC Circuit to receive a heightened level of scrutiny. In fact, when President Bush was President, his nominees to the DC Circuit did not simply receive heightened scrutiny but were subjected to every conceivable form of obstruction.

Those of us who were here remember these debates very well: Estrada, Roberts, Griffith, Kavanaugh, Keisler, and Brown. All these nominees had difficult and lengthy processes. This included delays, multiple filibusters, multiple hearings, boycotting markups so we would not have a quorum to vote on their confirmation, including even invoking the 2-hour rule during committee markup and other forms of obstruction.

I have not suggested we repeat all the tactics used by the other side employed during the last Republican administration. I do believe, however, it is important to remind my colleagues of the precedents the other side established for nominees to this circuit.

There is one other relevant fact I would like to briefly discuss in connection with this vote; that is, the workload of the DC Circuit. That gets back to what I have already referred to—that it has been underworked compared to other circuits.

When Peter Keisler was nominated to the same seat, my friends on the other side objected to even holding a hearing for the nominee, based upon concerns about the workload of the DC Circuit. So here is something we tend to agree on, which has gone by the wayside now that we have a nominee from the President of the other party for this same seat. During Mr. Keisler's hearing, one of my Democratic colleagues summarized the threshold concerns. He said:

Here are the questions that just loom out there: 1) Why are we proceeding so fast here? 2) Is there a genuine need to fill this seat? 3) Has the workload of the DC circuit not gone down? 4) Should taxpayers be burdened with the cost of filling that seat? 5) Does it not make sense, given the passion with which arguments were made only a few years ago, to examine these issues before we proceed?

So we have five very important questions that are applicable today from a Member on the other side of the aisle.

I have not heard these same concerns expressed by my friends on the other side with respect to Ms. Halligan's nomination. But that does not mean these issues have gone away.

Statistics from the Administrative Office of the U.S. Courts show that caseloads on the DC Circuit have decreased markedly over the last several years. This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed decreased by over 14 percent between 2005, when there were 1,379 appeals filed, and the year 2010, when only 1,178 appeals were filed.

The workload decline is also demonstrated in the per-panel and per-

judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period. Pending appeals per panel dropped over 9 percent.

When you examine the caseload statistics in relationship to other circuit courts, the DC Circuit ranks last in nearly every category. For instance, the DC Circuit has the fewest total appeals filed per panel and only half as many appeals filed per panel as the 10th circuit, which has the second fewest in the country. They have the fewest number of appeals terminated per judge. And again, they have roughly half as many terminations per judge as the second least busy circuit—again, the 10th circuit.

They have the fewest signed written decisions per active judge, with 57. By way of comparison, the second circuit has 5 times as many, with 270 per active judge. The 10th circuit has roughly 4 times as many, with 240 per judge. They have fewest total appeals terminated per panel, with 347.

By way of comparison, the 11th circuit had over 4 times as many total appeals terminated in 2010, with 1,574. The ninth circuit had nearly 4 times as many, with 1,394. And the second and fifth circuits each had 1,329.

Given these statistics, we should be having a discussion on reducing the staffing for this court, not filling a vacancy. This seat is not a judicial emergency. And with our massive debt and deficit, I don't understand why we would be spending our time and resources, particularly on a highly controversial nomination.

Given the concerns I have about Ms. Halligan's record on the second amendment, the war on terror, and other issues, my concerns regarding her activist judicial philosophy and the Court's low workload, I oppose this nomination, and I urge my colleagues to do the same.

I would note in closing the number of organizations expressing their opposition to this nomination: the American Conservative Union, the National Rifle Association, Gun Owners of America, Citizens Committee for the Right to Keep and Bear Arms, Committee for Justice, Concerned Women of America, the American Center for Law and Justice, Heritage Action, Liberty Counsel, Family Research Council, Eagle Forum, and there are others.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I understand morning business will now close.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be time for debate until noon, equally divided in the usual form.

Mr. LEAHY. Madam President, some of the people I have heard who oppose Ms. Halligan were also some of the same people who successfully opposed an effort in the Congress to actually protect police officers a few years ago. So I want to put the opposition in context. It is probably why so many law enforcement groups support Ms. Halligan, because she stood up for law enforcement, unlike some of the groups we have heard about who oppose her, who sought to make the life of police officers more dangerous.

Be that as it may, the Senate stands at a crossroads today. Voting to end the partisan filibuster of this judicial nomination is as important as it was when the Senate did so in connection with the nomination of Judge McConnell to the United States District Court of Rhode Island earlier this year. If we allow the partisan filibuster to go forward, then the Senate will be setting a new standard that no nominee can meet if they wish to be confirmed to the DC Circuit.

Republican Senators who just a few years ago argued that filibusters against judicial nominees were unconstitutional and said that they would never support such a filibuster, and those who care about the judiciary in the Senate, need to step forward and do the right thing. You cannot say that filibusters against judicial nominees are unconstitutional when you have a Republican President but suddenly support a filibuster when you have a Democratic President. This goes even beyond the standards that have driven the approval rating of Congress to an all-time low for hypocrisy. We ought to end the filibuster now and proceed to vote on this extraordinarily well-qualified nominee.

Ms. Halligan, nominated to fill one of three vacant seats on the important DC Circuit, is a highly regarded appellate advocate. She has the kind of impeccable credentials in both public service and private practice that have been looked for in the past by both Democratic and Republican Presidents. Her nomination reminds me of John Roberts, when he was confirmed by

every single Democrat and every single Republican to the DC Circuit in 2003. I certainly did not agree with every position he had taken or argument he had made as a high-level lawyer in several Republican administrations, but I supported his nomination to the DC Circuit, as I did to the Supreme Court, because of his legal excellence and ability.

It is frustrating to have Senators tell me privately they know Ms. Halligan is just as qualified as John Roberts was, but this lobby and that lobby are against her. Lobbyists come and go. The court is supposed to be the epitome of justice in this country.

I trusted John Roberts' testimony that he would fairly apply the law if confirmed. If the standard we used for him is applied to Ms. Halligan, there is no question this filibuster will end and Caitlin Halligan will be confirmed.

By any traditional standard, Caitlin Halligan is the kind of superbly qualified nominee who should easily be confirmed by the Senate. Yet, the Senate Republican leadership's filibuster of this nomination threatens to set a new standard that could not be met by anyone. It would not have been met by John Roberts. If this is the new standard, it is wrong, it is unjustified and it is dangerous. Overcoming it will take a handful of sensible Senate Republicans willing to buck their leadership and some single-issue lobbyists. They have done it before and they should again now. Those who care about the judiciary—and as important, those who care about the Senate—need to come forward and end this filibuster.

From the beginning of the Obama administration, we have seen too many Senate Republicans shift significantly away from the standards they used to apply to the judicial nominations of a Republican President. During the administration of the last President, a Republican, they insisted that filibusters of judicial nominees were unconstitutional. They threatened the "nuclear option" in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominations.

Many Republican Senators declared that they would never support the filibuster of a judicial nomination. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana. They tried to prevent an up or down vote on his nomination even though he was nominated by President Obama after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who strongly supported the nomination. The Senate rejected that unjustified filibuster and Judge Hamilton was confirmed with Senator LUGAR's support.

With their latest filibuster, the Senate Republican leadership seeks to set yet another new standard, one that threatens to make confirmation of any nominee to the DC Circuit virtually

impossible for the future. Caitlin Halligan is a well-qualified nominee with a mainstream record as a brilliant advocate on behalf of the State of New York and in private practice. She served for nearly six years as Solicitor General of New York and has been a leading appellate lawyer in private practice, currently serves as General Counsel at the New York County District Attorney's Office, and has served as counsel of record in nearly 50 matters before the U.S. Supreme Court, arguing five cases before that court and many cases before Federal and state appellate courts. She clerked for Supreme Court Justice Stephen Breyer and for Judge Patricia Wald on the DC Circuit, the court to which she has been nominated. No Senator has or can question her qualifications. I have reviewed her record carefully in the course of the Judiciary Committee's thorough process, including her response to our extensive questionnaire and her answers to questions at her hearing and in writing following the hearing. In my view, there is no legitimate reason or justification for filibustering her nomination.

Yesterday, I put into the RECORD some of the many letters of support we have received from across the political spectrum for Ms. Halligan's nomination. These letters are a testament to both her exceptional qualifications to serve and to the fact that this should be a consensus nomination, not a source of controversy and contention. They attest to the fact she is not a closed-minded ideologue, but is the kind of nominee who has demonstrated not only legal talent but also a dedication to the rule of law throughout her career. We should encourage nominees with the qualities of Ms. Halligan to engage in public service. We should welcome people like her to serve on the Federal bench, not denigrate them. Concocted controversies and a blatant misreading of Ms. Halligan's record as an advocate are no reason to obstruct this outstanding nomination.

I also demonstrated yesterday that any so-called "caseload" concern is no justification for filibustering this nomination. This was not a concern we heard from Republicans when they voted to confirm President Bush's nominees to fill not only the 9th seat, but also the 10th seat and the 11th seat on this court a couple of years ago. They should not now use caseload as an excuse to filibuster President Obama's nomination to fill the ninth seat when the DC Circuit's caseload has increased. There are only two differences today than when President Bush's nominees to the DC Circuit were confirmed in 2005 and 2006: One, the caseload per active judge has increased, not decreased; and we have a Democratic President, not a Republican President.

The DC Circuit is often considered the second most important court in the land because of the complex cases that it handles, cases that have grown in

importance since the attacks of September 11. As noted in a recent Washington Post editorial: “[Caseload numbers do] not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.” I ask unanimous consent that a copy of this editorial and one from today’s Boston Globe be printed in the RECORD at the conclusion of my remarks, along with letters to the editor of the Washington Post in support of Ms. Halligan’s nomination.

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

(See exhibit 1)

Mr. LEAHY: Yet the DC Circuit is now more than one-quarter vacant, with three judicial vacancies. The caseload per active judge has gone up since Republican Senators supported every one of President Bush’s nominations to that court. According to the Administrative Office of U.S. Courts, the caseload per active judge has increased by one third since 2005, when the Senate confirmed President Bush’s nomination of Thomas Griffith to fill the 11th seat on the DC Circuit. That is right—the DC Circuit’s caseload has actually increased. By any objective measure, the work of the DC Circuit has grown, and the multiple vacancies should be filled, not preserved and extended for partisan purposes. The “extraordinary circumstance” that exists here is the more than one-quarter vacancy level on this court, with only eight active judges.

If caseloads were really a concern of Republican Senators, they would not be standing by while their leadership delays Senate consideration of the nominations of Morgan Christen of Alaska and Jacqueline Nguyen of California to the Ninth Circuit, and Judge Adalberto Jordan of Florida to the Eleventh Circuit. These two circuits have the highest number of cases per active judge. The Ninth Circuit is burdened by multiple vacancies and the largest caseload in the nation. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. I have repeatedly urged the Senate to take up and consider these nominations, which are supported by home state Senators, yet Republicans have refused to consider them for months. Anyone truly concerned about courts’ caseloads should join with me to consider the other 20 judicial nominations still pending on the Senate calendar and awaiting final action.

Given Caitlin Halligan’s impeccable credentials and widespread support, this should be the kind of consensus nomination supported by Senators of both parties who seek to ensure that the Federal bench continues to attract the best and the brightest. Certainly,

by the standard utilized in 2005 to end filibusters and vote on President Bush’s controversial nominees, this filibuster should be ended and the Senate should vote on the nomination. Those Senators who claim to subscribe to a standard that prohibits filibusters of judicial nominees except in “extraordinary circumstances” should keep their word and not support this filibuster. There are no “extraordinary circumstances” to justify the filibuster.

In 2005, Senator GRAHAM, a member of the “Gang of 14” described his view of what comprises the “extraordinary circumstances” justifying a filibuster. He said: “Ideological attacks are not an ‘extraordinary circumstance.’ To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.” Caitlin Halligan has no character problem, no ethics problem, and there is no justification for this filibuster. Caitlin Halligan is a superbly qualified nominee whose personal integrity, temperament, and abilities have been attested to by the many leading lawyers who have worked with her and against her. They all attest to her integrity and temperament and abilities.

The signers of the 2005 Memorandum of Understanding, and the Senate, demonstrated what they thought that agreement entailed when they proceeded to invoke cloture on a number of controversial nominations. The Senate invoked cloture on the nominations of Janice Rogers Brown and Thomas Griffith to the DC Circuit, the circuit to which Caitlin Halligan has been nominated.

As a Justice on the California Supreme Court, Janice Rogers Brown was a nominee with a consistent and extensive record, both on the bench and off, of using her position as a member of the court to put her views above the law. This was not a question of one case or one issue on which Democrats differed with the nominee—I have voted for hundreds of nominees of Republican and Democratic Presidents which whom I differ on many issues. But this was a nominee with views so extreme she was opposed not just by her home state Senators, but also by more than 200 law school professors from around the Nation who wrote to the Committee expressing their opposition. Her record in numerous decisions as a judge showed that she was willing to put her personal views above the law on issue after issue, including a willingness to roll back the clock 100 years on workers’ and consumers’ rights, to undermine clean air and clean water protections for Americans and their communities, laws providing affordable housing, zoning laws that protect homeowners, and protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, while serving on the California Supreme Court, Justice Brown had argued that Social

Security was unconstitutional, a position clearly at odds with well established law. She went so far as to say “today’s senior citizens blithely cannibalize their grandchildren.”

Despite her ideological extremism and willingness to implement her radical personal views as a judge without regard to the existing law, she was confirmed to the DC Circuit. Her nomination was judged not to present “extraordinary circumstances” supporting a filibuster. There is no justification under the standard applied to the nomination of Janice Rogers Brown for a filibuster of the nomination of Caitlin Halligan, a widely-respected nominee with a clear devotion to the rule of law and no record of ideological extremism.

The nomination of Thomas Griffith to the DC Circuit was also determined not to present “extraordinary circumstances” despite his decision to practice law without a license for a good part of his career, which I felt should be disqualifying. He was confirmed to fill the 11th seat on the DC Circuit. There is no question that under the standard Republicans applied to the nomination of Thomas Griffith, Caitlin Halligan should be confirmed to fill the ninth judgeship on that court.

I urge Republican and Democratic Senators to come together and end this misguided filibuster of Caitlin Halligan’s nomination to the DC Circuit. There is no basis under any appropriate standard for blocking her nomination from having an up-or-down vote. To the contrary, Caitlin Halligan’s impeccable credentials and record as an accomplished advocate make her nomination worthy of bipartisan support.

#### EXHIBIT 1

[From the Boston Globe, Dec. 6, 2011]

#### OUTRAGE MACHINE GRINDS AWAY (Editorial)

Discrediting perfectly qualified nominees to the federal judiciary is a dreary, familiar business—one whose latest target is Caitlin Halligan, a former New York solicitor general who once clerked for Supreme Court Justice Stephen Breyer. Ever since President Obama nominated her for the DC Circuit Court of Appeals last year, critics have been combing her record for evidence of dangerous radicalism.

They haven’t found any. But in the crude world of judicial-nomination fights, a nuanced discussion of New York’s marriage laws becomes a self-evident slant toward same-sex marriage. Others depict her as anti-gun because she signed a brief in a liability suit against gun manufacturers. The group Gun Owners of America has conveniently pre-written an e-mail, which members can robo-send to their senators, denouncing Halligan’s nomination as “inconceivable.”

Halligan may not be GOP senators’ first choice for an appellate-court seat. And if a Republican president had chosen a former Texas solicitor general who’d clerked for Antonin Scalia, some of the same groups now defending Halligan would surely be scraping around for reasons why the nominee was utterly unsuitable for the job. But the Senate need not dignify these tactics.

In a way, Halligan is lucky; rather than stringing her along endlessly, the Senate has scheduled a vote today to end debate on her

nomination. GOP senators—including Scott Brown—should acknowledge that her views appear to be well within the legal mainstream, and vote to end the filibuster against her. Her nomination deserves, at the least, an up-or-down confirmation vote.

[From the Washington Post, Nov. 22, 2011]

SENATE SHOULD CONFIRM CAITLIN HALLIGAN  
TO THE D.C. CIRCUIT COURT

(Editorial)

When Caitlin J. Halligan was nominated in 2010 to a seat on the U.S. Court of Appeals for the D.C. Circuit, the prestigious 11-member court had two vacancies. Today, there are three, after Judge Douglas H. Ginsburg took senior status this fall.

Yet some Senate Republicans argue that there is no need to install Ms. Halligan because the court's caseload has shrunk. Others look suspiciously on her purported views on antiterrorism policy. GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill. These lawmakers rightly objected to such tactics when deployed by Democrats to stall or defeat well-qualified Republican nominees; they should not revert to them now when a Democrat controls the White House.

Ms. Halligan has had a distinguished career and deserves to be confirmed. A graduate of the Georgetown University Law Center, she clerked for D.C. Circuit Judge Patricia M. Wald and later for Supreme Court Justice Stephen Breyer. She has served as head of the appellate practice at a top New York law firm, as solicitor general in that state and now as general counsel for the New York County District Attorney's Office in Manhattan. The American Bar Association gave Ms. Halligan a unanimous well-qualified rating. The Senate Judiciary Committee approved her nomination seven months ago; she has been waiting for a floor vote ever since.

While it is true that caseloads have been inching downward at the D.C. Circuit, the decline does not take into account the complexity and scope of the cases that land at the court. They include direct appeals involving federal regulatory decisions and national security matters, including cases stemming from the detentions at the U.S. naval base in Guantanamo Bay, Cuba.

Critics note that Ms. Halligan's name appears on a 2004 report by the New York City Bar Association that lambasted the Bush administration for asserting the legal authority to hold enemy combatants without trial until the cessation of hostilities; the Supreme Court ultimately endorsed the administration's position. Ms. Halligan acknowledges that she was a member of the committee that wrote the report but testified that she was not involved in its development or writing and said she learned of it only in 2010, while gathering material for the confirmation process. Ms. Halligan testified that she did not agree with the report's conclusions.

Some critics suggest that Ms. Halligan's repudiation is a "confirmation conversion." Yet no evidence to dispute her account has emerged during the eight months since her hearing. The report episode is odd but should not disqualify Ms. Halligan, given the mountain of evidence that she is a smart and well-qualified candidate.

FRANKLIN COUNTY,

Malone, NY, February 14, 2011.

Senator PATRICK J. LEAHY,  
Chairman, U.S. Committee on the Judiciary,  
Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN LEAHY: I once discussed on a plane ride to Washington with you your

time as a Prosecutor. Today it is my pleasure and honor to write a letter supporting the nomination of a fellow prosecutor, Caitlin J. Halligan, for the DC Circuit Court of Appeals.

In my service as District Attorney of Franklin County in rural upstate New York and as President of the District Attorneys Association of the State of New York, I have had the distinct privilege of working closely with Ms. Halligan during the past year. In her position as General Counsel to Manhattan District Attorney Cyrus R. Vance, Jr., she has consistently demonstrated her unconditional support of the interests of law enforcement and has lent her exceptional expertise as an advocate for the rule of law to the complex issues that confront our state across its many varied interests.

Having first heard of Ms. Halligan's remarkable legal abilities during her tenure as Solicitor General of New York State under Governor George Pataki, I am delighted now to have learned firsthand that she is a consummate "lawyer's lawyer". She has unparalleled legal reasoning skills and a firm commitment to our constitutional values.

Thank you for this opportunity to express my support for this exceptional judicial candidate.

Very truly yours,

DEREK P. CHAMPAGNE,  
District Attorney.

COUNTY OF ONONDAGA,

Syracuse, NY, February 16, 2011.

Re Caitlin Halligan.

Senator PATRICK J. LEAHY,  
Chairman, U.S. Senate Committee on the Judiciary,  
Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR SENATOR LEAHY: I write this letter in support of the President's nomination of Caitlin Halligan for the United States Court of Appeals for the District of Columbia Circuit.

By way of a brief introduction, I am a career prosecutor, having served twenty years as the elected District Attorney of Onondaga County (just under a half a million population) in Upstate New York and ten years as an assistant district attorney prior to that. I am the New York State representative to the National District Attorneys Association and serve on that body's Executive Committee. I am also co-chairman of the American Bar Association's Criminal Justice Section's Committee on Science and Technology and I have been appointed by Governors Pataki, Spitzer and Cuomo to serve on New York State's Forensic Science Commission. I am a past President of the New York State District Attorneys Association and currently serve on its Board of Directors. I am also a life long Republican, but nobody's perfect.

Cy Vance is the current District Attorney of New York county having succeeded the legendary Bob Morgenthau. Cy is a good friend and has quickly established himself in New York as an outstanding prosecutor and a resource for his sixty-one other colleagues throughout the State. And one of the really great things that Cy does is surround himself with quality people. A perfect example of one of those quality people is Caitlin Halligan, currently Cy's General Counsel at the Manhattan District Attorney's Office.

Caitlin's résumé makes it hard to believe she is only forty-four years old. Educated at Princeton with a law degree from Georgetown, Caitlin served as law clerk to two of America's most illustrious jurists. Her service to my home State of New York has been both distinguished and invaluable. As a member of the Attorney General's Internet Bureau, Caitlin helped develop initiatives to battle on-line fraud and protect individual

privacy. Many of those initiatives are still employed by local offices. Rising through the ranks of the Attorney General's Office, Caitlin for five years served as our State's Solicitor General, arguing cases before all appellate levels, including the United States Supreme Court. Caitlin's reputation was nothing short of outstanding which is one of many reasons my friend Cy Vance was lucky enough to entice her back into public service as his General Counsel.

I fully understand the political give and take of the nomination process, particularly when the position is of such import. Words uttered and position papers written decades earlier take on greater significance. Each party would prefer to have a nominee whose judicial philosophy is most closely attuned to their core beliefs. Ultimately, it is the President's choice and frankly I do not think any President, Democrat or Republican, could find a more qualified, a more honorable or a finer candidate than Caitlin Halligan.

Sincerely,

WILLIAM J. FITZPATRICK,  
District Attorney.

RICHMOND COUNTY,

Staten Island, NY, February 25, 2011.

Re Caitlin J. Halligan.

Hon. PATRICK J. LEAHY,  
Chairman, U.S. Senate Committee on the Judiciary,  
Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR SENATOR LEAHY: I write in support of the nomination of Caitlin J. Halligan for a seat on the United States Court of Appeals for the D.C. Circuit. Ms. Halligan's experience and accomplishments as an appellate lawyer make her an ideal appointee to that Court.

Ms. Halligan, currently employed by the New York County District Attorney's Office as General Counsel, has served as First Deputy Solicitor General, then Solicitor General of the State of New York and as head of the appellate practice section at the New York law firm of Weil, Gotshal and Manges LLP. In her time as First Deputy and then Solicitor General, she was responsible not only for briefing and arguing her own cases, but for supervising the appellate litigation conducted by New York State's Attorney General as well.

In her time in private practice and in the Office of the New York State Solicitor General, Ms. Halligan has briefed and argued cases at all levels of appellate courts in the United States, ranging from the United States Supreme Court to New York State's intermediate appellate court, the Appellate Division and has also supervised briefs filed in those courts. The cases in which she has been involved, either as principal attorney or supervisor, span such diverse areas as prisoner civil rights matters, environmental, voting rights and free speech issues, and commerce clause matters. This breadth of practice areas—both in terms of the courts in which Ms. Halligan has appeared and the nature of the cases in which she has been involved—certainly has provided Ms. Halligan with the background necessary for success as a Circuit Court judge, particularly in view of the wide variety of matters that will come before Ms. Halligan should she be confirmed to a seat on the D.C. Circuit.

In short, Ms. Halligan's experience as an appellate practitioner and the wide variety of issues with which she has dealt will serve her well in her capacity as a Circuit Judge and I am pleased to offer my support for her confirmation.

Sincerely,

DANIEL M. DONOVAN, Jr.,  
District Attorney.

NEW YORK STATE ASSOCIATION OF  
CHIEFS OF POLICE, INC.,  
*Schenectady, NY, April 27, 2011.*

Hon. PATRICK J. LEAHY,  
*Chairman, Senate Judiciary Committee, Dirksen  
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Senate Judiciary Committee,  
Dirksen Senate Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR  
GRASSLEY: On behalf of the New York State  
Association of Chiefs of Police, I am writing  
to express our unqualified support for the  
nomination of Caitlin J. Halligan for the  
position of United States Circuit Judge for the  
District of Columbia Circuit.

Our Association was founded in 1901 and  
has almost 600 active members including  
Police Chiefs, Commissioners, Superintendents  
and other command level officers. Our pri-  
mary purpose is to provide training for our  
members and to serve as an information hub  
for them as well. We take great pride in help-  
ing to advance the cause of professional pol-  
icing and take very seriously our obliga-  
tions to support individuals who we believe  
will serve our nation's criminal justice sys-  
tem well.

An examination of Ms. Halligan's creden-  
tials clearly indicates to us that she is one  
of those individuals She has demonstrated an  
understanding of the need for strong law en-  
forcement to protect those in our commu-  
nities least able to protect themselves. She  
has extensive experience as an appellate law-  
yer and has worked on many important cases  
being handled by the most senior courts in  
our judicial system.

Our Board of Governors who represent pol-  
ice agencies across the State from the larg-  
est to the smallest have unanimously voted  
to endorse her nomination. We urge you to  
give her the most serious consideration for  
this most important appointment.

Thank you for your attention to our inter-  
ests and please feel free to contact us if we  
may ever be of assistance.

Respectfully,

JOHN P. GREBERT,  
*Executive Director.*

NEW YORK  
WOMEN IN LAW ENFORCEMENT,  
*Albany, NY, May 31, 2011.*

Hon. PATRICK J. LEAHY,  
*Chairman, Senate Judiciary Committee, Dirksen  
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Senate Judiciary Committee,  
Dirksen Senate Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR  
GRASSLEY: On behalf of the New York,  
Women in Law Enforcement (NYWLE), I am  
writing to express our support for the nomi-  
nation of Caitlin J. Halligan for the posi-  
tion of United States Circuit Judge for the Dis-  
trict of Columbia Circuit.

The primary mission of NYWLE is to sup-  
port the recruitment, retention and pro-  
motion of women within the criminal justice  
system. It is with enthusiasm that we sup-  
port the appointment of Ms. Halligan, a per-  
son of nobility and integrity to this honor-  
able position.

Her vast experience arguing cases before  
both state and federal appellate courts cou-  
pled with her rapid advancement in her car-  
eer speak to her elevated level of intelli-  
gence and integrity. Her pro bono work on  
the memorial for the World Trade Center  
demonstrates her noble commitment to  
doing what is right for individuals in need.  
She exemplifies all the characteristics of a  
person we would want to serve the people of  
this country in such a crucial judgeship.

In summary, the Board of the NYWLE,  
whose 19 names and positions are outlined on

this letterhead, highly recommends Ms.  
Halligan as a Federal Circuit Judge. We  
thank you for your consideration in this  
matter.

Respectfully,

DEBORAH J. CAMPBELL,  
*President.*

NATIONAL CENTER FOR  
WOMEN & POLICING,  
*Arlington, VA.*

Hon. PATRICK J. LEAHY,  
*Chairman, Senate Judiciary Committee, Dirksen  
Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Senate Judiciary Committee,  
Dirksen Senate Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR  
GRASSLEY: On behalf of the National Center  
for Women and Policing (NCWP), I am writ-  
ing to express our utmost support for the  
nomination of Caitlin J. Halligan for the  
position of United States Circuit Judge for the  
District of Columbia Circuit.

A division of the Feminist Majority Foun-  
dation, the NCWP has been working since  
1995 to educate criminal justice policy mak-  
ers, the media and the public about the im-  
pacts of increasing the representation of  
women in policing. Our goals include ensur-  
ing that gender is always considered during  
the analysis of contemporary policing issues,  
and that law enforcement agencies strive for  
gender balancing their departments. We take  
great pride in helping to advance the cause  
of professional policing and take very seri-  
ously our obligations to support individuals  
who we believe will serve our nation's crimi-  
nal justice system overall.

Ms. Halligan is clearly an individual we  
would want to support to serve our criminal  
justice system at the national level. Her ex-  
tensive experience either representing cases  
before the Supreme Court or arguing cases  
before the state and federal appellate courts  
whether as the Solicitor General for New  
York State, the Counsel for New York Coun-  
ty's District Attorney Office or for private  
practice is impressive. Her pro bono work on  
the memorial for the World Trade Center is  
honorable. She is clearly a person of solid  
standing and integrity a person we would  
want serving the people at one of our highest  
courts.

We are confident she would provide fair  
and equal justice and therefore respectfully  
request your consideration for Ms. Halligan  
for this critical appointment.

Respectfully,

MARGARET MOORE,  
*Director.*

NATIONAL CONFERENCE  
OF WOMEN'S BAR ASSOCIATIONS,  
*Portland, OR, June 23, 2011.*

Re Nomination of Caitlin J. Halligan to the  
United States Court of Appeals for the  
District of Columbia Circuit.

Hon. PATRICK J. LEAHY,  
*Chair, Dirksen Senate Office Building, Wash-  
ington, DC.*

Hon. CHARLES GRASSLEY,  
*Ranking Member, Dirksen Senate Office Build-  
ing, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEM-  
BER GRASSLEY: On behalf of the National  
Conference of Women's Bar Associations, we  
write to express our enthusiastic support for  
the nomination of Caitlin J. Halligan to the  
United States Court of Appeals for the Dis-  
trict of Columbia Circuit.

Ms. Halligan's broad experience, public  
service and intellect make her well suited to  
the federal appellate bench, and her appoint-  
ment would add much needed diversity to  
the federal court, where currently only three

women are among the active judges on the  
DC Circuit.

We join with many other organizations  
such as the National District Attorneys As-  
sociation, the New York Women in Law En-  
forcement and the Women's Bar Association  
of the District of Columbia in urging the  
speedy confirmation of this outstanding  
nominee.

Very truly yours,

MARY E. SHARP,  
*President.*

WOMEN'S BAR ASSOCIATION  
OF THE DISTRICT OF COLUMBIA,  
*Washington, DC, June 16, 2011.*

Re Nomination of Caitlin J. Halligan to the  
United States Court of Appeals for the  
District of Columbia Circuit.

Hon. PATRICK J. LEAHY,  
*Chair, Dirksen Senate Office Building, Wash-  
ington, DC.*

Hon. CHARLES GRASSLEY,  
*Ranking Member, Dirksen Senate Office Build-  
ing, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEM-  
BER GRASSLEY: On behalf of the Women's Bar  
Association of the District of Columbia  
(WBA), we write to express the WBA's enthu-  
siastic support for Caitlin J. Halligan's nomi-  
nation to the United States Court of Ap-  
peals for the District of Columbia Circuit.

Ms. Halligan is exceptionally well-qualified  
for the position to which she has been nomi-  
nated. Her confirmation would add not only  
superior intellect, but also much needed di-  
versity to the federal appellate courts.

The WBA's principal goal in supporting ju-  
dicial candidates is to ensure the appoint-  
ment of qualified judges and, consistent with  
that goal, to increase the number of judges  
who support the mission of the WBA. We  
give priority in our recommendations to can-  
didates with extensive litigation experience,  
a demonstrated commitment to the equality  
of all litigants, and an attention to women's  
needs and concerns. The WBA evaluates each  
candidate for endorsement by reviewing his  
or her resume and other supporting docu-  
mentation, and by discussing, with refer-  
ences the candidate's qualifications, integ-  
rity, temperament, experience, and commit-  
ment to the concepts of equal opportunity  
and equal justice under law.

Ms. Halligan is without question emi-  
nently qualified to join the D.C. Circuit  
Court of Appeals. Her academic and legal  
credentials are of the highest caliber. Ms.  
Halligan's legal career began at Georgetown  
University Law Center, where she graduated  
Order of the Coif and was Managing Editor of  
the Georgetown Law Review. She subse-  
quently clerked for Judge Patricia M. Wald  
on the D.C. Circuit Court of Appeals, and  
later for Justice Stephen G. Breyer of the  
United States Supreme Court. The majority  
of her outstanding legal career has been fo-  
cused upon public service. From 2001–2006,  
she served as Solicitor General of the State  
of New York, and she currently serves as  
General Counsel to the New York County  
District Attorney's office. In between, Ms.  
Halligan headed the appellate practice at  
Weil, Gotshal and Manges, LLP. She has  
served as counsel of record for a party or  
amicus at the certiorari or merits stage in  
more than 40 matters in the United States  
Supreme Court. She has also argued five  
cases before the Court, including as recently  
as March 2011, and won awards from the Na-  
tional Association of Attorneys General in  
five consecutive years as New York's Solici-  
tor General.

Ms. Halligan's contributions to the legal  
profession have extended well beyond her  
day job. She has taught as an adjunct pro-  
fessor at Georgetown University Law Center,

and as a Lecturer in Law at Columbia Law School. Ms. Halligan has also made significant pro bono contributions, serving as a member of the Boards of Directors of the National Center for Law and Economic Justice and the Fund for Modern Courts, as pro bono counsel to the Board of Directors of the Lower Manhattan Development Corporation, and as counsel for Hurricane Katrina and Rita evacuees before the Fifth Circuit. Through her activities, Ms. Halligan has demonstrated a commitment to the concepts of equal opportunity and equal justice under law both inside and outside the courtroom.

Given her record of achievement and breadth of experience, it is not surprising that Ms. Halligan has received a unanimous rating of Well-Qualified from the ABA's Standing Committee on the Federal Judiciary, the highest rating available. She has the support of numerous organizations, including the District Attorneys Association of the State of New York, the National District Attorneys Association, the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the New York Women in Law Enforcement, and the National Center for Women & Policing. In addition, a bi-partisan group of prominent appellate practitioners that includes Cliff Sloan, Sri Srinivasan, Miguel Estrada, Carter Phillips and numerous others has submitted an enthusiastic letter praising the abilities and character of Ms. Halligan and expressing their unanimous belief that "Caitlin is an outstanding selection for the D.C. Circuit."

Beyond Ms. Halligan's obvious qualifications, we must note that her confirmation would add much needed diversity to the federal bench. Out of 179 seats on the federal appellate courts, only 50 are currently held by women. The D.C. Circuit has eleven authorized judgeships, with two current vacancies, but only three women are among the active judges. Ms. Halligan possesses impeccable credentials and would be a worthy addition to the DC Circuit.

For all of these reasons, the WBA is proud to support Caitlin Halligan's nomination, and strongly urges the Senate to vote to confirm her to the United States Court of Appeals for the District of Columbia Circuit. She is a superlative lawyer with a broad range of experience, and her commitment to fairness, stellar intellect, judicious temperament, and principled nature make Ms. Halligan a superb nominee. If you have any questions regarding this letter of support, please contact the WBA office.

Sincerely,

MONICA G. PARHAM,  
*President.*

[From the Washington Post, Dec. 5, 2011]

PUT CAITLIN HALLIGAN AND OTHERS ON THE  
D.C. CIRCUIT

The Nov. 23 editorial "Time to Pass Judgment" argued that the Senate should confirm Caitlin J. Halligan to a seat on the U.S. Court of Appeals for the D.C. Circuit. I fully agree. Ms. Halligan has excellent qualifications and appears to be an extremely bright and capable judicial candidate. It seems, however, that Senate Republicans have one major problem with Ms. Halligan: She looks too much like a future Supreme Court nominee. That is the same problem Senate Democrats had with Miguel A. Estrada when they blocked his appointment to the D.C. Circuit.

The Halligan and Estrada nominations are just two examples of the petty and unnecessary charade that is the current Senate judicial confirmation process. Though this problem is decades old, perhaps President Obama could make a bold effort at bilateral disarmament and prove his bipartisan bona fides at the same time.

Assuming Ms. Halligan is confirmed, the D.C. Circuit will still have two open seats, to which Obama should nominate Mr. Estrada and Goodwin Liu. Both Mr. Estrada (a Bush nominee) and Mr. Liu (an Obama nominee) are brilliant lawyers, and both were blocked by tit-for-tat Senate politics. Such a move by Mr. Obama could soften the gridlock that has plagued judicial nominations for so many years.

JEFF LUOMA,  
*North Bethesda.*

In addition to all of the reasons that The Post's editorial cited in urging that the Senate confirm Caitlin J. Halligan, one other important factor is that this outstanding nominee would be only the sixth female judge in the 118-year history of the U.S. Court of Appeals for the D.C. Circuit, thus adding to the court's diversity.

Eight months is far too long to deprive the D.C. Circuit of a nominee of Ms. Halligan's talents; the Senate should vote Tuesday to cut off debate on her nomination and vote immediately afterward to confirm her.

MARCIA D. GREENBERGER,  
*Washington.*

Mr. LEAHY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. I see the distinguished Senator from New York on the floor, and I have a feeling that she will have a statement of support of this superb nominee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I am very proud to support the nomination of Caitlin Halligan to the U.S. Court of Appeals for the District of Columbia.

Caitlin Halligan has distinguished herself through her commitment to fairness, reasoned intellect, personal ethics, and a profound respect for the law. Unfortunately, it appears that some of my colleagues are determined to criticize her, regardless of the facts or her record. The major concern seems to be the workload demands for the DC Circuit. This is not a reason to oppose this candidate's nomination.

In 2008, the Senate acted to reduce the number of seats on the DC Circuit from 12 to 11, increasing the caseload for each of the judges. Currently, there are only eight active judges on the DC Circuit, leaving the bench more than 27 percent vacant. That means the U.S. Circuit Court currently has three vacancies—three vacancies on a court that is currently handling more than 1,200 cases; three vacancies on a court that handles some of the most complicated decisions, including terrorism cases.

Today we have the opportunity to fill one of these vacancies on the DC Circuit, often called the second most important court in the entire United States. The caseload of the DC Circuit has remained consistent since 2005, while the number of cases per judge has increased by 33 percent. If Ms. Halligan is confirmed, it will reduce that caseload from its current level of approximately 161 pending cases to approximately 143 per judge, still substantially higher than during the previous administration.

The DC Circuit Court of Appeals reviews complicated decisions and rule-making of many Federal agencies and in recent years has handled some of the most important terrorism and detention cases since the horrific attacks on September 11. These cases are complex, requiring additional time to allow for the consideration they demand.

Many of my colleagues have raised concerns with positions Ms. Halligan advocated while solicitor general of New York. She filed briefs at the direction of the Attorney General. She was not promoting her own personal views. Many of these cases focused explicitly on New York State's rights to govern in traditional State law areas.

Caitlin Halligan is a woman of superb intellect, a history of laudable achievements, and a record of outstanding public service. Not only does she deserve an up-or-down vote, but on the merits she deserves the full support of the Senate. I ask my colleagues to allow for an up-or-down vote on Caitlin Halligan's nomination. Let's debate Ms. Halligan on her merits. She deserves nothing less.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Madam President, I rise to speak today in opposition to the nomination of Caitlin Halligan to be a judge in the U.S. Court of Appeals for the DC Circuit.

The DC Circuit is arguably the most important Federal appellate court in our Federal judicial system, with primary responsibility to review administrative decisions made by countless Federal departments and agencies. It has also served in many instances as a steppingstone for judges who are later appointed to the U.S. Supreme Court. As a result, the Senate has historically very closely scrutinized nominees to the DC Circuit.

When evaluating particular nominees, we have also carefully considered the need for additional judges on that court.

In July 2006, President Bush nominated an eminently qualified lawyer, Peter Keisler, to fill a seat on the DC Circuit. Mr. Keisler is among the very finest attorneys in the country. Because of his nonideological approach to the law, Mr. Keisler enjoys broad bipartisan support throughout the legal profession. Despite these unassailable legal qualifications, Democratic Senators blocked his nomination. He did

not receive any floor consideration whatsoever, not even a cloture vote, and his nomination languished in the Judiciary Committee. At the time, a number of Democratic Senators sent a letter to the Judiciary Committee chairman arguing that a nominee to the DC Circuit “should under no circumstances be considered, much less confirmed, before we first address the very need for that judgeship”—the judgeship he would occupy. These Senators specifically argued that a DC Circuit’s comparatively moderate caseload in 2006 simply did not justify the confirmation of an additional judge to that court.

Five years have now passed and Ms. Halligan has been nominated to that very same seat on the DC Circuit. But the court’s caseload remains as minimal as it did then. According to the Administrative Office of U.S. Courts, the DC Circuit caseload per judge is approximately one-fourth that of most other Federal courts of appeals. In each of the past 2 years, the DC Circuit has cancelled regularly scheduled argument dates due to lack of pending cases. For several years the court has experienced a decline in workload in terms of total filings, actions per active judge, and pending appeals. Almost every metric indicates the same direction. Indeed, since 2006, when Democrats blocked Mr. Keisler’s nomination, the total number of appeals filed in the DC Circuit has decreased—decreased—by 12 percent.

According to the Democrats’ own standards, and particularly when there are judicial emergencies in other courts across the country, now is not the time to confirm another judge to the DC Circuit. It is most certainly not the time for us to consider confirming a controversial nominee with a record of extreme views of the law and the Constitution. Many of my colleagues have discussed these views, so I will limit myself this morning to one example.

In 2003, while serving as solicitor general of New York, Ms. Halligan approved and signed a legal brief arguing that handgun manufacturers, wholesalers, and retailers should be held liable for criminal actions that individuals commit with those guns. Three years later, in 2006, Ms. Halligan filed a brief alleging that handgun manufacturers were guilty of creating a public nuisance—that they, themselves, were guilty of creating a public nuisance. Such an activist approach is both bewildering and inconsistent with the original understanding of the second amendment and the rights under the second amendment that American citizens enjoy.

In conclusion, as measured by the Democrats’ own standards and their prior actions, now is not the time to confirm another judge to the DC Circuit, and it is certainly not the time to consider such a controversial nominee for that important court.

For these reasons, I cannot support Ms. Halligan’s nomination, and urge

my colleagues to oppose her confirmation.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. 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. LEE. I ask unanimous consent that the quorum call be divided equally.

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

Mr. LEE. I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Reserving the right to object, Mr. President, I believe we have a set number of minutes left to discuss the nominee, Caitlin Joan Halligan, which is the subject here?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. How much time does the majority have?

The PRESIDING OFFICER. Eight minutes.

Mr. SCHUMER. Mr. President, I ask that the final 8 minutes before we vote be reserved for that and that the Senator from Illinois be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

#### SOCIAL SECURITY

Mr. KIRK. Mr. President, I wish to speak as in morning business to talk about the big issue pending before the Senate, which is the potential legislation by Republicans or Democrats to cut contributions to Social Security. I am very worried because in the legislation we considered last week, we had proposals to cut contributions to Social Security by \$250 billion. This was legislation proposed by Democratic leaders and then a separate piece of legislation by Republican leaders. I think that legislation was a mistake on both sides.

We have precious few bipartisan institutions or contacts in this Senate. Senator MANCHIN and I—one Democratic and one Republican Senator, both freshmen—meet every Thursday for lunch. At our Thursday lunch last week, Senator MANCHIN initially said: I am having difficulty. I don’t think I am going to be able to vote for the Democratic bill to cut Social Security contributions.

I said: I join you in that because I am not going to be able to vote for the Republican bill that cuts Social Security contributions.

So the two of us voted pro-Social Security and against the legislation before us.

I am very worried that we are forgetting the lessons that are currently playing out in Europe on this subject. As Margaret Thatcher said, “Eventually socialists run out of other people’s money.” The collapse of European socialism underscores the lesson that you cannot run a retirement system without contributions.

We know already that the Social Security system is running slightly in the red. Contributions into the system are going to run \$10 billion behind the cost of honoring benefits to seniors. But under this legislation we would underfund Social Security by \$250 billion. We would increase the tide of red ink to Social Security by 20 times. I think that is a mistake.

AARP tells us that Social Security is not a welfare program, it is a retirement security program paid by the contributions of workers and we should run this program with the contribution of workers.

Remember, if we make this decision to cut contributions to Social Security, we replace those contributions with government bonds, but the government bonds we would ask seniors to trust no longer have a triple-A credit rating from Standard & Poor’s. It is basically asking seniors to trust us.

When you look at the details of the Democratic bill and the Republican bill, you see another disturbing trend. The Democratic and Republican bills both depend on revenue streams that take many years to repay what is lost to Social Security. Under the Republican bill, there are promised cuts which could be reversed by a future administration or Congress. It takes until 2018 to repay the senior citizens what has been lost in Social Security contributions under the trust fund. Under the Democratic bill, there was a political tax on millionaires, and it takes until 2021 to repay seniors.

The message that Senator MANCHIN and I had, as one Democrat and one Republican, is, how about not charging seniors? How about not causing a tide of red ink to Social Security? How about making sure we maintain contributions to that program? Seniors have enough to worry about right now. They should not have to worry about the future solvency of Social Security.

One analyst described how, under the legislation, it requires temporary borrowing of an additional \$240 billion for the Federal budget. I am worried that kind of borrowing could trigger an earlier loss of the debt limit of the United States, so we could trigger the battle we all expect for next January to actually happen—ominously for the President, prior to the election—if this legislation would pass.

Common sense should prevail, that we should run a retirement security

system with adequate contributions to maintain benefits, that we should agree on a bipartisan basis that Social Security is one of the most successful Federal programs ever signed, that we should say to seniors: Among all the other worries you have, you should not worry about Congress underfunding the trust fund for Social Security. We should say to seniors: We are not replacing solid contributions coming in from workers with bonds that no longer have a AAA credit rating from Standard & Poor's.

I urge members of AARP to reach out to their leaders and say: We urge you to forcefully advocate for maintaining adequate contributions to Social Security; that we don't think promises of a millionaire's tax that repays the debts until 2021 or spending cuts that repay the debts until 2018 are something we can fully trust.

So I urge Members of this body to maintain adequate contributions to Social Security, to defeat both the Republican and Democratic bills, to learn the lessons of Europe that we need to maintain a retirement security system with adequate contributions, and that we should not sink the Social Security trust fund in a wave of red ink on gimmick legislation which already would impinge the credit of the United States to a degree that it should not be impinged any further.

With that I yield the floor, and I thank my senior colleague from New York.

Ms. COLLINS. Mr. President, I rise today to speak on the nomination of Caitlin Halligan to be a judge of the U.S. Circuit Court for the District of Columbia.

I have carefully considered the background of this nominee and undertaken a full review of her public record as well as the records of the Judiciary Committee hearings. I have also looked closely at the actual staffing needs of the court to which she has been nominated. While my review leads me to conclude that Ms. Halligan is well qualified, I am not convinced that the workload of the court justifies filling the seat, and on that basis, I oppose the nomination.

This vacancy has existed since 2005 when then-Judge John Roberts was elevated to the Supreme Court. In June 2006, President Bush nominated Peter Keisler to fill the seat. Despite Mr. Keisler's strong qualifications, Democrats held up his nomination for a total of 918 days; it eventually had to be withdrawn.

Central to their objection to Mr. Keisler's nomination was their contention that the court's caseload did not justify filling the vacancy. As expressed by a Democratic Judiciary Committee member during Mr. Keisler's confirmation hearing and later reiterated by all eight committee Democrats in a letter to the chairman urging the nomination be put on hold:

We are putting the cart before the horse here. . . . Here are the questions that just

loom out there. Is there a genuine need to fill this seat? Has not the workload of the D.C. Circuit gone down? Should taxpayers be burdened with the cost of filling that seat? . . . We have been told repeatedly that to fill this seat would be a waste of taxpayer money and a shameful triumph of big government. Why then are we speeding towards confirmation here?

Since that statement, even with this seat still vacant, statistics from the Administrative Office of the U.S. Courts show that the caseload of the DC Circuit has actually continued to decrease markedly over the last several years and that, with a smaller court, more appeals were terminated during this same period

This decrease is evident in both the total number of appeals filed and the total number of appeals pending. Specifically, the total number of appeals filed in the DC Circuit decreased by more than 14 percent between 2005, when 1,379 appeals were filed, and 2010—the latest complete year for which statistics are available—when 1,178 appeals were filed. Meanwhile, with a smaller court, more appeals were terminated during this period. The total number of appeals pending was reduced from 1,463 appeals to 1,293 appeals. This is a decrease of nearly 12 percent.

The shrinking workload is also demonstrated in the per-panel and per-judge statistics. Filings per panel and filings per judge show a decline of nearly 7 percent during this period as well. Pending appeals per panel dropped over 9 percent. Interestingly, the DC Circuit ranks last among the circuit courts in 2010 in this category. That means it has the lightest workload per panel.

Given the declining workloads, the Senate should be debating reducing the staffing for this court, not filling a vacancy. With our massive deficit, belts being tightened everywhere, and critical vacancies existing on other Federal courts, why should we spend the resources—estimated at over \$1 million a year—to fill this seat? Why are we eating up legislative time debating a nominee we likely don't need, instead of moving forward to nominees for vacancies that have become judicial emergencies and demand more immediate attention?

It is discouraging to note that now that the candidate for this seat is a Democratic nominee and not a Republican, all of my friends on the other side of the aisle seem to have forgotten their concerns about the caseload, even though the court's own statistics show it has markedly declined. In fact, when the Senator from Iowa, Mr. GRASSLEY, recently sought to amend a judicial staffing bill before the Judiciary Committee this last October to cut a seat on the DC Circuit, Committee Democrats voted it down.

Mr. President, given the facts, I firmly believe that filling this vacancy before we determine whether the position is or is not superfluous to the court's needs, is indeed, as Judiciary Committee Democrats noted in 2006, "put-

ting the cart before the horse." Until that determination is made, I cannot support filling this vacancy regardless of the nominee's qualifications. Consequently, I will oppose cloture on the nomination.

Mr. HATCH. I rise today in opposition to the nomination of Caitlin Halligan to the U.S. Court of Appeals for the DC Circuit. I reached this conclusion after applying the same standard I use for all judicial nominations. The Senate owes some deference to the President regarding judicial nominees who are qualified by virtue of their legal experience and, more importantly, their judicial philosophy. I want to briefly mention a few of the reasons why this controversial nominee fails to meet this standard.

One hallmark of an activist judicial philosophy is trying to use the courts to solve problems or address issues that properly belong in the legislative branch. Both as solicitor general of New York and in private practice, Ms. Halligan argued that gun manufacturers should be held liable for the illegal use of their products. She argued that illegally possessed handguns are a so-called public nuisance for which manufacturers should be held responsible. The New York Court of Appeals rejected this radical theory and properly concluded that such social problems should be addressed by the legislative or executive branches rather than the judicial branch.

Undeterred, Ms. Halligan next went to Federal court to challenge the constitutionality of the Protection of Lawful Commerce in Arms Act. Congress enacted that statute so that manufacturers would not be held liable for the illegal use of their products. That measure passed the House and the Senate by at least a 2-to-1 margin. In this body, 14 Democrats voted for the bill, including 10 who still serve today. As had the New York Court of Appeals, the U.S. Court of Appeals for the Second Circuit rejected Ms. Halligan's position, upholding the statute and dismissing the litigation.

Ms. Halligan has also taken extreme positions regarding the war on terrorism. I know that liberals do not even want to call it that today, but the reality is that we remain at war against foreign terrorists bent on murdering American civilians. Ms. Halligan would give captured terrorists, who are making war on the United States, access to civilian courts, a right never before recognized in American history. Ms. Halligan was a member of a New York City bar committee that issued a report on the indefinite detention of enemy combatants. This is particularly important because the DC Circuit, to which Ms. Halligan has been nominated, is the most important lower court for terrorism cases. She did not abstain from signing the report, as four other committee members did, and so its content and conclusions can be attributed to her.

She argued in that report that the authorization for use of military force,

or AUMF, does not authorize long-term detention of enemy combatants and that alien terrorists should be tried in civilian courts rather than in military commissions. The Supreme Court and the Obama administration have since rejected or abandoned such positions. After the Supreme Court held, in *Hamdi v. Rumsfeld*, that the AUMF does authorize military detention of resident aliens, Ms. Halligan coauthored a brief arguing otherwise. Not until her Judiciary Committee hearing this year did Ms. Halligan even try to distance herself from these extreme positions, something that my friends on the other side of the aisle would call a confirmation conversion if she were a Republican.

Unfortunately, this was not the only example of Ms. Halligan getting behind novel rights that have no grounding in our Constitution or legal traditions. Ms. Halligan filed a brief in *Roper v. Simmons* arguing that evolving standards of decency today forbid the execution of individuals who committed murder before the age of 18. This is judicial activism at its worst, giving judges complete control of the Constitution that they are supposed to follow. America's Founders insisted that the meaning of the Constitution does not change until the people change it and that even judges are bound to follow that meaning. Today, in contrast, the Supreme Court says that the meaning of the Constitution is evolving and that judges are in charge of that evolution.

The fact that Ms. Halligan appears to be solidly in that judicial activist camp is bad enough and is alone grounds to oppose her nomination. Perhaps sensing that such activism is deeply unpopular among the American people and their elected representatives, she did an about-face at her confirmation hearing and said that the Constitution should be interpreted based on the people's original meaning rather than on judges' evolving understandings. So it is legitimate to ask which Ms. Halligan is the real Ms. Halligan—the Ms. Halligan who would create new rights, while ignoring the clear language of the Constitution that protects the right to bear arms, or the Ms. Halligan who at the last minute has become a convert to originalism?

I think her record speaks for itself.

Ms. Halligan also filed a brief in *Scheidler v. National Organization for Women* arguing that pro-life protesters should be prosecuted under the Federal racketeering statute because they somehow commit extortion. Her argument would require the courts literally to rewrite both the racketeering statute and the extortion statute and is another example of Ms. Halligan seeking to pursue her political agenda in the judicial rather than in the legislative branch. I believe instead that the political ends do not justify the judicial means and, thankfully, the Supreme Court voted 8 to 1 to reject her position.

In addition to her troubling record, it is worth noting that the position to which Ms. Halligan has been nominated hardly fits the category of a judicial emergency. The Senate has this year already confirmed nearly 20 percent more judges than the annual average over the past couple of decades, with, I am sure, more to come. We have paid particular attention to filling long-term vacancies in jurisdictions with heavy caseloads. Yet, between 1993 and 2010, annual case filings in the DC Circuit decreased by twice the percentage that filings increased in other circuits. The DC Circuit's caseload per judge is literally one-fourth what it is for other circuits. It has ranked last for years among all circuits in the number of appeals filed per three-judge panel, even after one of its seats was transferred to the Ninth Circuit and even with multiple vacancies. The DC Circuit's caseload is lower today than when Democrats used this caseload argument to block the nomination to this court of Peter Keisler, who waited more than 900 days without a committee vote.

As my colleagues know, I do not oppose judicial nominees often or lightly. While Ms. Halligan appears to be an experienced lawyer and I am sure is a fine person, those are insufficient qualifications for judicial service. The most important qualification is her judicial philosophy, or the kind of judge she would be. The record shows that she embraces the activist judicial approach that I believe is incompatible with the power and proper role of judges in our system of government under a written Constitution. For these and for additional reasons that my colleagues will discuss further, I cannot support her appointment.

Mrs. BOXER. Mr. President, I wish to express my support for Caitlin Halligan, who has been nominated to the Court of Appeals for the DC Circuit. Ms. Halligan has an impressive background and broad support, and I urge my colleagues to vote for cloture and allow this nominee to receive an up-or-down confirmation vote.

Ms. Halligan has had a distinguished career in both the private and public sectors. She has served as the solicitor general of New York and as general counsel of the New York County District Attorney's Office. She has also been a senior appellate lawyer at the nationally recognized law firm of Weil Gotshal. She has argued five cases before the Supreme Court, where she also clerked after law school. It is no wonder the ABA unanimously rated her "well-qualified"—the highest ranking to serve on the DC Circuit.

In addition to impressive credentials, Ms. Halligan has broad support. The National District Attorneys Association and district attorneys from the State of New York, including Republicans Derek Champagne, Daniel Donovan, and William Fitzpatrick, support her nomination. She is also supported by the New York Association of Chiefs of Police and the New York State Sheriff's Association.

Confirming a well-qualified nominee like Ms. Halligan would also be another step toward expanding the diversity of our Federal bench. Today, women hold 30 percent of Federal judicial seats—from district courts to the Supreme Court—the most at any time in this Nation's history. While this progress is to be celebrated, these words from Justice Sandra Day O'Connor remind us there is more to do:

About half of all law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers. So they ought to be represented on the Court.

I am proud to support the nomination of Ms. Halligan and hope that my colleagues will join me in voting for cloture today.

Mr. REID. Mr. President, today Republicans filibuster a judicial nominee whose colleagues call her a "brilliant legal mind" with an "abiding respect for the law."

This nominee to the U.S. Court of Appeals for the DC Circuit, Caitlin Joan Halligan, has outstanding credentials and strong support from across the political spectrum.

She enjoys the support of a bipartisan group of appellate lawyers, former judges, law enforcement officials, and more than 20 former Supreme Court clerks. And she has been endorsed by the National District Attorneys Association, the New York Association of Police Chiefs and the New York State Sheriffs Association.

She graduated with honors from Princeton and Georgetown University Law, where she was managing editor of the *Georgetown Law Journal*. She served as a law clerk to Judge Patricia Wald on the DC Circuit, the court to which she was nominated, and to Justice Stephen Breyer on the Supreme Court.

She has served New York and this Nation well as a public servant for more than a decade.

Yet Republicans filibustered her nomination.

I ask my colleagues, if this truly exceptional candidate isn't qualified to be a judge in the United States of America, who is?

In 2005, a bipartisan group of Senators came to an agreement to protect the Senate as an institution and the right of the minority to influence debate. Democrats and Republicans averted the so-called nuclear option by agreeing that the minority's right to block judicial nominees would be preserved but it would be exercised only in extraordinary circumstances.

I am concerned that today the Senate is backing away from that agreement. Ms. Halligan's nomination does not meet the standard of an extraordinary circumstance that agreement envisioned.

Republicans, now in the minority, will block a talented, experienced nominee with broad bipartisan support to please a few ideological extremists.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to be recognized for the remainder of the time if no one from the minority side is here to speak against this nomination.

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

Mr. SCHUMER. Mr. President, I rise this morning in support of the President's first and only nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

Caitlin J. Halligan is a nominee any president of any party would be proud of. I know from speaking to her and from getting to know her over the last year—and it has been over a year since she was nominated—that she has earned this honor. She has earned it through dint of hard work and native intelligence. Importantly, Halligan has dedicated most of her professional life to government service.

I challenge anyone in this Chamber to think hard about what we are looking for in a judge to the second most important court in the land. If they do, they must conclude that Caitlin Halligan deserves an up-or-down vote.

Does the President have to nominate a political conservative to clear the hurdle? Halligan is clearly a moderate—far more moderate than many on my side would choose if they were nominating on their own without an advise-and-consent process. Does the President have to nominate a lawyer who has practiced law in the shadows, never addressing a major legal issue of importance to the Nation in her entire career? Because the only arguments against Caitlin Halligan are “gotcha” arguments that simply take little snippets of what she did in past law practice representing clients, not her own views, and say “gotcha.”

In 2005, 14 of my colleagues formed what was called the Gang of 14. In order to reduce filibusters and overcome the push to change Senate rules to get rid of the filibuster, this bipartisan group agreed not to filibuster any nominees who did not present “extraordinary circumstances.”

Now, “extraordinary circumstances” was not defined. But my colleague, Senator GRAHAM, a leader in that Gang of 14 effort, to his credit, said on the floor at the time—completely reasonably—that it meant no ideological attacks. Senator GRAHAM said:

Ideological attacks are not an extraordinary circumstance. To me, it would have to be a character problem, an ethics problem, so allegations about the qualifications of a person, not an ideological bent.

Caitlin Halligan does not have a character problem or an ethics problem. No one has alleged she does. It is that simple. So if this body cannot invoke cloture on her nomination today, the Gang of 14 agreement, it would seem to me, would be violated.

The approach taken by Senate Republicans will have lasting consequences beyond this one nomination. It seems to me that a vote against this nominee is a vote that declares the

Gang of 14 agreement null and void. I was not a party to that agreement, but it would be impossible to deny that it has guided this body's consideration of judges since 2005 under both Democratic and Republican Presidents. If Republicans are going to suddenly junk that 6-year armistice, it could risk throwing the Senate into chaos on judicial nominees. Senate Republicans seem to want to declare open season for filibusters again—at least at the court of appeals level. Admittedly, and gladly, things as of late have gotten much better at the district court level. But the defeat of Caitlin Halligan would throw into chaos nominations at the circuit court level for a long time to come.

Any attempt to paint Caitlin Halligan as so far out of the mainstream that she presents an “extraordinary circumstance” is twisting her record far beyond recognition. Any attempt to do so would make any nominee, by a Democratic or a Republican President, susceptible to that unfair charge.

I have always said ideology matters, but I have also said candidates need only to be mainstream—not too far right, not too far left. I don't like nominees who are at the extremes, left or right, because they tend to be ideologues who want to make law not interpret and follow law. Well, Halligan fits the bill of a moderate, mainstream nominee precisely, to a “T.”

Halligan has spent her career in government in both political and plenty of nonpolitical positions. She has worked as a lawyer's lawyer and has expressed few views on public issues. She has written virtually nothing, but at her hearing she did answer questions. She acknowledged that Executive power extends to indefinite detention of enemy combatants during time of war—something that might be disputed among mainstream Members of this body, particularly if they were citizens picked up on American soil. We just had that debate.

She acknowledged she would act with fealty to text and original intent in interpreting laws and the Constitution. She acknowledged she believes the second amendment protects an individual's right to bear arms, thereby vindicating the Heller case, and she acknowledged that the eighth amendment protects the constitutionality of the death penalty.

Some of my colleagues have tried to paint Halligan because she has filed briefs on behalf of clients, and they say that somehow indicates she would be an activist judge. First, I wish to point out that she is not the first nominee to come before the Senate and state that the views in the briefs she writes of her clients are not her own. Guess who did it regularly and repeatedly. Now-Chief Justice Roberts.

Did Democrats filibuster Justice Roberts because he did that? Did we say the views he wrote on behalf of cli-

ents had to be attributed to his own views? Of course not.

I wish to rebut some of the things I heard on this floor this morning about particular cases. First, while she did represent the State of New York against gun manufacturers, those cases were made moot by congressional law. In her hearing, Halligan recognized this and said unequivocally that she supports the individual right to bear arms.

Second, it is simply wrong to suggest that Caitlin Halligan is somehow outside the mainstream on immigration because she filed a brief advocating that businesses should not be rewarded for hiring illegal immigrants by getting out of the requirement that back-pay should be awarded when the workers are exploited. Again, this was a brief filed on behalf of a client, not representing her own view.

Third, in the case of al-Marri, there is no argument that Halligan did anything other than make arguments on behalf of a client that were well within the mainstream. The administration abandoned the case and then charged al-Marri in civilian court—no different than the argument Halligan was making.

Why are we arguing about whether she deserves an up-or-down vote? Because, frankly, as with the Supreme Court, this is part of the attempt of the far right to pull the DC Circuit further and further away from the mainstream. Many conservatives tend to decry “liberal judicial activism.” But what they really want is judicial activism of the right. They don't want lawyers to be down the middle and interpret law; they want to change the way the whole government has operated for decades through the one unelected body, the article III body, the judiciary.

A truly moderate judicial philosophy shows respect for Congress, for executive agencies that interpret the law, and for well-settled understandings that the American people commonly hold about democracy. There is not a single question that Halligan adheres to these principles. She has extensive government experience. She understands the demands and rolls of the other branches.

She has been a responsible and rigorous advocate for all of her clients, including the people of New York. I have no doubt that as a judge she will be a responsible and rigorous advocate for the rule of law. Anyone who has listened to her answer an hour of questions in the committee and read her responses to the 150 questions that were submitted for the record cannot doubt but that she has an even and modest temperament and philosophy in her approach to legal questions.

Let me cite one example: When she was asked by Senator GRASSLEY her view of deference to the legislative branch, here is how she responded:

I think that the job of a judge is to examine the constitutionality of a statute when a

constitutional challenge is presented, but I think that authority has to be exercised very sparingly and very carefully.

Time and time again she answered similarly with clear and unambiguous answers.

Some of my colleagues have accused Halligan of lacking candor in her answers. Well, I have sat through a lot of hearings for nominees to Federal courts of appeals, and I know evasion when I see it. Halligan was not evasive. Some of the same people who say she lacked candor still defend Miguel Estrada who didn't answer a single question because he might come before them as a judge.

She answered questions thoughtfully and forthrightly and explained the context of any past statements that might have seemed to have contradicted her current views.

This morning, some of my colleagues on the other side of the aisle pointed to two things that she did not write to try to indicate she has activist views. First, she gave a speech in 2003 on behalf of her boss, Elliott Spitzer, that she did not write herself. In fact, she stepped in at the last minute to give the speech when he could not make it. She did not write it, and she clarified at the time that it did not reflect her personal views.

Second, she was a member of a committee that issued a report on Executive power and enemy combatants. She explained in the committee she hadn't seen the report and didn't agree with either its content or its tone. In her hearing she clearly stated her views on Executive power. This should have cleared up any doubt about her ability to recognize and respect the current state of law.

Finally, I wish to say a word about a red herring argument that has been raised today—that the workload of the DC Circuit is too low to confirm Halligan. I have expressed this concern, too, and, in fact, in 2008 we voted to take away one of the seats in the DC Circuit. It now has 11 judges rather than 12; but I, as well as many of my colleagues on both sides of the aisle have in the past reserved our concern for nominees of the 11th seat and what was then the 12th seat. Halligan has been nominated for the 9th seat. There are only 8 members on that court which now has a roster of 11. The 10th and 11th seats remain vacant. No one ever until now, on either side of the aisle, has ever argued that the DC Circuit should have only eight judges.

I wonder, if control of the body changes, which I don't think it will, or we get a Republican President, which I don't think we will, how quickly our colleagues on the other side of the aisle will abandon that foolish and specious argument.

I am concerned that we are hearing it now for the first time because the current makeup of the court happens to have five Republican appointees and three Democratic nominees.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 1½ more minutes to finish this point.

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

Mr. SCHUMER. When we confirmed President Bush's nominee to the 11th seat in 2005, Thomas Griffith, his confirmation resulted in there being 121 pending cases per judge. We did not hear a peep out of the other side that that was too low. Yet today there are 161 cases per judge. With Halligan's confirmation, it would go down to 143—far more than the 121 when all my colleagues on the other side of the aisle voted for Mr. Griffith, the Republican nominee of President Bush. So there is no reason to argue about caseload.

The fact is, if we cannot confirm Halligan, this will not go down as a vote about caseload, this will be recorded as a new bar for nominees.

In conclusion, when Caitlin Halligan drove with her father from her home in Kansas City to Harvard or when she was a standout student at Georgetown Law School or when she started her work for the New York Attorney General's Office, I am sure she could not have imagined that someday she would be the topic of a debate in the U.S. Senate about whether she was too radical or lacked the candor to be a judge.

I hope that when we vote and the debate is over, my colleagues recognize the truth here: Halligan is a sterling example of a public servant who has worked hard, earned every honor she has received, and fits squarely within the mainstream of judicial thought. She deserves an up-or-down vote today, and I will be proud to cast my vote for cloture on Caitlin Halligan's nomination.

I thank the Chair.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Christopher A. Coons, Amy Klobuchar, Al Franken, Richard Blumenthal, Sheldon Whitehouse, Richard J. Durbin, Dianne Feinstein, Herb Kohl, Kirsten E. Gillibrand, Tom Udall, Ron Wyden, Robert P. Casey, Jr., Sherrod Brown, Jeanne Shaheen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 222 Ex.]

#### YEAS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

#### NAYS—45

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

ANSWERED "PRESENT"—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45, and 1 Senator responded "present."

Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

#### LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

#### MORNING BUSINESS

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

(Whereupon, the Senate, at 12:31 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB)).

The PRESIDING OFFICER. The Senator from Florida.

## LATIN AMERICA

Mr. NELSON of Florida. Mr. President, I wanted to share with the Senate today what should be a collective outrage because an American citizen has now been held behind bars in Cuba for exactly 2 years.

Alan Gross was working in Cuba under a contract with the U.S. Agency for International Development. He has devoted his career to helping thousands of people around the world, working in development for over 25 years in more than 50 countries.

In Cuba, Alan Gross was trying to make a difference in the lives of people who share his Jewish faith by bringing them modern communication tools. For that simple act, he has now languished in a Cuban prison for 2 years. His health worsens each day and his family, of course, misses him. His wife Judy spoke to him just days ago and said that Alan sounded "more hopeless and more depressed," as one would expect.

The release of Alan Gross must remain front and center in any discussion with or about the Cuban regime. That is why many of us in this Chamber have joined in writing to the Ambassador of Cuba here—and since we don't have diplomatic relations, that individual is called the Chief of the Cuban Interests Section—and asking the Castro regime to immediately and unconditionally release Alan Gross as a humanitarian gesture and a sign of compassion for his family. We have been met, however, with stonewalling silence.

While we remember Mr. Gross and we keep pressure on the Castro regime, the Senate must also fulfill its duties toward the rest of the Western Hemisphere. A case in point: Four countries in Latin America—Venezuela, Bolivia, Nicaragua, and Ecuador—are currently without a U.S. Ambassador. That is the job of the Senate—to confirm appointments of the President. In the case of Venezuela, it is not because we don't have a nominee, it is because, in fact, we are having some trouble with the Chavez government. We have been without an Assistant Secretary of State for Western Hemisphere Affairs since July. It isn't in the interest of the United States not to have these people in place.

The Senate has basically 2 weeks to go if we get out a week before the Christmas holiday—and that is an "if," by the way. During this time, while we go through all of what we have to do in the next 10 legislative days—such as solving the doctors problem, extending this payroll tax cut, appropriations bills, extending unemployment compensation for people who desperately need it, and extending a lot of the tax extenders—we must also fulfill our constitutional duty to consider these important Presidential appointments.

There is one in front of the Senate right now; that is, the Ambassador to El Salvador. Mari Carmen Aponte is the U.S. Ambassador to El Salvador.

She is well known all over the United States in Hispanic circles because she has held, as a Foreign Service officer, a number of posts. During the August 2010 congressional recess, the President named her Ambassador to El Salvador. That recess appointment is going to expire at the end of this year.

Before joining the State Department, Ms. Aponte served as Executive Director of the Puerto Rican Federal Affairs Administration and president of the very respected Hispanic National Bar Association.

Typical of the sentiment in Florida, an editorial in a recent Miami Herald editorial expressed support for her confirmation, saying that "her diplomatic success has earned her the unprecedented support of the private sector and of the most prominent political leaders in El Salvador." It was unprecedented that three former Presidents of El Salvador came all the way to Washington to show their support during her nomination hearing.

My wife Grace and I were recently visited by the First Lady of El Salvador. She pointed out all of the terrible events that have taken place in her country: struggling to recover from the tropical depression that made landfall this past fall, the heavy rains that have caused major damage throughout Central America, and the 70,000 Salvadorans still living in shelters. That little country faces many challenges. So if for no other reason than those I mentioned, we do not want to continue into next year without our having an ambassador there. We need to confirm Ms. Aponte as soon as possible so that she can continue exercising the necessary U.S. leadership.

Latin American countries continue to be America's fastest growing trade partners. We need to continue to promote that trade. It helps our economy. It deepens the economic linkages. We can explore clean energy initiatives, and we can help them as they continue to strengthen transparency in government and the rule of law. We need to pay more attention to Latin America, not less. Disengagement is not the answer. This is just another reason we need to confirm this nomination as quickly as possible for Ambassador to El Salvador.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. 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.

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

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

## RETIREMENT OF JOHN KATZ

Ms. MURKOWSKI. Mr. President, I rise today to honor a gentleman by the

name of John Katz. John is a longtime public servant to the State of Alaska who is set to retire at year's end. John has served Alaska for more than 40 years, working for eight different Governors, Republican and Democratic, liberals and conservatives. He once said he was comfortable serving so many different Governors because the issues for Alaska were consistent. Whether they be responsible resource development, State sovereignty, or Federal assistance with infrastructure, the one constant figure connecting one administration after the next over eight administrations has been John Katz.

John started his career as a high school teacher and coach in Baltimore City public schools back in 1966, following his graduation from Johns Hopkins University. In 1969, he earned his law degree from the University of California at Berkeley. He then moved to Alaska to work as a legislative and administrative assistant to Congressman Pollock and then later for Senator Ted Stevens.

John has truly played many crucial roles for the State of Alaska. He served for several years as the counsel to the Joint Federal-State Land Use Planning Commission for the State of Alaska. He served as special counsel to Gov. Jay Hammond back in 1979, advocating the State's position on the Alaska National Interest Lands Conservation Act, or ANILCA, to Congress. Two years after that, he was appointed commissioner of natural resources by Governor Hammond. Then, in 1983, John was sent by Gov. Bill Sheffield to head Alaska's Washington, DC, office, and he has served as the liaison between the State and the Federal Government for the past 28 years—a pretty remarkable record, if you would consider it. As Alaskans, we know how important his role has been in bridging the very considerable gap between our State and the Federal Government—a key role when more than 60 percent of Alaska's land is controlled by the Federal Government.

You could refer to John as Alaska's fourth Congressman—his 40-year tenure in the league of the late Senator Stevens and Representative Don YOUNG. John's breadth of knowledge and understanding of Alaska's issues have guided him in his very unique role.

Since entering public service, John has been involved in key issues, such as the passage of the landmark Alaska Native Claims Settlement Act back in 1971, the legislation in 1976 which extended America's fishery zones to 200 miles which allowed for the Americanization of Alaska's fishing fleet. There was also the passage back in 1980 of the Alaska National Interest Land Conservation Act, the Nation's largest conservation lands measure. There was the Alaska Railroad Transfer Act back in 1983, the Tongass Timber Reform Act in 1990 and 30 other major pieces of legislation and hundreds of amendments that have greatly affected the lives of all Alaskans.

What is so remarkable about John is that there is no Alaskan public policy issue he did not master, a pretty incredible feat there but no Alaska public policy issue that he did not have his fingerprints on, involved with or have a mastery of.

In 1972, for example, he served for 2 years on the Executive Advisory Committee of the Federal Power Commission, making decisions on electricity generation during a period of rapid population growth in Alaska. In 1974, he published a legal analysis of the Alaska Native Claims Settlement Act and how it should impact Native Alaskans for the Joint Federal-State Land Use Planning Commission. Five years later, he served on the Hard Rock Minerals Commission of Alaska, helping to chart a course for the rebirth of our State's mineral industry. There is seemingly no Alaskan issue too complex or daunting for John Katz.

When I first met John, it was probably somewhere in the early 1980s. At the time, I was a staffer in the office of the speaker of the Alaska House of Representatives in Juneau, and I was immediately taken by the kindness of this gentleman, extraordinarily polite to a very young staffer, but also his intellectual prowess that was shown whether it was a casual conversation or whether it was a detailed policy analysis.

Former Gov. Tony Knowles called him "one of the most remarkable public servants I've ever dealt with." Governor Hammond, during the lengthy debate over ANILCA, called him truly indispensable. Senator Stevens once said: "He's as near a genius as I've seen." I would clearly agree with that. Some of his coworkers have even jokingly called him their own human Google machine, noting that in many cases it was more efficient, it was easier to walk down the hall and ask John for legal and policy background, saving them hours of research, and John had it all there, instant recall and as precise as it could possibly be.

Throughout his career, John served effectively and quietly, always preferring to work in the background, never seeking that limelight. He always presented every side of the issue, never telling any of his superiors simply what they might have wanted to hear. He truly was the consummate professional, a man who never got a fact wrong in a briefing, in a discussion or in a political strategy session. That may have been at least one of the many reasons why he has been so honored during his career, receiving the highest honor of the Alaska Federation of Natives, which is the Denali Award, winning Commonwealth North's 2008 Walter J. Hickel Award for distinguished public policy leadership and receiving more resolutions, commendations, and praise than most in Alaska's history.

John has built a reputation as an Alaskan institution, always loyally serving our beloved State. He has

championed oil exploration in the Arctic National Wildlife Refuge, noting the potential benefits for not only Alaska's economy but, more important, for America's overall economic and national security. While John has listed the failure, so far, to persuade Congress to open ANWR as perhaps one of his biggest disappointments, he has always stood by the factually solid arguments for opening ANWR, never letting his passionate advocacy of opening the coastal refuge get in the way of objectively presenting arguments to Members of Congress.

I think it is important to note John's statement in his resignation letter to Governor Parnell. He stated the following:

Professionally, I have become increasingly discouraged by the polarization and deterioration of the public policy process at the Federal level. It's the worst I've seen during my 43-year career.

That was the statement in John's resignation note. As someone who has relied on John's wise counsel and his wisdom during my 8 years in the Senate, I think this is a poignant remark about the state of affairs in Congress. The debate surrounding our politics has grown more caustic, while ignoring the fact that while we all may take different positions, we all ultimately have our Nation's interests at heart.

John leaves an esteemed legacy that will benefit Alaska for decades to come. We can learn so much from his example of what a public servant should be, and Alaska will deeply miss his presence. I know I speak for all Alaskans in sincerely thanking John for his years of dedicated service and his pragmatic approach to faithfully serving the State of Alaska. I wish him nothing but the best in the future for all his endeavors.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

#### EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise about the most important job that faces the Senate in the remainder of the year; that is, extending the unemployment benefits for millions of unemployed Americans struggling to find a job.

I wish I didn't have to be down here talking about this today. I wish it weren't necessary to debate whether we should continue the Federal unemployment insurance program. I wish everyone in this Chamber would acknowledge that the recovery is still a work in progress and that we would agree about the critical need to continue to support struggling workers and their families. We have never

failed to extend benefits in the past when unemployment was this high. But, unfortunately, in today's hyper-partisan atmosphere, even the most commonsense policies can turn into political footballs, and the unemployment insurance program seems to be no exception.

The extreme right is on the attack, blaming the victims who have been the hardest hit by this economic crisis. In the same breath that they push for more cuts in corporate taxes and cuts in taxes to high-income individuals, Republican leaders argue we can't afford to extend unemployment benefits for people who are struggling to find a job. Congresswoman BACHMANN, a candidate for President, recently went so far to say: "If anyone will not work, neither should he eat."

In an economy where there are four unemployed workers for every available job, the cruelty of that comment is simply astonishing. There are 13 million unemployed Americans right now. Actually, I think the figure is probably a little bit higher than that. They are desperately looking for any job they can find, many relying on unemployment benefits to put food on the table for their children.

Six million Americans will be cut off this last lifeline if Congress does not renew the benefits for the long-term unemployed—6 million who will be cut off right after the holiday season. I hope no one in this body on either side of the aisle will say they deserve this additional hardship during this holiday season.

There are real people and real families behind these numbers. They are our friends and neighbors. I have heard from so many of these hard-working people from my home State of Iowa and across the country. Their stories are truly heartbreaking.

A woman from Des Moines recently wrote me:

I was laid off in July 2011. I recently attended a class at the unemployment office in Des Moines, where I was informed that my unemployment will cease as of December the 31st if any extensions that are currently in place are discontinued. The average person is currently unemployed for 40 weeks, which is much longer than the 26 weeks that is available [without] any extensions. I was the main breadwinner in our family and if my unemployment would cease before I find a job, we would be forced to be on welfare, food stamps, and other government subsidies. We would also lose our home. I hope that you consider the many other people that are probably in the same situation as I am and hope that you will keep the current extensions in place.

A woman from Stanton, IA, writes:

I lost a great job in June of 2010 and have been receiving unemployment benefits since then. . . . If not for the unemployment [benefits], I don't know how we would make it. I continue to look for a better paying job but as you probably know, Montgomery County, Iowa has had the highest unemployment rate in Iowa. It's been tough. . . . Will appreciate your support in extending unemployment benefits as I continue my quest for a new position.

The main reason folks need their benefits to continue is they simply

cannot find new work, even after exhausting their benefits. There are simply not enough jobs in this struggling economy. How can we even think about abruptly terminating these benefits right now, cutting off the last lifeline to Americans in dire need?

A man from Estherville, IA, wrote:

I woke up last week to find my benefits exhausted but no closer to finding a job. I do everything possible to find work but nothing materializes. Age-discrimination is rampant and there is nothing an individual can do about it. . . . Right now, after working since I was 12 years old, I'm facing hunger and hopelessness at 57 years of age.

A man from West Des Moines wrote:

I'm a home designer/architect and have been laid off three times since 2007, after working almost 16 years at one firm. I have now decided to go back to school to try to find a different career in information technology. I hate not having a job, and want to work but there's just not anything out there in architecture. Everyone seems to have circled the wagons and are not hiring. Please help.

A woman from Madrid, IA, writes:

I lost my job (of 32 years) 2½ years ago. I lived off my severance for the first year. Then savings and then went on unemployment. Now my unemployment has run out. I have had a few interview[s] without any luck. I have been working part time for minimum wage and I only get 15 hours a week in. It's the only job that I could find.

This is just a sampling of the letters we get in our office. But it is clear people want to work. They desperately want to work.

Later this week, the committee I chair, the Health, Education, Labor, and Pensions Committee, will hold a hearing to look at the reasons so many millions of workers who want to work are unable to get back to new jobs quickly. We will hear from experts, workers, and community leaders about the barriers facing the long-term unemployed, especially those over the age of 50.

But there are some things we don't need an expert to tell us. We know people can't find new jobs because there are so few jobs out there. As I said, right now, more than 13 million people are officially counted as actively looking for work. But that is an understatement. There are millions more people with part-time jobs, of necessity, who want full-time work, millions more on top of that who have basically stopped looking for work because they think a job search will be fruitless. They have already tried time and time again and they have given up. But if they had a job, if they got a job, they would take it.

When we add up all that, with a number of young people who have not entered the workforce—maybe they have looked for work, they can't find it, they are young, and especially if they are young and African American, the unemployment rate soars to 30 to 40 percent. They can't find a job. If we add that all up, we are talking about nearly 28 million unemployed and marginally employed people in America.

There are many other barriers to re-employment. I have talked about older

workers. Not only have many of them gone through their retirement savings, many have lost their home that they spent decades paying a mortgage on, they have been unable to send their kids to college, and on top of that, they face the indignity of being passed over in favor of younger workers simply because of their age.

Again, it is not to say that younger workers have an easy time. I have also many stories of young people, many with college degrees, who can't find work. They are piecing together a meager existence on part-time service jobs that waste the time, effort, and money they have poured into an expensive education. I can't tell you how many young people I have talked to who have a college degree, they are not working in their chosen profession, but they are working at mostly part-time work or at service-oriented jobs that they know will not last them a lifetime, and service-oriented jobs that pay them a pittance compared to what they should be earning with their college degree. Still other workers hear they cannot be considered by employers because they have been unemployed for too long. This is so, even when a recruiter tells them they are perfectly well qualified for the job.

More workers want to move in order to take advantage of a new opportunity they have heard about elsewhere but, guess what, their house is underwater. Not physically. That means they owe more on their mortgage than the house is worth and they cannot sell it. Or they have been out of work so long they have no money left to even afford to move. They cannot even afford to pack up the U-Haul and move someplace.

Still other workers have trouble with transportation or childcare or other day-to-day issues that make it much harder to get an employer to take a chance on them. Someone came up and said to me one time: You know, for people who do not get a job, there are places in this country where there are jobs. They can move. It is a free country.

I said: What about a single mother who has two kids and she relies upon her mother as a babysitter, as a childcare person to take care of the kids when she is out working on a minimum wage job, maybe part time? How is she going to pack up and move those kids when she has, frankly, free help from her mother? These are real barriers that real people face every day of their lives.

These problems illustrate why the long-term unemployed who are working hard and playing by the rules still cannot get a job because of the factors beyond their control. Rather than chastising the victims, we should be giving a hand up to people in their hour of greatest need and help them to get back into the workforce.

This support is critical, not only for the workers and families affected but for our economy overall. Research

shows that for every dollar of unemployed benefits that is spent, we generate \$2 in economic activity. Why is that? Because this money is not saved, it is not put into a shoe box, it is spent on essentials, helping businesses up and down Main Street in communities across the country. In addition, if unemployment benefits are extended, we will save about 560,000 jobs, according to the Economic Policy Institute.

By contrast, if we fail to renew these benefits, our economy will be deprived of many billions of dollars of economic activity next year. In the end, this will have a negative impact on overall gross domestic product. On the one hand, with benefits we boost our economy with a potent return on investment, we help people in their hour of need, and we meet our moral obligations as a society. But without benefits, we hurt our economy by shrinking consumer demand, by destroying jobs, and we do not meet our moral obligation as a caring government and a caring people.

There is a strong economic case for renewing unemployment insurance, but I also say there is a strong human case for extending the benefits. Where is our basic human compassion? The thought of letting these benefits expire is unconscionable, especially during this Christmas season. After looking for work for at least 6 months but often more, many of these people already have lost their jobs, their homes, their savings, and they are now at risk of losing their last lifeline, the roughly \$300 a week they receive in unemployment benefits.

The bills do not stop coming when someone loses his or her job. The rent or mortgage, the electricity, car payments—all have to be made. The family still has to buy food, gasoline, medicine, school supplies, clothes. Unemployment benefits are a lifeline for the millions of folks who are living without an income and trying to survive. These benefits kept more than 3 million people from falling into poverty last year.

We have a moral obligation, those of us privileged to serve in the Senate and the House, to continue the Federal unemployment insurance programs while the economy continues to slowly recover. We cannot allow these benefits to expire. We cannot allow millions of our friends, neighbors, and relatives to sink into absolute poverty and desperation. We cannot fail to take action because that failure will result in families being put out on the street, children going to bed hungry, families left to shiver in the cold of their unheated homes.

I urge my colleagues to vote on this matter as soon as possible. During this holiday season, it is cruel to put millions of unemployed Americans in the position of wondering how they are going to survive come January 1 of next year. Let us renew these benefits for another year. Let us spend the next year doing everything we can to rebuild our economy, create jobs, and

provide employment to everyone who wants to work in this great Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ECONOMIC GOOD NEWS

Mr. BEGICH. Mr. President, today I rise to note some good news about the state of our American economy. Hard work clearly remains. We are still recovering from the deepest slump since the Great Depression. But I think it is time to appreciate our recent progress.

Over the past few days and weeks, there has been plenty of positive economic news. Listen to some of these headlines. From the New York Times: "Jobless Rate Dips to Lowest Level in More Than 2 years." From CNN: "Dow closes with largest gain since March 2009." From Reuters: "Private-sector jobs soar, payroll forecasts rise." From the Wall Street Journal: "Online Sales Reach Record \$1.25 Billion on Cyber Monday."

I know it is far too early to start to celebrate, but I want to tell you a little bit about some of the details of this news. I know back in my State of Alaska, just like everywhere else in this country, people are still struggling to balance their checkbooks; that they face tough decisions about the cost of groceries, basic health care, college tuition for their kids, and just the basic expenses to live. Yet the recent news about our economy is very encouraging.

I want to give those specific examples. On unemployment and jobs, the Bureau of Labor Statistics says total payrolls increased by 120,000 jobs in November as the unemployment rate dropped to 8.6 percent—as the headline said, the lowest level in more than 2 years. Also, the latest news also marked 21 consecutive months of private sector job growth.

I know some will come down and claim, well, that is not good enough. Well, I remember when I first came here, prior to me serving in the Senate, we were averaging about 500,000 jobs being lost every month.

Let me repeat this one statistic: There have been 21 consecutive months of private sector job growth—not led by government job growth but private sector job growth. So it is not robust, but it is growing. Again, that is positive news.

Manufacturing activity climbed in November, according to the Institute for Supply Management. Its indicators tell us manufacturing is continuing to expand—another strong signal of overall economic growth.

The American automotive industry is coming back strong. Think about it again. In 2009, it was literally flat on its back trying to recover. In November of this year, light vehicle sales were up 11.4 percent compared to a year ago. That is the highest sales rate since the 2009 Cash for Clunkers Program, which many here supported.

There is more good news about the automobile industry. Ford says its November sales rose 13 percent. Chrysler Group reported a breathtaking November sales jump of 44.5 percent from a year ago. General Motors reported it sold 7 percent more new cars and trucks in November than it did a year earlier.

On investments and the markets, again, we have an important signal. It is not something you should always judge the economy on, but it is an important piece of it, and so much of middle class-America is tied to the market—maybe your 529 account or your 401(k) retirement program or the personal management of your account or, if you are self-employed, your SEP account. We are all tied to it to some degree.

The Dow Jones Industrial Average closed over 12,000 last Friday and gained 7 percent—just in 1 week. Let me take a moment to describe where we have come from in the market. Last week's closing numbers represent a gain of about 33 percent since early January of 2009—when several other Members and I were sworn in to the Senate. In January of 2009, the market still kept going down. In March of 2009, it dropped to its lowest level, a little over 6,600. Last week's numbers represent a whopping 81 percent increase since 2009. If you take the next step and look at the S&P index, it reflects a very similar gain—up 36 percent since 2009 and, since the dark days of March when it really crashed out, an 82-percent increase. It is important because so much of our retirement is tied to it.

If you read or hear the pundits and politicians here, it is always doom and gloom. I wanted to come to the floor and talk about some of these issues because we are moving in the right direction. We are moving in a positive way, but we don't hear this in the news because good news is not necessarily reported. It may show up one day and then disappear. When a bad thing happens, we hear about that for a week and a half and we are here talking about why it is so bad. But the overall numbers tell us the fundamentals are changing in a positive way.

The other piece, which is consumer confidence, is important because if people and businesses are not confident about the future, they will not invest, spend, or participate in the economy. But it is better.

Last month, the Conference Board's Consumer Confidence Index rose to 56.0 percent, its highest level since July. Americans spent \$52.4 billion over the four-day Thanksgiving Day weekend, according to the National Retail Fed-

eration. That is the highest total ever recorded during the traditional start of the holiday shopping season. When I was back home for Thanksgiving, I heard this good news from many shop owners. The new Apple store in Anchorage saw record sales, with thousands of shoppers coming through the door, and it was a cold weekend. Sales on Cyber Monday—the first online shopping day after Thanksgiving weekend—rose 22 percent from a year ago. Americans spent another record—\$1.25 billion—on that Monday, setting again record sales for Cyber Monday.

On trade, the U.S. trade deficit narrowed from \$44.9 billion in August to \$43.1 billion in September. That is the smallest trade gap since last December and the biggest 1-month improvement since July, according to the Commerce Department.

Housing is a critical piece of our overall economy, and some say we are in the recession because the housing market collapsed, but there are also many other pieces to the equation. We never hear good news, we hear negative news. There is a lot of work to get new home starts and current inventory off the market, help people who are underwater, and make sure they can stay in their homes and receive the benefit.

The Pending Home Sales Index, a forward-looking indicator based on contract signings—people who are looking at a home to purchase and maybe have entered into a contract and said: I will be purchasing this home in 30, 60, or 90 days from now—was up 10.4 percent in October from the month before. The National Association of Realtors says home sales are up more than 9 percent from the same time last year. Again, is it as robust as we want? No. Is it better than where it was? Absolutely.

Many of the policies that my colleagues and I have fought for on the floor—a lot of times, we make decisions and we move on. We go to the next issue, and we don't have time to reflect on the results of the work we are doing. In the last 2½ years, since the great recession came into play, there have been a lot of good things happening.

As for residential construction—this is, again, people building homes, providing construction jobs, providing a new tax base for communities around the country that need it so they can hire police, firefighters, and teachers—the Census Bureau says it was at a seasonally adjusted annual rate of \$239 billion in October, up roughly 3.5 percent from the previous month.

For Alaska—again, while spending time back home, I tried to spend time with the small business community, asking them: What is happening? What do you sense? And what is your confidence level? I had a meeting with a group of small business owners, and one got a loan from the SBA recently. He took advantage of the low cost we were able to implement through legislation we pass here. It helped him get into a new restaurant. Now he employs

120 people in my community in Alaska—Anchorage. Another owner of a video production company had one of the best years ever, and he is doing work for corporate clients who are willing to spend money.

These are all very positive developments. Now, as we approach the end of the year, we in this Chamber need to do our part to keep the momentum moving forward. People watch us, and we squabble over many issues. As I mentioned, all this good news is because of the work a slim majority did over the last 3 years in this body because we believe in the future, in what the potential is of this great country in which we live. Maybe some had different views on what could happen. We believed in what is possible. These statistics show us that belief is now paying off.

As I look at where we are today, we need to continue to make these smart public policy decisions that create a sound economy. We need to do it as best we can in a bipartisan way. What I am talking about now is extending the tax cut for middle-class American families, continuing the tax relief, giving a reduction in our payroll taxes, which is due to expire at the end of the year.

Before any of us leave Washington later this month for the holidays, we clearly have to resolve this issue. In my opinion, we have no choice, and here is why: Unless Congress takes action, the average middle-class family will be hit by a \$1,000 tax increase starting January 1.

Economists of all political stripes have called this tax cut critical for America's continued economic growth. They say that letting it lapse could push us back into a deep recession. Truly, that would be unforgivable based on where we are today and how far we have come in a short time—almost 3 years now.

Some on the other side of the political aisle seem unsure about renewing the tax relief—the tax cut aimed at middle-class families and small businesses—this after fighting for massive tax cuts for the wealthy in our deficit reduction talks. If they block this tax cut, about 160 million families will get the news during the holidays that their taxes are going up on January 1. That is simply not fair. It makes no sense just when the economic indicators, as I mentioned, are looking so positive.

As I said, if we don't act, a typical family making \$50,000 a year would see their taxes increase about \$1,000. But if we pass the middle-class tax cut in 2011, for the 2012 tax year, that same family will get a total tax cut of \$1,500. Not only would they see the thousand, but they would get something additional because of the way we drafted this.

Most of that money will go directly into the economy. In Alaska, roughly 400,000 people benefited from the tax cut this year, and they used it to pump about \$300 million into the State and

local economies—again, the small businesses that I traveled to, a couple of them with my son and his cousin, House of Hobbies and the Bosco store. While they were playing all the games for free, playing the race cars and all that stuff and looking at baseball cards, I was asking the clerk: What does it feel like? There is no question that they said there is a change in the economy in the positive. That is because in Alaska, for example, these 400,000 people had \$300 million in their pockets—not the IRS putting it into the Treasury, but they had it and they spent it. And I will be frank about it—after my son and my nephew, his cousin, spent that time on the free road there playing with toys, I spent some money to help my small businesses and the economy. That is what it is about.

This tax cut put \$110 billion into the American economy this year. Let me say that again—\$110 billion. It is money that could go to the IRS or to middle-class Americans. I think the choice is very clear as to who should benefit from those dollars.

We were elected—as I was from Alaska—to represent all Americans, not just those at the top end but the people who work every day, those whom we see on a regular basis when we go back home or walk out of this building or actually in this building, the people spending time every day working hard to move this economy forward. It is our obligation to continue to do what we can to make their lives a little bit better by lessening their burden of taxes and giving them the tax relief that they deserve and that we should be able to give to them as January 1 rolls around.

I hope that, as we move toward the holiday season, we can continue to give the gift of tax relief to the middle-class Americans—to my 400,000 folks back in Alaska and all of the small businesses in Alaska that have benefited. Let's do what is right and do it in a bipartisan way and move forward in giving continued tax relief to middle-class Americans.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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.

#### THE ECONOMY

Mr. SESSIONS. Madam President, I understand the President made another speech today, and the speeches he has been giving lately are clever political documents. It is pretty clear his focus has shifted from governing to campaigning, with about a year from now until election day. But our Nation is in a serious financial condition. Our debt

is larger than we like to acknowledge it is. Our European friends on the other side of the Atlantic are wrestling with their debt problems, and many of those nations—most of those nations—have debt less than we do as a percentage of GDP. We know, from every expert we have heard testify before the Budget Committee, on which I serve as ranking member, that we must change our path. We are on an unsustainable path, and we cannot continue on it.

Time after time we have had hearings and have heard from experts telling us we have to alter our debt trajectory. We have to get on a sound path. Perhaps it will be a tougher path for a few years, a harder road, but it is the right road, and the road that will lead to soundness in our economy. Prosperity and growth is what we need.

The debt commission President Obama appointed, headed by Mr. Erskine Bowles and Senator Alan Simpson, told us we are on a path to the most predictable financial crisis the Nation has ever been on. They were saying that the unsustainable trajectory of the this country's debt will lead us to some sort of economic catastrophe. It will knock us back into a recession, put us back to where we were in 2007 or 2008, or like what Europe is facing right now. They pleaded with us to do something about it.

The debt commission laid out a plan. I don't agree with everything in the plan, but it said, at a minimum—and there was bipartisan agreement on this—the debt should be reduced. The added debt we incur over the next 10 years should be reduced by at least \$4 trillion. They said we should reduce the growth of our debt by at least \$4 trillion.

So in the last two meetings in the Budget Control Act, it looks as if we achieved about \$2.1 trillion, not \$4 trillion, but they all said we needed more than that, because the increase in our debt over the next 10 years would be about \$8 trillion to \$10 trillion. That is the increase on top of the \$15 trillion we have already incurred. This past fiscal year, which ended on September 30, we will have added \$1.23 trillion to our debt; the year before that, \$1.3 trillion, the year before that, \$1.2 trillion—the only three times in history we have had deficits over \$1 trillion. It is a very serious situation.

So we have a speech. I just have to say, we tried to look at the speech to see what it is that the President has proposed. He is our leader, our Commander in Chief. We only have one Chief Executive, one Governor, one mayor. I see Senator MANCHIN here. He was a Governor. He had to manage the State and exercise leadership.

So what is it this Executive, our President, is proposing that we do? Well, it is pretty clear. It appears that he is proposing that we spend next year \$324 billion more than we planned to spend. He calls it a tax cut or maintaining a tax cut. In truth, it is a holiday from paying into our Social Security pension that all Americans pay

into as they work. It is a holiday from that.

Well, where does the money come from? We have a trust fund, Social Security, that we pay into, and we have a promised benefit when we retire. We want to honor that and make sure the Social Security trust fund is able to honor that. How do we not pay into it without hurting or damaging the Social Security trust fund?

They say: Well, don't worry. We will put the money in. Who is "we"? Well, "we" is the United States Treasury. The United States Treasury will put the money in. But the Treasury is projected by the Congressional Budget Office to run a \$1 trillion deficit this year, a little bit better than the \$1.23 trillion deficit that we ran last year.

So we are running a \$1 trillion deficit. We don't have any money in the Treasury to pay to Social Security. So how do we honor the Social Security trust fund? How do we put the money in? Well, we give bonds. Just an IOU. The United States Treasury, as easy as pie, signs a document, an IOU, gives it to Social Security, and says: You are made whole. Don't worry; no problem. What? Me worry? We have it under control. Where does this come from?

Social Security is on a trajectory that is going to call this debt. The trustees are going to need this money to pay our beneficiaries, and they are going to call the debt to the United States Treasury and the United States Treasury is going to have to pay it, in my opinion, unless we totally abandon our responsibility to the seniors in America. I don't think we will. So we are going to pay that money, and it is added to the debt. This year, under the President's plan, beginning in January, he will add \$324 billion in debt.

What the Bowles-Simpson Commission was all about was laying out a plan to reduce our debt, not increase the debt. The first thing we have to do to confront a surging debt in America is to quit digging the hole deeper, quit asserting new programs to spend larger and larger amounts of money. It would also add \$155 billion the second year. So it would total \$479 billion over the first two years.

So they say: Well, we have the Treasury figured out. We will have a tax increase. We will raise taxes, and over 10 years that will pay for the \$479 billion that is added to our debt right now. There will be enough money coming in—don't worry—over 10 years from this new tax.

Well, I will just say a couple things about that. If we are going to raise taxes, what the bipartisan Debt Commission told us was, use it to pay down debt. Don't use it to fund a new spending program of \$479 billion. If we are going to cut spending somewhere in the program to save money, let's begin to reduce our debt. Don't just cut spending so we can create a new spending program.

We have to watch what we are doing. I don't believe it has been thought

through carefully where we are headed, and I don't see anything in this speech today that will lay out a 2-year, 5-year, 10-year plan for making America a stronger and better place.

But, we are told, the President cares about the middle class; and if we question any of these schemes, then we don't care about working Americans. I reject that. That is offensive to me. I totally believe that I represent the cross-section of people in my State and America. I love and respect the working people of this country, and they are entitled to better. They are entitled to leadership that tells them the truth. The truth is that we are endangering their future and their children's future by allowing the most incredible debt increases that the Nation has ever seen, and that has to be brought under control.

It is offensive to suggest that if someone has a different view about how to create jobs and wealth in America, they don't care about the people who make America great, people who go to work every day, people who send their children to defend this country and pay their taxes and obey the law and do things right and support those who are in trouble and need help.

I would propose this, more specifically—and I think the Republican plan touches these very issues in an effective way that would, in fact, increase and enhance job creation and economic growth in America.

First, we need policies that reduce the cost of energy for Americans. We have an Energy Department and an Interior Department that seem to believe their goal in life should be to drive up the cost of energy: to make coal and natural gas harder to produce, make oil more hard to produce, make us have to buy it from abroad when we could produce more at home, creating jobs in this country, creating wealth in this country, creating taxpayers in this country.

We need more American energy. We need more energy at lower prices. The idea that somehow we are going to be better off because of carbon or other issues to have higher energy prices so we use less of it is totally unjustified, and it is creating an incredible burden on working Americans.

We need to end the health care proposal that is clearly driving up health care costs. It is causing businesses not to hire. I have talked to small businesses in my State. They assure me with absolute confidence that the health care bill that will be taking effect, and is beginning to take effect, will cause them to hire fewer people. We need more people hired. We need more people working. We need to eliminate unnecessary, counterproductive governmental regulations that drive up the costs of our products, making them less competitive in the world marketplace. We need to do that. It will not cost the Treasury any money, but it will make America more productive and create jobs.

I supported and worked with my Democratic colleagues, and we passed in this Senate—but the President didn't support it—legislation to demand that China treat its currency in a fair way to eliminate the currency manipulation they have been participating in and to eliminate the unfair hammering, savaging of American industry that is occurring in this country as a result of unfair trade. That is very real. It has to end, and the President needs to be leading on that. It would create jobs in our country without adding to our debt.

Finally, the greatest threat to our economic growth and to our job creation in America is the debt itself. It is the cloud over our economy. We have to do more about it.

There is one more thing I would mention; that is, tax simplification and tax alteration. Not to necessarily get less taxes but to create the tax revenue that the government takes in in a way that does not damage the economy. Create a tax simplification plan that would encourage economic growth and prosperity and not pull down economic growth and prosperity. So once we have done those things, we begin to focus on reducing our surging debt. If we do it steadfastly, like Governors all over America—Governor Bentley in Alabama is having to face challenges and is making tough decisions. But the State is still operating. It hasn't sunk into the ocean. Neither has New Jersey. Neither have other States. Even New York and others are beginning to confront their debt situation and make tough choices.

We are not doing it here. Our President is proposing more spending—not just this \$324 billion plan for this year, he is proposing to spend 10 percent more on the Education Department next year, 10 percent more on the Department of "anti-Energy," 10 percent more for the State Department at a time when the country is in its most severe debt crisis in its history. That is not responsible. This debt is a threat to us.

If we talk to the financial experts and the wizards who move money around the world, they are worried about it. If we talk to government experts such as the Secretary of the Treasury or the Federal Reserve Chairman or the head of the Congressional Budget Office, they tell us what we are doing is dangerous, that we are on an unsustainable path. I do not see in this speech today any commitment, any leadership from the President on this fundamental issue. The most fundamental failure of his leadership is not to look the American people in the eye and to tell them honestly and truthfully that we are spending too much.

Back in Marion, AL, I was at a town meeting at somebody's house with 30 or 40 people there. The oldest gentleman there spoke last. He had fought in World War II. He grew up during the Depression. He told us, in his view, it was not the high cost of living that was

getting us in trouble but the cost of living too high.

I do believe we have been living too high, and we have been spending too much. The President—our leader—should be talking directly and honestly to us and laying out a 2-year, 5-year, 10-year plan that will bring this deficit down. He should be explaining to the American people why we are all going to have to tighten our belts; why there is nothing—defense or anything else—that is going to avoid having to tighten its belt. We can do this and put our country on a sound path without having a debt crisis that would be a tragedy of monumental proportions.

Madam President, I just wanted to share those thoughts today. This Congress is going to have to do more than tread water for the next year. We are going to have to do more than just play clever political games. We are going to have to deal with the threat we face directly and honestly.

The proposal I see that was floated again today from the White House may sound good politically. But for me, as one who has been looking at the numbers, it does one thing: it increases the debt over the 2 years by \$479 billion. That means probably this year's deficit will not be \$1 trillion but probably \$1.35 trillion—1,350 billion dollars—this year's deficit. We are promised that there will be a tax increase that, after 10 years, will somehow pay for this.

That is the kind of thinking and action that has allowed this country to get out of control financially, and I hope we can do better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### NATIONAL MINER'S DAY

Mr. MANCHIN. Madam President, I rise today to mark a truly important day for my State, and indeed this entire nation.

December 6 is National Miner's Day, a time when we stop to honor our nation's coal miners and remember those who have done so much to make this great country what we are today. These brave men and women work every day to meet the challenge of keeping our great nation free and strong, and although the history of mining has been marked by hardship and tragedy, the bravery of our miners has never faltered.

It is so fitting that today we also learned—just this morning—of a landmark settlement of more than \$200 million in one of the worst mining tragedies our State has faced.

April 5, 2010, 29 miners lost their lives in the Upper Big Branch mine, which was then owned by Massey Energy. Today, the U.S. Attorney for the Southern District of West Virginia, Booth Goodwin, announced an agreement with Alpha Natural Resources, the company that purchased the Massey mines.

This comprehensive and forward-looking settlement takes the right

steps to truly protect our miners. By investing more than \$120 million of this settlement in mine safety—including improvements to existing mines, a new West Virginia safety training facility and a research trust—this agreement demonstrates that the government and the company are serious about creating a true legacy of mine safety.

While nothing can replace the beloved miners who we lost that terrible day, today's agreement shows that we all have zero tolerance for anything corporations do—or don't do—that leads to a mine fatality.

As I have always said, at the heart of this tragedy is the simple fact that we must do everything in our power to never, ever allow any worker to be in the position where this could happen to them or their family. Especially since today is National Miner's Day, my thoughts and prayers are with the families of the 29 miners who died at Upper Big Branch—and I want to assure the families that the loss of their loved ones will not be in vain. Every worker should know that when they kiss their children goodbye in the morning that they will return home at the end of that shift or the end of the day to kiss them goodnight.

I thank U.S. Attorney Goodwin and his entire team for their skill and dedication in negotiating this settlement that focuses on safety and training in the future. I also thank Alpha Natural Resources for rising to this occasion and meeting these terms. Even though Alpha did not own the Upper Big Branch mine at the time of the disaster, I applaud the company for taking responsibility for both the mistakes that were made and for investing in the future of mining to help prevent another tragedy like this from ever taking place. I encourage them—and all our mining companies—to continue to take steps to protect our miners.

In addition, I am pleased that this agreement does not impede the families from pursuing additional civil remedies and does not prevent the authorities from prosecuting individuals whose actions may warrant criminal charges. There should be no immunity for anyone who is determined to be responsible in any way for the tragedy at Upper Big Branch.

April 5, 2010 was one of our State's most heartbreaking days. I hope and pray that we will never again endure a tragedy like the Upper Big Branch deaths, and I will work every day to make sure that we don't.

Today we also remember the 104th anniversary of the Monongah Mine tragedy, our Nation's worst mining disaster—one that took 362 brave souls.

So on this day, it is fitting to pay our respects and show appreciation for the miners of yesterday and today. We need to recognize the contributions of past miners who have led us to where we are now, and today's miners who keep traveling deep into the darkness to provide millions of Americans with the electricity that powers our lives

and the steel with which we build our Nation.

Without these men and women, our world would look very different. They are the true backbone of our country. Our miners extracted the coal that powered military ships in World War I and World War II—and every conflict since.

Coal provided the steel to make our country the greatest industrial power in the world, ushering in prosperity that built our infrastructure and developed a quality of life that became and is still the envy of the world. Coal provides nearly half of the electricity in our country and every day millions of homes are warm, safe and full of light thanks to coal.

Think for a moment. Try to imagine our country if there had been no coal. It is almost inconceivable.

Coal is mined all over our great Nation. I thank all men and women everywhere who work in this industry, but I can speak personally about our brave and hardworking miners in West Virginia. The miners of West Virginia and their families are the heart and soul of the Mountain State and truly an inspiration for me.

Extracting minerals from the earth is not for the faint of heart. This work requires engineering brilliance, nerves of steel and fearless dedication. West Virginia coal miners continue to set the bar for productivity, quality, and innovation. Their work ethic is second to none. Coal miners are not looking for a handout. All they want is a work permit so they can go to work, earn a good wage, and provide for their families.

And coal miners are much more than just the work they do—they are some of the most loyal, brave, trusted, and patriotic folks that you could ever meet. Like their fellow West Virginians, these folks can shake your hand, look into your eyes, and touch your heart. Our coal miners love their families, the outdoors, their communities and their State. These miners work hard every shift, but if they get home and find a person in need, their day begins again. If you are hungry, you will be fed; if you are lost, you will get directions and then an escort to your destination. That's just the kind of people we are, and that makes me so proud every day to be a West Virginian and have the honor of representing them.

I will continue to tell our State's story when it comes to coal. And I will constantly work with my colleagues on both sides of aisle to develop technology that allows us to continue to use American coal to help achieve energy independence for our great country—which will ensure our national security and grow our economy. The simple fact is: This country needs coal and our coal miners are still willing and able to do the job.

So today it is my privilege to say thank you for the job that our brave coal miners perform. This Nation was

built on the backs of our coal miners, and all of us should thank them not only today but every single day of the year, and every year to come.

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. UDALL of Colorado. 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.

Mr. UDALL of Colorado. Madam President, I came to the floor to speak about Richard Cordray's nomination to lead the Consumer Financial Protection Bureau, but I wish to acknowledge the remarks of Senator MANCHIN. We have coal miners in my great State of Colorado. They are particularly located in the northwestern section of our State. They are hardworking. They are patriotic.

We have some of the cleanest coal in the world. It is used all over our country and exported to many countries around the world.

I thank him for his remarks and for drawing attention to their accomplishments and their contributions to America.

Mr. MANCHIN. I thank my colleague.

#### NOMINATION OF RICHARD CORDRAY

Mr. UDALL of Colorado. Madam President, I come to the floor to put in a word for Richard Cordray, who has been nominated to lead the Consumer Financial Protection Bureau, which is otherwise known as the CFPB. Nearly 2 months ago, I urged our leaders to prioritize a vote on the nominee because without a Director of the CFPB, there is important consumer protection work being left undone. It is work that would benefit hard-working Coloradans, those citizens of New Hampshire, and families all across our Nation.

I wish to begin my remarks by thanking both the majority leader and the Republican leader for moving to this important nomination. After having done that, I wish to turn and speak directly to Coloradans and any other Americans who may be listening. We get up here as Senators, and we will talk about this agency or that agency. Frankly, at times it sounds as if an alphabet soup. But this agency is not just another alphabet agency. The CFPB may be one of the most important Federal agencies we have, and it should be allowed to open its doors fully and begin the important work of protecting our consumers. The CFPB was created in the Wall Street Reform and Consumer Protection Act to protect American consumers from predatory and unfair financial practices. It was chartered to prevent the same kinds of abuses banks and other large financial firms engaged in as they

drove our economy into the ditch just a few short years ago.

When we look back at the financial collapse in 2008, many of us still cannot believe the largest banks and financial institutions in our country were able to put our economy at such risk. As drastic measures had to be taken and billions of dollars invested in these firms, it certainly didn't seem fair that banks and other financial institutions should get taxpayer help after having taken advantage of the good intentions of American consumers and, as a result, tanking our economy.

The truth is we were forced to act in the Congress or even worse financial troubles awaited us—in fact, potentially a worldwide financial depression. That is why the Congress created the CFPB, to ensure that kind of abuse never happens again. When we passed the Wall Street Reform Act, Congress made clear its intent to create a watchdog with the responsibility to make the financial marketplace safe for consumers.

I think the Presiding Officer would agree that is something we should all want, to make sure Americans are not being taken advantage of by big businesses and Wall Street bankers, to ensure someone is looking out for the little guy, to ensure there is slightly more of a level playing field for the Americans who play by the rules.

Unfortunately, it is not. Many of our colleagues are raising a host of issues related to one central argument, that the CFPB will not be accountable to Congress and it will go hog wild in its efforts to look out for hard-working Americans. Yes, that is right. They argue the CFPB will have too much power to protect consumers. I know that seems strange to hear, especially after the banking sector abuses nearly sent our economy down an irrecoverable path and millions of Americans saw many of their investments and much of their net worth disappear overnight. But, yes, some of our colleagues actually want to weaken the consumer protections that were included in the Wall Street reform bill which, by the way, is the law of the land. In order to make sure that happens, they vow to block, to filibuster all nominees to head the CFPB, regardless of who they are. There have been blanket statements made at the front end of this effort that whoever the nominee is, that person will be blocked.

It strikes me that by doing that, they think they are going to deny the CFPB a Director and that will erode the Bureau's effectiveness and make it easier for banks to operate without limitation. That is precisely why we have to overcome the filibuster that is being waged against Mr. Cordray right now. Without his leadership and a strong CFPB to look after the interests of consumers, we are going to put the financial security of hard-working American families at risk and the country's economic recovery at risk.

By failing to give the CFPB a Director, a confirmed Director, we are actually reducing oversight of predatory lending and deceptive banking practices. These are practices that in no way help our economy or our economic recovery.

I do not think I am stretching the facts saying this. Deceptive financial practices continue to threaten Americans every day, and we can do more to ensure these abuses are brought to an end. Let me focus on one particular area.

Credit reporting agencies continue their deceptive ads on Web sites with misleading names such as [www.freescore.com](http://www.freescore.com) and [www.freecreditscore.com](http://www.freecreditscore.com) that lure people into a costly credit monitoring service. They do not offer free credit scores at all. Instead, what they do is they take the person's credit card number and then they begin charging them a monthly fee. It is a similar hustle that many other too-good-to-be-true Web sites offer. The problem is this deceptive ad strikes at the heart of America's personal financial health. A person starts by doing the responsible thing—trying to check their credit score—but the next thing they know their credit card is being charged and they don't have that important data tied to their credit score.

The point I am trying to make is without a confirmed director, the CFPB has diminished power to investigate the actions of the major credit reporting agencies and pull down these kinds of deceptive ads. That doesn't make any sense to me. It is sort of what Coloradans have been asking me, along these lines: When are you guys in DC, when are you guys in the Senate going to side with us and stop always looking out for the big banks?

In these tough economic times, we need to do all we can to block such dishonest advertisements and help empower consumers to avoid these financial traps. The CFPB is the best way to accomplish these important goals, but it needs a director to be able to act.

As some watching today know, and I hope Coloradans know, the Wall Street reform bill contained a bipartisan provision I authored that now requires lenders and other creditors to actually provide consumers a free credit score when their score is used to deny them credit or they are offered credit with less favorable terms.

I authored this provision because credit scores are the most important and influential measure of a consumer's creditworthiness. As millions of Americans continue to work to repair their credit status in the wake of the Nation's worst financial collapse since the Great Depression, it is my belief that the CFPB must fully implement its congressionally appointed oversight of consumer credit scores and related products to stop deceptive advertisements and other setups. So I will say it again: In order to carry out this mission, the Senate must confirm a director to head the CFPB.

The Consumers Union—one of the leading consumer advocates in the United States—is urging Congress to confirm Mr. Cordray so the Consumer Financial Protection Bureau can tackle other critical consumer protections such as reducing the penalty fees and punitive interest rates banks can charge, requiring credit rating agencies to maintain accurate consumer credit files, and investigate and fix errors reported by consumers. I know the Presiding Officer has heard stories about consumers who are operating in good faith and then they come to find out their credit files are not accurate and they are penalized because of that situation. The CFPB could require credit agencies to maintain accurate files.

Finally, the CFPB could police the mortgage market to stop scams against consumers and prevent the return of the toxic loans and the dangerous lending practices that led to the foreclosure crisis and, ultimately, the recession.

I don't think I am overstating the situation when I say there are still a slew of unsafe financial products and services in the marketplace. When consumers are lured into those traps, they then can get into a high-interest debt situation, and then that affects all of us. It affects our economic health more broadly. So the CFPB would be given the capacity to tackle these abusive and deceptive practices and then be on the lookout for the next breed of financial scam.

For these reasons, it is my hope the Senate will take action quickly to confirm Mr. Cordray's nomination and then put in place an effective consumer financial watchdog to ensure Americans get the tools they need to take control of their own financial destinies. It will help our economy; it will help Americans; it will help small businesses. This is the right approach. Let's confirm this gentleman to head the CFPB.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

#### HONORING FATHER EMIL KAPAUN

Mr. MORAN. Madam President, a few weeks ago, in November, in communities across our country, our Nation's men and women in uniform were honored on Veterans Day for their service to our Nation. I wish to share a story with my colleagues of one exceptional Kansas veteran who is no longer with us but whose story stands as a lasting tribute to the members of our Armed Forces whose courage and sacrifice preserve our freedoms.

Father Emil Kapaun was born in Pilsen, KS, in 1916 and served as a Catholic priest in the diocese of Wichita for 4 years before volunteering for the U.S. Army in 1944. During the Korean war, he served as a chaplain for the 8th Calvary Regiment of the First Army Division.

His courageous actions in the Korean battlefields saved countless lives as he ran under enemy fire to rescue wounded soldiers. When Father Kapaun was taken prisoner in 1950, he continued to live out the Army chaplain motto: "For God and country."

In the bitter cold of winter, Father Kapaun carried his injured comrades on his back during forced marches through snow and ice, gave away his meager food rations, and cared for the sick who were suffering alongside him in the prison camp. When all else looked hopeless, this simple priest from Kansas rallied his comrades, regardless of their faith, to persevere, until his own death as a prisoner of war in 1951. This good man distinguished himself by laying down his life for the sake of others.

Earlier this year, Senator ROBERTS and I introduced legislation to award this Kansas war hero the Medal of Honor for his acts of valor in the Korean war. The legislation would request and provide the Department of Defense and the President with the authority to grant this important honor. By waiving the 3-year statute of limitations—the timeframe in which it can be awarded—Father Kapaun would be eligible to receive the Medal of Honor.

Senator ROBERTS and I offered this legislation recently as an amendment to the Senate Defense authorization bill and the amendment was unanimously approved by the Senate. I thank Senators LEVIN and MCCAIN for their support. My Kansas colleagues in the House were also successful in including this language in the House version of the National Defense Authorization Act, and I ask that with such strong support from both Chambers this provision be included in this year's final Defense authorization bill.

Father Kapaun is most deserving of the distinguished award and I am hopeful the Secretary of Defense and President Obama will use the authority outlined in this legislation to give Father Kapaun his long overdue recognition.

At this special season of the year, we are reminded that there are saints and heroes throughout the history of our Nation who put others above themselves and live by God's plan for their lives. May we be inspired by their example and live our lives accordingly. Father Kapaun demonstrated that one person can make a difference and help change the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### WORK WELL TOGETHER

Mr. ALEXANDER. Madam President, I wish to speak this afternoon about a lesson that Washington, DC can learn from Maryville, TN, which is my hometown. It is a lesson that most of us learned in kindergarten and I learned in my mother's kindergarten, which was in a converted garage in our backyard, and it was three words: "Work well together."

The latest example of that was all over the sports pages of my hometown on Sunday: "Historic Championship: Maryville Wins the 13th State Title—Most Ever." Our football team has learned to work well together. They earned their second consecutive State championship, as the newspaper said. They beat Memphis Whitehaven. I watched the game on statewide television. Their record this year was 15 and 0. It was their ninth State title and ninth perfect season under an extraordinary coach, George Quarles, who has won 179 games and lost 13 in his career in Maryville. This is the most State titles of any school in Tennessee's history. The team scored 35 or more points in 109 of Coach Quarles' first 191 games. Maryville has averaged 30 or more points in 12 of its 13 seasons under coach Quarles and its senior quarterback this year, Patton Robinette, who has scholarships from good schools everywhere, was named the Gatorade Tennessee Football Player of the Year, part of which has to do with his academic credentials. He has a straight A-plus average.

This leads me to the second thing they work well together on in Maryville, TN. The Maryville city schools were named the best overall school district in the State, based on their academic performance, by the State Collaborative on Reforming Education. The Maryville city schools recently received all As on their State math, reading, social studies, science, and writing assessments. According to the Tennessean, Maryville city schools have the second highest test scores in the State in reading and math. The high school was selected as one of three finalists in the prized category of high schools "based primarily on student achievement gains and progress over time." More than 80 percent of Maryville High School students were proficient or advanced in math, 88 percent in reading/language arts. More than 90 percent graduated in 2010 from the high school. Four seniors were National Merit semifinalists. 48 percent of Maryville High School students who took the ACT college prep test last year met all four benchmarks for college and career readiness—English, math, reading, and science—compared to 15 percent Statewide and 25 percent nationally. So the football team and the students have learned to work well together, academically and athletically, at Maryville High School.

How did this all happen? I know a little bit about this. I am a proud graduate, as the Presiding Officer may have suspected by now, of Maryville High School. I have wondered about this for a long time: How could it have had such success in so many things? It is not the richest town in the State by a long shot. Most families in Maryville would describe themselves as middle income.

One indicator of why they succeed and why they achieve so much excellence in so many ways in their schools

is that the town devotes about 70 percent of its budget to its schools. It is in a county where about half the citizens—50 percent of the citizens of 100,000 in Blount County—have a library card. It is a place where—at least it was when I was there—if you get in trouble at school, you get in trouble at home. I can remember being called to the principal's office and administered pretty stern discipline when I was in the eighth grade, and I received the same treatment when I got home, even though my father was chairman of the school board. So there was none of this business about parents blaming the teacher and the principal for what the child had done.

But I think the school principal, who is new to the town—Greg Roach—said it best. I saw him being interviewed at half time during the football game last Saturday night.

He was asked: How did this happen? How did you have this champion football team more than any other school in the State and then you are named the best school district in the State? How can you do that all at once?

He said: Well, it is a town school and when something happens, everybody shows up.

Well, they showed up at Tennessee Tech for the football game last Saturday night, but they also show up at the annual academic awards banquets. I have been to those, and over the last several years it is more like a sporting contest, with this student winning the Spanish championship and this one doing well in Latin and getting the same kinds of honors, awards, scholarships and pats on the back that football players do.

This emphasis on excellence in education and athletics is not something new to Maryville, TN. My grandfather sold his farm in the county to move into town so that my father could go to school, and my aunt said my father felt as though he had died and gone to heaven when he had that opportunity. My father, who was an elementary school principal after World War II, ran for the city school board with four other men and women and they stayed on the board as a ticket. They were elected every year as a ticket. They stayed there for 25 years, with the whole objective of improving the quality of the education in the Maryville city school system.

While all that was going on, my mother taught in the preschool program—really the only one in our county at that time, although I think Mrs. Pesterfield also had a preschool program. But Mrs. Alexander's—I used to call it lower institution of learning—had 25 3- and 4-year-olds and 25 5-year-olds in the afternoon. She was lobbying the whole time to the school board on which my father served to put her out of business and start a public kindergarten, which they eventually did in our State.

I used to talk about the Maryville schools and the community of Mary-

ville when I was running for President 20 years ago, and my friend, Bill Bennet, who was also a U.S. Education Secretary, was chairman of my campaign. He would say to me: LAMAR, not every community in America is Maryville, TN, and I know that. I know that. But I think a lot more could be. There are a lot of theories about what makes a good school, but I think Principal Roach may have it about right. It is a town school, and when something happens, everybody shows up.

I think our new speaker of the house in Tennessee, Beth Harwell, had it right too when she observed that our State legislature finished work early. They had some disagreements but worked well together, got some results, and she said they learned in kindergarten to work well together, and that maybe that would be a good lesson for Washington, DC.

Well, I think Speaker Harwell is right. The example of the Maryville football team and the Maryville students is also right. When everybody shows up when something is going on, and when people work well together, good things happen. Working well together—in our case, bipartisanship—is not a goal, just as working well together was not the goal of the football team. They wanted the championship. It was not the goal of the students. They wanted the scholarship. But they knew they had to work well together as a community to get a result.

They got a championship football team. They got the best school district in the State. Perhaps that is a lesson for the Senate as we seek to take the very difficult responsibilities we have and earn the respect of the men and women of this country who hired us and sent us here to solve problems.

That is why today I would like to celebrate the success of the championship football team of Maryville High School and the championship school district of Maryville, TN, and suggest their lesson of working well together might be a good lesson for us.

I yield the floor.

#### PRESERVING ELECTRONIC RECORDS

Mr. REID. Mr. President, I was pleased to see that the President of the United States has issued a memorandum directing executive branch agencies to reform their records management. The goal is to improve performance, promote accountability, and increase government transparency by better documenting agency actions and decisions. The President's memorandum noted that the current Federal records management system is based on an outdated approach involving paper and filing cabinets, and it outlines a framework for moving the records management process into the digital age by including plans for preserving electronic records. This issue was highlighted in a recent report of the National Archives and Records Ad-

ministration, which warned that Federal agencies have done a poor job of managing the increased volume and diversity of information that comes with advances in information technology.

I commend the President for taking this action, and I am pleased to say that the U.S. Senate is already carrying out the practices for its own records that he has recommended for the executive branch. Over the last 10 years, the Senate has preserved an average of 3,000 to 4,000 feet of textual records for each Congress. Those paper records have been supplemented by 2.5 terabytes of electronic records. The Senate's electronic records are being preserved at the Center for Legislative Archives within the National Archives.

With guidance provided by the Secretary of the Senate, 75 percent of all Senate committees are now engaged in archival preservation of their digital records. Several Senate committees have responded to the increased volume and complexity of electronic records by hiring professionally trained archivists to appraise, describe, and transfer these materials.

The operations of every Senate office have been transformed over the last decade. Our greater reliance on electronic communication and records systems has increased the need for preservation planning. Just as the paper records of the U.S. Senate, dating back to 1789, have been carefully archived, records generated digitally in the 21st century will require diligent attention if they are to survive for future use.

#### TRIBUTE TO EARL AND OPAL WILLIAMS

Mr. McCONNELL. Mr. President, I stand today to pay tribute to a fine and blessed couple, Mr. and Mrs. Earl and Opal Williams of Laurel County, KY.

Earl Williams and Opal Morgan grew up less than 20 miles apart Earl attended Bush High School located east of London, KY, and Opal attended Hazel Green High School west of London—yet their paths never crossed at the time.

However, when Earl was 24 years old he set out for Kinzua, OR, some 2,500 miles away where he began working for the Kinzua Pine Mills Company. "In those days you could not get any work locally, you had to leave home and usually go a long ways to find work," Earl recalls.

As fate would have it, a short time later Earl and Opal met after Opal traveled to Kinzua to visit her father, who was also employed by the Kinzua Pine Mills Company. Eventually, Opal took a job in a local factory and decided to stay in Kinzua. "Our courtship was about normal," Opal says. "We dated for about a year and got married December 22, 1949, in Goldendale, Washington."

In December of 1954, Earl and Opal returned home to Laurel County, KY, after spending 2 years in Indianapolis, IN. Earl began a career with Water

Softener Rental, a company Earl bought into and then later purchased outright from his partners, while Opal stayed busy making a wonderful home in the house the couple built on the "Old Williams' Farm," a house Earl is especially proud of. "This farm belonged to the Williams family during the Civil War," he boasts.

Earl and Opal were married for 7 years before they were blessed with four children, sons David, Joe, and Phillip, and daughter Amber. The couple is not shy about explaining that their children have been the highlight of their lives. "We enjoyed our boys," the couple says, "but we were ready for a girl when Amber came along."

These days Earl and Opal stay busy tending to their three grandchildren and one great-grandson several days a week, and Earl still drops by the office daily to "check on" his sons. The couple, who have been married for over 61 years, claim that their faith and dedication to their church, Lick Fork Community Missionary Baptist, has played a major role in the success of their lives and marriage over the years—the two have been members of the church for over 50 years. "It has been a good life," Opal says. "We got married 61 years ago to stay married. We never thought of divorce like young couples do today."

Mr. President, Earl and Opal Williams have shared an incredible journey together, and their faith in each other, their family, and their church has given them a wonderful story to share. Earl and Opal's life together serves as an inspiration to the people of Kentucky, and I wish them many years of further happiness. The Laurel County-area publication the Sentinel Echo recently published an article to share the Williams' story with the rest of our great Commonwealth. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Winter 2011]  
FINDING LOVE IN A FAR OFF PLACE  
(By Sue Minton)

Earl and Opal were not high-school sweethearts. They did not know each other as teenagers. Both grew up in Laurel County, on opposite ends of the county and attended rival high schools.

Earl Williams grew up east of London and attended Bush High School. Opal Morgan grew up west of London and attended Hazel Green High School.

Less than 20 miles separated the two. They may have seen each other at box suppers, the movies or social gatherings, but did not take notice.

"In those days you could not get any work locally, you had to leave home and usually go a long ways to find work," Earl said.

For 24-year-old Earl this was Kinzua, Oregon.

And it was in this lumber company-built town, 2,500 miles from home, that Earl did take notice of Opal.

The couple met in Kinzua where Earl was working for the Kinzua Pine Mills Company. "Kinzua, Oregon, was built by and for the Kinzua Pine Mills Company," Earl said. "It

was a company town, everything was owned by the company, all the stores, even the houses we lived in."

Opal went to visit her father, who also worked for the company, and stayed on after meeting Earl, getting a job in a local factory.

"Our courtship was about normal," Opal said. "We dated for about a year and got married Dec. 22, 1949, in Goldendale, Washington."

"About all there was to do in this little town was go to the movies," she said. "They showed the same movie all week. So we went once a week."

Opal recalls the company having a community building called "The Pass Time."

"On Saturday nights they had dances and on Sunday mornings the building was cleared out for church," she said. "We didn't care much about dancing; it was just being together in each other's company."

The couple returned to Laurel County in December 1954 after leaving Kinzua and spending about two years in Indianapolis, Indiana.

After returning home Earl went to work with Water Softener Rental. "I bought into the company in 1957 and later purchased the company from my partners," he said.

While Earl was building a successful business, Opal was making a home for the couple in the house they built on part of the Old Williams' Farm.

"This farm belonged to the Williams family during the Civil War," Earl said proudly.

Although their marriage and life was good, the couple wished for a baby.

"We were married seven years before this happened," Opal said.

"We were beginning to think we were not going to have any children."

When asked "what was an important milestone or event in their lives?" they answered simultaneously, "the boys."

"That was probably the highlight of our marriage," Earl said, "when the boys, David, Joe and Phillip, were born."

"Everyone said we changed completely when David was born," Opal said. "I don't know how we changed or how much, but Earl's mother said we did."

With only two years between the births of Joe and Phillip, Opal referred to this almost like raising twins.

"It would have been nice to have had a girl," Opal said. "But little boys are nice too, and I enjoyed my boys."

"But, we were ready for a girl when Amber came along," Earl said.

"We have three grandchildren, Amber, James and Matthew, and a great-grandson, Will," Opal added.

Earl and Opal said their marriage had not been different from most couples who have been married for many years. They don't have a magic formula to explain the success of their marriage. They just took their wedding vows seriously.

"We never thought of divorce like young couples do today," Opal said. "We got married 61-years ago to stay married. You have your differences but you work through them."

"They should try to work their problems out," Earl added.

"Couples should not be so quick to get a divorce. If everything does not fall into place for them, they'd get divorced," she added. "But there are some situations when a divorce is the only way."

Opal feels it is important for young wives to develop their own lives and interests. "Married couples should be able to work together, but women need their independence."

Their faith and dedication to their church, Lick Fork Community Missionary Baptist, where they have been members for more

than 50 years, has contributed to and played a major role in the success of their lives and marriage.

Although both are in good health, Earl has slowed down some since retiring, but still goes into the office daily "to check on the boys."

"It is nice having him home," Opal said. "Before he was always working at the business or the farm."

Opal spends three days a week enjoying and caring for great-grandson Will, the latest boy in the Williams' family.

When Will's mother, Amber, was asked to comment on her grandparents she said, "Eric and I were like them (referring to her grandparents), we were married seven years before Will came along. I think it is amazing to have been married for so many years and raised three sons that have been very successful. They were taught good work ethics (which) they are passing on to their children."

"It has been a good life," Opal said.

"We have had a good married life. It does not seem like 61 years; it has went by fast," Earl added.

#### COMMEMORATING THE 70TH ANNIVERSARY OF THE JAPANESE ATTACK ON PEARL HARBOR

Mr. LUGAR. Mr. President, on December 7, 70 years ago, just before 8 in the morning local time, the first wave of 183 Japanese imperial aircraft descended upon the United States naval base at Pearl Harbor. A second wave of 170 aircraft followed to make sure that as much damage was done as possible. Within 2 hours, this unwarranted act of aggression left four U.S. Navy battleships, three cruisers, three destroyers, an anti aircraft training ship, one minelayer and 188 U.S. aircraft destroyed. The attack left devastation and havoc in its wake, taking the lives of 2,402 Americans and wounding 1,282. The Imperial Japanese Navy conducted this attack in order to limit U.S. military intervention capabilities in respect to Japanese imperial ambitions in the Pacific arena.

On that day that President Roosevelt so aptly said would "live in infamy," the Japanese Empire left something behind amongst the smoldering ruins of our Navy. They left behind a unified people in which they "awakened the beast." Out of the ashes of Pearl Harbor was reborn an even stronger American Navy, economy, and people.

For the younger generations of today, Pearl Harbor was a remote event in an era long gone. But to people like Army PFC. Merle Berdine, of Valparaiso, IN, who was sitting in the warm Hawaiian sunshine in front of his barracks at Fort Kamehameha that fateful Sunday morning, this act of aggression was an attack on the present. Pearl Harbor wasn't just part of his collective history that he shared with his nation, it became part of his personal history, shaping and defining him. At 7:54 a.m. Merle was a soldier going through his daily routine and finishing up his 1-year rotation at Pearl Harbor. At 7:55 a.m. he was a man under attack in a nation at war, digging a trench to withstand the bombardment and wondering whether he

was going to see his family again. By 11 a.m., he was dealing with a new reality, one in which he was saying goodbye to more than 2,000 of his brothers. Within 24 hours, he was a soldier for a nation at war with Japan, within 48 hours, that war had grown.

We as a nation oftentimes take the sacrifice Merle and his fellow servicemembers have made for granted. They sacrificed their time, their personal health, and far too often their lives to let us as a nation live free and prosper. Without their sacrifices we would be living in a very different world today and no amount of gratitude can ever be enough. But we must try, and we must, most importantly, remember.

I am proud to say that, at last count, 60 of these heroes who experienced the horror of Pearl Harbor call Indiana home. But, as with all World War II veterans, this proud generation is shrinking. Just last year, six Pearl Harbor veterans passed away in our State. According to the Pearl Harbor Survivors, only 25 of them are able to be active members of their community. The rapid decline and increasing immobility of this generation poses many dangers to the memory of Pearl Harbor.

Today, we remember their sacrifice, we discuss the events of the day, the lessons of history are reviewed, we collectively remember, and, if you know a veteran of Pearl Harbor, we should slow down and listen before the opportunity passes.

Since 2002, I have been leading the effort in Indiana to record oral history interviews with Pearl Harbor survivors and all veterans as part of the Library of Congress Veterans History Project. In addition to the stories of 104 Hoosier Pearl Harbor survivors already archived at the Library of Congress, I have submitted the histories of over 10,000 veterans for permanent inclusion in our national history. As a veteran of the U.S. Navy, I know the memories and life changing experiences gained from serving our country, and I am pleased to help ensure that Hoosier veterans are able to record their personal stories so that we can all learn about and appreciate their tremendous sacrifice.

One of the most important lessons of Pearl Harbor was that the adversaries of the United States are multiple and active. We learned that we must always be prepared. On September 11, 2001, we were painfully reminded of these lessons.

As we recognize these historical events, I call attention to the 97,800 military personnel who today are on the ground in Afghanistan, with a total of 129,200 deployed to the region aboard ships at sea, on bases, and at air stations in the region supporting Operation Enduring Freedom. We are down now to only about 12,500 military personnel deployed to Iraq, yet some 79,105 are still deployed to the region aboard ships at sea, on bases, and air stations in support of the redeployment of that

force. Since 2003, 4,474 have been killed in Iraq operations, and 1,733 have been killed in Afghanistan since 2001.

These men and women continue to answer the call to serve a cause greater than themselves, as those men did that fateful day in Pearl Harbor 70 years ago. I ask my colleagues to join me in humbly honoring Private First Class Berdine and all those who have and continue to serve our Nation in uniform for their inspirational service.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE MISSION CONTINUES

• Mr. BLUNT. Mr. President, on Veterans Day, November 11, 2011, I was fortunate enough to attend a service project at Walnut Grove Elementary School in St. Louis, MO, alongside nearly 100 veteran and civilian volunteers. These volunteers recognized that Veterans Day is not just an opportunity to thank veterans but also an opportunity to recognize them as the civic assets they are and to demonstrate that their skills and leadership are very much needed in our communities. This group spent nearly 7 hours working on a wide variety of academic and artistic projects that will improve the learning environment at Walnut Grove Elementary.

This experience was only possible through a Missouri organization called The Mission Continues, headquartered in St. Louis. Founded in 2007 after CEO Eric Greitens returned home from service in Iraq as a Navy SEAL, The Mission Continues is the only national nonprofit dedicated to empowering post-9/11 veterans to rebuild purpose through community service. They have recognized that many veterans struggle to find purpose at home without the structure, mission, and camaraderie of a military unit. The Mission Continues challenges our veterans to apply their military skill sets to address critical needs within our communities by serving as citizen leaders. This unique approach gives veterans renewed purpose and strengthens our communities for future generations.

The Mission Continues engages post-9/11 veterans to serve in their communities through 28-week service fellowships at nonprofit organizations. This fellowship program provides our former military men and women with the opportunity to translate their military experience into civilian skills. To date, The Mission Continues has awarded nearly 200 successful fellowships in 30 States and the District of Columbia. Additionally, the organization recognizes our veterans as civic assets and brings veterans and civilians together to serve their country by leading in their local communities.

We must remind ourselves that while our veterans are often told “thank you,” they also need to hear, “we still need you.” Through their work, The

Mission Continues is fundamentally changing the way our Nation welcomes home our servicemembers. In addition to the fellowship program, they are contributing to comprehensive academic research, have established innovative partnerships between public and private organizations that support our veterans in their transition, and provide an experienced voice as the Nation tackles veterans’ issues.

I encourage my colleagues in the Senate to recognize the work that The Mission Continues performs every day. As a nation, we are all invested in the post-military careers of the men and women in uniform who have defended our country. I encourage all Members to stand with The Mission Continues as they challenge our veterans to be citizen leaders in their communities.●

##### CELEBRATING THE PUBLIC SERVICE OF DR. HAL COHEN

• Mr. CARDIN. Mr. President, today I rise to celebrate the distinguished career of Dr. Hal Cohen, an internationally renowned economist and professor, devoted husband, father, and grandfather, and my good friend.

Harold Allen Cohen was born in New York on April 21, 1938. After earning his B.A. from the college that is now known as SUNY-Binghamton and his M.A. from Cornell University, Hal began his career in health care financing and public policy by earning a Ph.D. from Cornell University in 1967. After completing his education, he was awarded a prestigious fellowship with the National Science Foundation from 1969 to 1971, which he followed with a year-long stint as an associate at the Danforth Foundation while teaching economics at the University of Georgia, first as an assistant and then as an associate professor.

Hal then took a position that would come to define his career. In 1972, he moved to Baltimore to become the executive director and founding member of the Health Services Cost Review Commission, or HSCRC, the State agency that regulates hospital rates in Maryland. As a member of the Maryland House of Delegates, I worked closely with Dr. Cohen during the formative years of the HSCRC, and while he is quick to say that he was surrounded by a tremendous group of colleagues, it was his leadership that cemented the HSCRC as a Maryland institution. His insight was and continues to be invaluable in containing hospital cost growth. Dr. Cohen worked to ensure that hospitals could provide efficient, high quality care to every Marylander as he focused on ensuring that hospital financing options were fair, accessible and equitable. Since 1976, the HSCRC has financed nearly \$1 billion in uncompensated care, improving access for underinsured and uninsured Marylanders, and supporting hospitals’ social mission while providing them greater financial stability.

Since 1977, Maryland hospitals have been paid on the basis of the rates established by the HSCRC, ensuring that Maryland's health costs are kept low, and that its health system is tailored to the needs of its citizens. Under Hal's leadership, the State of Maryland has saved over \$47 billion since 1976. The HSCRC has been essential in ensuring that each hospital in Maryland provides comprehensive care that includes assistance for the underinsured, as well as incorporating teaching and research programs into the structure of the hospital center.

As Executive Director of the HSCRC, Dr. Cohen ushered the organization through its first 15 years. He worked to ensure that the agency would work well with Maryland hospitals, the Maryland State Legislature, and most importantly, for Maryland's citizens in a transparent and accountable fashion. The independent nature of the HSCRC allows the agency the ability to advocate for and support a legislative agenda, and Dr. Cohen used this ability over the length of his career to fight for fair and sustainable pricing structures that support hospitals and patients.

The system set up by the HSCRC was so well-conceived that it has succeeded for nearly 35 years. All-payer rate setting is now being discussed by many leading health economists as an effective way to control the unsustainable growth in health care costs.

Dr. Cohen's base of knowledge has been widely sought. He has served on three Federal committees, and he was a founding appointee to the Prospective Payment Assessment Commission—ProPAC. He has also served as a member of the National Committee on Rural Health, the National Committee of Vital and Health Statistics, and he served as Commissioner of the Maryland Health Care Access and Cost Commission from 1993 to 1998. As Commissioner, he played a key role in improving quality and expanding health care access, by initiating HMO report cards to evaluate quality and establishing a small group market system to make insurance more affordable for small businesses.

In 1985, 2 years before he would step down as the Executive Director of HSCRC, he founded Hal Cohen, Inc., a health care consulting firm located in Baltimore, MD to offer consulting services in the areas of hospital financing and public policy. He has served clients from every corner of the industry and all over the country, from the Federal Government to private insurers, from HMOs to self-insured companies.

In addition to his significant and long-lasting professional impact, Dr. Hal Cohen is known throughout Baltimore as a loving husband and father. Hal and his wife, Jo, have been married for more than 50 years, and their family has grown to include their children—Robb, Gail, David, Heather, and Amy—and their five grandchildren—Lizzie, Alex, Max, Zhi, and Olive.

Dr. Cohen's extensive work will continue to make Maryland a better place

to live. His essential leadership was crucial in building the HSCRC as a force for fairness in health care pricing and for expanding patient access to health care. I thank him for his long service, and I congratulate him on his many years of putting the people of Maryland first—he is a public servant of the highest caliber, and I am proud to call him my trusted advisor and dear friend.●

#### TRIBUTE TO NANCY BERGMANN

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Nancy Bergmann's retirement after 26 years of dedicated and effective service.

For the past 18 years, Nancy has represented the Idaho National Laboratory, INL, in promoting economic development, expanding technology business sectors and creating understanding about the nuclear and energy missions at INL. Nancy is a well-known and endearing figure in Idaho's high-technology business community. During her career, she has made a significant impact in helping small businesses, nurturing entrepreneurs, and aiding communities in increasing their technology business base. Previously, she initiated Idaho's Hispanic Youth Symposium while managing INL's diversity program in human resources, which also was recognized by President George H.W. Bush for excellence. With more than 30 years of involvement in serving United Way and community service, Nancy also has been appointed to more than 25 boards and commissions, including the Idaho Rural Partnership, Idaho TechConnect, and many more.

Nancy has also been instrumental in organizing regional economic development offices throughout Idaho. In addition to serving on the National United Way Board of America, Nancy has been named INL's Woman of the Year, Idaho's Business Woman of the Year, and 2008 Idaho Business Review Woman of the Year. On November 18, 2011, the Southern Idaho Economic Development Organization honored Nancy for a decade of support by establishing the Nancy Bergmann/INL Math & Science Scholarship, managed by the College of Southern Idaho Foundation.

We wish Nancy an enjoyable retirement and a wonderful time with her family, including five granddaughters. We hope that retirement will provide Nancy with more opportunities to enjoy Idaho's magnificent sunsets. Congratulations to Nancy for achieving this milestone, and thank you, Nancy, for your outstanding service to Idaho communities.●

#### RECOGNIZING THE CHILDREN'S HOME SOCIETY

● Mr. MANCHIN. Mr. President, I rise to give a voice to the countless children in need of good homes all across this country and to recognize an orga-

nization in my State that helps provide these children with a safe environment and a nurturing family.

The Children's Home Society has served West Virginia for 115 years. This organization has 12 locations all across our State that work to meet one critical mission: finding homes for children who don't have a loving place to live.

I have always said the best investment we can make in our country is an investment in the next generation, and that starts with making sure each of our children has a place to call home. That is why the work of the Children's Home Society is so important.

More than 400 children in my home State of West Virginia are currently living in a foster home. For many of them, it is the first time they have received a safe place to live and loving care. The Children's Home Society has worked tirelessly on their behalf. Their programs range from emergency shelters to foster and adoption services and mentoring. The organization exists to help care for, protect, and nurture children, as well as strengthen and protect families.

The Children's Home Society has also worked vigorously to build awareness throughout our State. This fall the organization hosted the Footsteps for Foster Kids Festival, an event created to illustrate the need for foster families in West Virginia and recruit families who can provide loving homes for children. All day long, children and families had opportunities to participate in various activities at the festival, including paddle boat races and fishing competitions. More than 400 people attended, and the Children's Home Society was able to reach out to new families interested in opening their homes to children in need.

In fact, the idea for the Footsteps for Foster Kids Festival first came from our young people, when 10 area youth called the Band Together Organization worked with the Children's Home Society to make the day a true success. They are an inspiring group, and we are all proud of their efforts and service to the community.

I would like to congratulate the Children's Home Society for their legacy of impressive and meaningful work and thank the Band Together Organization for the commitment they have demonstrated to improving the lives of children. Your example serves our State and our Nation well.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or

to perform a homeland defense activity for not less than 90 days.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1944. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4186. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Daniel J. Darnell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4187. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4188. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (9) officers authorized to wear the insignia of the grade of major general, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4189. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4190. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Consolidated and Further Continuing Appropriations Act, FY 2012 (P.L. 112-55); to the Committee on the Budget.

EC-4191. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts" (RIN1904-AB50) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4192. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment" (RIN1904-AC56) received in the Office of the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4193. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Bidding by Affiliates in Open Seasons for Pipeline Capacity" (RIN1902-AE39) received in the Office of

the President of the Senate on December 1, 2011; to the Committee on Energy and Natural Resources.

EC-4194. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "U.S. Department of Energy Fiscal Year 2010 Methane Hydrate Program Report to Congress"; to the Committee on Energy and Natural Resources.

EC-4195. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Non-attainment Area" (FRL No. 9495-7) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4196. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treasury Inflation-Protected Securities Issued at a Premium" ((RIN1545-BK46) (TD 9561)) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC-4197. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2011 Base Period T-Bill Rate" (Rev. Rul. 2011-30) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Finance.

EC-4198. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2011 report (covering trade in calendar year 2010) relative to the impact of the Andean Trade Preference Act on U.S. trade and employment; to the Committee on Finance.

EC-4199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the implementation of the Danger Pay Allowance for Damascus, Syria; to the Committee on Foreign Relations.

EC-4200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Weapon Mount Component for a Stabilized Remotely Operated Weapons System (SRWS) Gimbal components in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4201. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communique" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-4202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certifi-

cation of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture Raytheon Designed Radios and the incorporation of Have Quick I/II Electronic Counter Counter-Measure (ECCM) Software Object Code to government end-user Turkey; to the Committee on Foreign Relations.

EC-4203. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act" (RIN0938-AQ71) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4204. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans" (RIN0938-AR35) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4205. A communication from the Special Advisor to the Secretary of the Treasury for the Consumer Financial Protection Bureau, transmitting, pursuant to law, the Semiannual Report by the Federal Reserve Board Office of Inspector General regarding the Consumer Financial Protection Bureau for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4206. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4207. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4208. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-4209. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Administrator's Semiannual Management Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-4210. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Fourth Quarter Fiscal Year 2011 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-4211. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a Quarterly Report to Congress on the activities of the Department of

Homeland Security Office for Civil Rights and Civil Liberties during the third quarter of fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4212. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4213. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4214. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4215. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4216. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General and a Management Report for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4217. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the Performance and Accountability Report for the Office of Government Ethics for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4218. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4219. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance and Accountability Report for fiscal year 2011; 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. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, and Mr. BROWN of Massachusetts):

S. 1947. A bill to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mr. WICKER):

S. 1948. A bill to establish an Innovation in Investment pilot program, to improve and expand a national registered apprenticeship program, to provide for State Workforce Education and Training Advisory Committees, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself and Mr. MENENDEZ):

S. Res. 344. A resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 241

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 241, a bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

S. 306

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 581

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 752

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1069

At the request of Ms. CANTWELL, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1108

At the request of Mr. SANDERS, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1108, a bill to provide local communities with tools to make solar permitting more efficient, and for other purposes.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1190

At the request of Mr. BLUNT, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1360

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1397

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1397, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1465

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1465, a bill to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships, and for other purposes.

S. 1544

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1634

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1634, a bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1711

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1711, a bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1886

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1944

At the request of Mr. CASEY, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Iowa (Mr. HARKIN) were added as co-

sponsors of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. RES. 297

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 342

At the request of Mr. RUBIO, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 342, a resolution honoring the life and legacy of Laura Pollan.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 344—SUPPORTING THE DEMOCRATIC ASPIRATIONS OF THE NICARAGUAN PEOPLE AND CALLING ATTENTION TO THE DETERIORATION OF CONSTITUTIONAL ORDER IN NICARAGUA

Mr. RUBIO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S.RES. 344

Whereas in January 2007, President Daniel Ortega was inaugurated to a second 5-year presidential term, having served as President from 1985 to 1990;

Whereas as a result of widespread electoral fraud during the November 2008 municipal elections, Nicaragua lost more than \$100,000,000 in international assistance and a \$175,000,000 Millennium Challenge Compact was suspended;

Whereas Article 147 of the Constitution of Nicaragua states that a candidate cannot serve consecutively as President and that a President cannot serve more than 2 terms;

Whereas on October 19, 2009, the Sandinista-controlled Constitutional Chamber of the Supreme Court of Nicaragua issued a controversial ruling that partially annulled Article 147 of the Constitution of Nicaragua and allowed Daniel Ortega to run for a third presidential term;

Whereas the Department of State called the October 2009 Supreme Court ruling "... part of a larger pattern of questionable and irregular governmental actions, beginning before the flawed municipal elections of November 2008, that threatens to undermine the foundations of Nicaraguan democracy and calls into question the Nicaraguan government's commitment to uphold the Inter-American Democratic Charter";

Whereas the Constitution of Nicaragua gives the National Assembly sole power to elect Supreme Court magistrates, Supreme Electoral Council magistrates, and other national public officials;

Whereas in January 2010, President Ortega issued a decree that circumvented the National Assembly and indefinitely extended

the terms of 25 incumbent public officials, including members of the Supreme Court and the Supreme Electoral Council;

Whereas in August 2011, the Supreme Electoral Council announced that all international and national observers will be a part of the election and monitor the process under the mandate of an "accompaniment ruling", which included 25 articles, establishing, among other restrictions, who can participate, what their functions may be, the limits of their actions, and the process of accreditation to become an official observer;

Whereas on November 10, 2011, the Department of State noted ". . . the Nicaraguan Government's failure to accredit certain credible domestic organizations as observers, difficulties voters faced in obtaining proper identification and pronouncements by Nicaraguan authorities that electoral candidates might be disqualified after the elections" and agreed that "the Supreme Electoral Council did not operate in a transparent and impartial manner";

Whereas the European Union Election Observing Mission to Nicaragua noted that elections had been supervised by "electoral authorities with very little independence and equanimity" and it further deemed a "grave reversal to the democratic quality of Nicaraguan elections";

Whereas during the 2011 general elections in Nicaragua, the Mission of Electoral Accompaniment of the Organization of American States noted several "situations of concern", including problems providing identification cards to voters, the accreditation of observers, and imbalances in the political parties present at polling stations;

Whereas the Organization of American States called upon Nicaraguan authorities to investigate acts of violence perpetrated on election day; and

Whereas as a member of the Organization of American States and signatory to the Inter-American Democratic Charter, the Nicaraguan Government has the legal responsibility to abide by the principles of constitutional, representative democracy, which includes free and fair elections and adherence to their own constitution: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the democratic aspirations of the people of Nicaragua;

(2) deplors the interruption of constitutional order in Nicaragua that led to the fraudulent reelection of Daniel Ortega on November 6, 2011, elections;

(3) condemns the acts of violence perpetrated on election day and calls upon Nicaraguan authorities to fully investigate and prosecute those responsible;

(4) urges President Barack Obama and Secretary of State Hillary Clinton to take immediate and meaningful measures to encourage the restoration of constitutional rule in Nicaragua, including opposing loans by international financial institutions to the Nicaraguan Government;

(5) urges the immediate issuance of a final report on the Mission of Electoral Accompaniment of the Organization of American States, including a detailed report on constitutional irregularities impacting the preelectoral phase in Nicaragua; and

(6) urges the United States Ambassador to the Organization of American States to lead an effort to use the full power of the organization in support of meaningful steps to restore democracy and the rule of law in Nicaragua in accordance to the Inter-American Democratic Charter, including formally suspending the Nicaraguan Government under Articles 20 and 21 of the Inter-American Democratic Charter.

## NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Children and Families of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, December 13, 2011, at 10:15 a.m. in SD-106 to conduct a hearing entitled "Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence."

For further information regarding this hearing, please contact the subcommittee staff on (202) 224-9243.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 6, 2011, at 2:15 p.m. in S-115.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. LEAHY. 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 December 6, 2011, at 10 a.m., to conduct a hearing entitled "Continued Oversight of the Implementation of the Wall Street Reform Act."

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 6, 2011, at 10:00 a.m., in room HVC-210 of the Capitol Visitor Center, to conduct a hearing entitled "Tax Reform and the Tax Treatment of Financial Products."

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

AD HOC SUBCOMMITTEE ON CONTRACTING  
OVERSIGHT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 6, 2011, at 10:00 a.m. to conduct a hearing entitled, "Whistleblower Protections for Government Contractors."

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT  
AND THE COURTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate,

on December 6, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Access to the Court: Televising the Supreme Court."

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION  
POLICY, AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on December 6, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Express Scripts/Medco Merger: Cost Savings for Consumers or More Profits for the Middleman?"

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

SUBCOMMITTEE ON CONSUMER PROTECTION,  
PRODUCT SAFETY, AND INSURANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate, on December 6, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Contaminated Drywall: Examining the Current Health, Housing and Product Safety Issues Facing Homeowners."

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

## UNANIMOUS CONSENT AGREEMENT—H.R. 1540

Mr. BENNET. Mr. President, I ask unanimous consent that H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, be printed as passed by the Senate on December 1, 2011.

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

Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, DECEMBER 7, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 11:30 a.m. on Wednesday, December 7, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business, 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 second 30 minutes.

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

PROGRAM

Mr. BENNET. As a reminder, the majority leader filed cloture on the

Cordray nomination. Unless an agreement is reached, that vote will be Thursday morning.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before

the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Wednesday, December 7, 2011, at 11:30 a.m.

## EXTENSIONS OF REMARKS

CONGRATULATING CALEB  
WILFONG

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Caleb Wilfong of the Rock Bridge High School Bruins Boys Cross Country team for winning the individual Class 4 Missouri State Championship.

Mr. Wilfong should be commended for all of his hard work throughout the regular season and bringing home the individual state title to his school, family and community. At the State Cross Country Championships in Jefferson City, Caleb won the individual state title with a time of 15 minutes 54.13 seconds. He holds Rock Bridge's school record for a 3.1-mile race and is the school's second individual cross country champion.

I ask that you join me in recognizing Caleb Wilfong for a job well done.

IN HONOR OF DR. BOB CURRY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. FARR. Mr. Speaker, I rise today to honor the long and distinguished career of Dr. Robert Curry. Dr. Curry, a prominent professor of hydrology and geology at both the University of California at Santa Cruz and California State University at Monterey Bay, has spent his entire professional life teaching generations of students how human activity can change the earth's surface. He has also spent countless hours, many without pay, working for conservation organizations on issues ranging from soil conservation, wetland preservation, water quality, to endangered species protection. Dr. Curry is truly a modern renaissance man. He has mastered many disciplines, including hydrology, geology, fluvial geomorphology, climatic history, wetland delineation, forest ecology, and geologic hazard evaluation. It is important we honor his vision, dedication, and tenacity in doing as much as humanly possible to protect the natural environment from unnecessary harm.

Dr. Curry is a native Californian, raised in the Sierra Nevada area of eastern California where both sets of grandparents instilled in him a love of natural history, hiking and camping. Dr. Curry and his three younger siblings, Barbara, Judy, and Joe as well as aunts, uncles and many cousins have deep roots in the land. He ultimately completed his doctoral dissertation on the climatic history of the Sierra Nevada and his parents are now buried at high elevation in what is now a Wilderness Area.

Dr. Curry studied at the undergraduate and masters level at the University of Colorado. He

later earned a Ph.D in Geology and Geophysics at UC Berkeley, where he helped draft California's Forest Practices Act. Dr. Curry subsequently taught for over 45 years, beginning at UC Santa Barbara. He later served as Provost and professor at UC Santa Cruz before joining the California State University Monterey Bay faculty where he created the Watershed Science curriculum.

Perhaps his most significant contribution was the cooperative authorship of Section 102(2)(c) of the National Environmental Policy Act. In 1969, Dr. Curry served as the initial science advisor to the U.S. Senate Public Works Committee following its review of the Santa Barbara Oil Spill. Working with Senator Ed Muskie, chairman of the Air and Water Pollution Subcommittee who was drafting the National Environmental Policy Act, Dr. Curry's work led to the clause that says if public funds are used to develop information about projects of national interest that could guide public policy, the information must be released to the public. This became the basis for the Environmental Impact Statement, which has served the public by bringing transparency to the policy process.

Mr. Speaker, I know I speak for the whole House in honoring the career of this remarkable scientist and conservation leader. California, and indeed the world, are better for his efforts.

HONORING THE LIFE OF SHERIDAN  
FIRE CHIEF JEFFREY D.  
ROBERTS

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. HIGGINS. Mr. Speaker, I rise today to commemorate the death and celebrate the life of Sheridan Fire Chief Jeffrey D. Roberts.

Chief Roberts had served as an officer in the 45-member volunteer fire department for the past six years, and two years ago was elected chief. In addition to his fire service, Chief Roberts served Chautauqua County taxpayers as a member of the Chautauqua County Department of Public Works.

A devoted husband and father, Chief Roberts leaves behind his wife Katie and children, Alexis and Berkley. A tremendously well-liked and well-respected leader in our volunteer fire corps in Western New York, Chief Roberts' untimely passing is indeed a tragedy, and the entire Western New York community joins with Katie, Alexis and Berkley in mourning the Chief's death.

Mr. Speaker, it is with profound sadness, but also with pride that I ask you, and all of the members of the House, to join with me in celebrating the life of Chief Jeffrey Roberts, and to join with his family in remembering him as a dedicated and fearless public servant, and a proud member of our Western New York community.

RECOGNIZING LAWRENCE A.  
SOLBERG, MD, PHD, FOR HIS  
SERVICE TO THE FIELD OF HE-  
MATOLOGY AND PRACTICE OF  
MEDICINE

**HON. ANDER CRENSHAW**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. CRENSHAW. Mr. Speaker, I rise today to recognize the achievements of Dr. Lawrence A. Solberg, a Floridian who has dedicated his professional life to biomedical research and medicine.

Having published numerous articles in various publications and scientific journals and received professional recognition and honors from a number of organizations, Dr. Solberg has accomplished an extraordinary number of professional milestones and achievements.

Dr. Solberg is a hematologist currently in the Division of Hematology-Oncology at the Mayo Clinic in Jacksonville, Florida. He also serves as Vice-Chair of the Research Operations Management Team and Chair of the Clinical Research Subcommittee of the Mayo Clinic in Florida. Dr. Solberg previously served as Director of the Blood and Marrow Transplantation Program of the Mayo Clinic in Florida. As Professor of Medicine in the Mayo Clinic College of Medicine, Dr. Solberg has shown great commitment to educating our next generation of physicians and researchers, while continuing treatment of patients and his own research.

Service to the greater community is another attribute of Dr. Solberg's career. This is reflected in his service as Chair of the Board of Directors of Community Hospice of Northeast Florida for six years. Community Hospice of Northeast Florida is one of the largest non-profit hospices in the United States operating in 5 counties and serving up to 1000 patients, including 100 children, every day.

For the past four years, Dr. Solberg has chaired the Committee on Practice of the American Society of Hematology and has led the Society's efforts to educate Members of Congress about hematology and issues of concern to practitioners, such as Medicare physician payment, reimbursement of chemotherapy drugs, and the importance of clinical trials. In this capacity, Dr. Solberg has visited with me and my staff to educate us about the critical issues facing hematologists and patients in Florida and throughout the United States. Dr. Solberg has advised the Food & Drug Administration about how to address the current shortages of life-saving drugs; and has served on both public and private sector panels addressing how to improve the quality of care for patients.

Dr. Solberg is a superb advocate for his patients and his profession and his work has helped enhance the health and wellbeing of Floridians and all Americans. I am grateful for his lifetime contribution to field and practice of hematology.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING LIEUTENANT COMMANDER JASON M. WOOD, UNITED STATES NAVY

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. WITTMAN. Mr. Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Commander Jason M. Wood, United States Navy.

For the past year, Lieutenant Commander Wood served on my staff as a Congressional Defense Fellow. During his assignment, he served as a senior member of my staff responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Commander Wood executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Chairman and the Co-Chair of the Congressional Shipbuilding Caucus.

Lieutenant Commander Wood directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Commander Wood took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Commander Wood's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Commander Wood and his beautiful young family for the service and sacrifice they make for our nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the 1st District of Virginia. After spending eight of the last ten years stationed in Hawaii, which included three combat deployments to Afghanistan and a 12 month deployment to Bahrain, Lieutenant Commander Wood is headed to the N88 staff at the Pentagon. After that tour Lieutenant Commander Wood will return to the sky and to leading Sailors as he goes back in to harm's way to execute his trade as Naval Aviator. I have no doubt that Lieutenant Commander Wood will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Commander Jason Wood are members of our all-volunteer force and they stand ready to defend our country and take the fight to our enemies; far away

from their families and the comforts of the United States of America.

Lieutenant Commander Wood, thank you. Best of luck to you and God bless you, your family, and your fellow men and women in uniform.

RECOGNIZING THE CITY OF OWENSVILLE ON ITS CENTENNIAL ANNIVERSARY

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the City of Owensville, located in Gasconade County in Missouri, as the community celebrates its centennial anniversary this year.

What is now the City of Owensville began as an early trail called the Potosi to Boonslick Trail. Spurs from this main trail went to the current city, creating a crossroads that later became the St. Louis to Springfield Road and the St. James to Hermann Road called the "Iron Road."

The city was originally laid out in 1886 by the Owensville Improvement Company, whose owner, Francis Owen, is the town's namesake. Owensville was named from the horseshoe contest in 1847 by Francis Owen and Edward Luster. The contest was won by Mr. Luster, but he did not want the town named Lusterville, and, therefore, it was named "Owen'sville" in honor of his friend. Later it was condensed to Owensville. Owensville residents believe their city is the only place named as a result of a horseshoe pitching contest. Owensville was incorporated as a fourth-class city on May 27, 1911.

Over the past century, industries such as a corn cob pipe factory, a tomato cannery, shoe factories and clay mining supported the town. Today, the RR Donnelly printing company and Emhart Glass Manufacturing are located there. Owensville is a thriving town and a proud community of more than 2,500 residents.

In closing, I ask all my colleagues to join me in wishing the residents of the City of Owensville congratulations on their centennial anniversary.

THE 40TH ANNIVERSARY OF THE CASE OF LOUIS R. HARPER, ET. AL. V. MAYOR AND CITY OF BALTIMORE, ET. AL.

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the occasion of the 40th Anniversary of the case of Louis R. Harper, et. al. v. Mayor and City of Baltimore, et. al. This lawsuit, filed on December 6, 1971, to address discrimination within the Baltimore City Fire Department, BCFD, was the first federal lawsuit to combat discriminatory practices in hiring and promotion decisions in the public safety profession.

The BCFD hired its first African American fire fighters on October 15, 1953, from a group

of 41 men found eligible for appointment after the opportunity for them to take the entrance exam was opened in the summer of 1952. Almost 20 years later, one of those pioneering men became the architect behind the scenes of the legal action filed in 1971.

Mr. Charles R. Thomas was the founding president of the Vulcan Blazers Incorporated, the Baltimore City Chapter of the International Association of Black Professional Fire Fighters. Mr. Thomas approached Kenneth L. Johnson of the Johnson & Smith law firm asking if he would take on this monumental case. After hearing the facts of the case, Mr. Johnson and his law partner, Mr. Gerald A. Smith, agreed to take the case.

The named plaintiff in the case was Mr. Louis R. Harper, Jr. It was his bravery and selflessness that led the team of plaintiffs, including Mr. Thomas G. Deshields, Mr. Carl E. McDonald, and Mr. Alphonso Thornton. These BCFD members put their careers at risk to demand that the BCFD treat all employees equally.

This case addressed discrimination in the BCFD entrance examination and promotional practices. At the time of the lawsuit, the names of fully qualified African American candidates were marked in red by the civil service commission before being sent to the BCFD. The lawsuit also dealt with disparity in the Department's practices for disciplining African American fire fighters.

Upon the filing of the case, an injunction was issued to halt promotions into 44 newly created battalion chief positions. Finally, in the spring of 1973, Baltimore City was found guilty of discrimination in the management of the BCFD. Federal District Court Judge Joseph H. Young ordered a complete revamping of the Department's entrance examination and promotional procedures.

Since this lawsuit was concluded, the BCFD has appointed an African American Fire Chief and promoted several officers to all ranks as high as assistant chief.

Critically, the BCFD case win was just the beginning of Mr. Johnson and Mr. Smith's mission to eradicate discrimination from the public safety profession all along the east coast. This team went on to win fire department cases in Philadelphia, PA and Richmond, VA. They also won cases for African American Baltimore City Police Officers and workers at Bethlehem Steel.

As I close, I also celebrate the remarkable careers of those involved in this groundbreaking case.

The named plaintiff in the case, Mr. Louis R. Harper, Jr., became the first African American to be promoted to Captain in the Baltimore City Fire Department. The other named plaintiffs all retired with the rank of Captain with the exception of Mr. Carl McDonald, who retired as Assistant Chief.

Mr. Kenneth Johnson has retired from the position of Judge on Baltimore's Supreme Bench. Mr. Gerald A. Smith still practices law from his office in the Baltimore area.

These men are true heroes who opened the doors of opportunity to subsequent generations. I thank them for their service to Baltimore and to our nation—and for their willingness to lead the fight against injustice.

IN RECOGNITION OF THE RETIREMENT OF DR. DAVID L. GOETSCH

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Dr. David L. Goetsch upon his retirement as Vice President of Northwest Florida State College.

Throughout his career in Northwest Florida, Dr. Goetsch has epitomized professionalism and excellence in education. A Distinguished Alumnus of the University of West Florida, Dr. Goetsch was named as one of the school's top 40 alumni during its first 40 years. He has published more than 70 books on topics ranging from management, leadership and professional development to economic development and political science, and several of his best-sellers have been published in foreign languages.

In addition to his extraordinary academic portfolio, Dr. Goetsch has been recognized by many organizations for his excellence in the classroom. In 1984, Dr. Goetsch was named "America's Outstanding Technical Educator of the Year," and in 1986, he was named Florida's "Outstanding Technical Educator of the Year." He has also received numerous awards as "Instructor of the Year" from the University of West Florida, as well as Okaloosa Walton Junior College.

As an expert in Management and Leadership, Dr. Goetsch has applied his extensive knowledge to help businesses in Northwest Florida thrive and expand. Dr. Goetsch is the co-founder, and current Chairman of the Board, of the Economic Development Council serving Okaloosa County and its Technology Coast Manufacturing and Engineering Network (TeCMEN). He is a founding board member of the Walton Economic Development Alliance and has served as president of the Fort Walton Beach Chamber of Commerce, president of the Niceville-Valparaiso Chamber of Commerce, board member of the Crestview Chamber of Commerce, and board member of the Walton Chamber of Commerce.

Dr. Goetsch also calls on his patriotism and service as a United States Marine to support local military installations, missions and defense contractors. He currently serves on the three-county Defense Support Initiative in an ex officio position, and this year he was appointed by State Senator Mike Haridopolos to utilize his expertise as a member of Governor Rick Scott's Florida Defense Support Task Force.

Dr. Goetsch also spends valuable time serving throughout the community and has been recognized at both the local, state and national level. In 2005, Dr. Goetsch was awarded the "James Campbell Community Service Award" from the Niceville-Valparaiso-Bay Area Chamber of Commerce, and he also received the "Spirit of Freedom Award" from the Northwest Florida Daily News. In 2009, the Carnegie Foundation recognized Dr. Goetsch for "Outstanding Community Engagement."

Mr. Speaker, I am pleased to recognize the career and accomplishments of Dr. David L. Goetsch. His service to the academic and business communities in Northwest Florida is laudable. His expertise has helped small businesses, large corporations, cities, counties

and non-profits thrive, and his books have helped provide students worldwide with the tools to succeed. My wife Vicki and I wish him, his wife Deborah and daughter Savannah all the best.

TERMINATING PRESIDENTIAL  
ELECTION CAMPAIGN FUND AND  
ELECTION ASSISTANCE COMMISSION

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 1, 2011*

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3463, legislation that terminates taxpayer financing of presidential election campaigns and party conventions and the Election Assistance Commission.

Once again, the Republican Congress is bringing legislation to the floor that puts more control of our elections in the hands of big business. H.R. 3463 combines two bills that have previously been brought before this House that I opposed and that were roundly rejected by Democrats.

In the wake of the Watergate scandal, Congress established the current system of public financing of our presidential elections, enabling taxpayers to voluntarily contribute a small donation to the fund. While there has been bipartisan agreement that this system should be fixed, not eliminated, one of the Republican House majority's top priorities is, not to focus on creating jobs and building our economy but, to give corporate secret donors more control of our presidential elections.

The American people are rightly concerned that only big money and special interests get a hearing in Washington. The Supreme Court ruling in the Citizens United case opened the floodgates to greater influence by powerful special interests—effectively drowning out the voices of average Americans. Last year, House Democrats worked on bringing fairness and transparency to campaigns with passage of the bipartisan DISCLOSE Act, legislation that would ensure Americans' voices are not drowned out by corporate dollars.

Unfortunately, before us today is legislation that did not receive an opportunity for debate or amendment, which would make presidential candidates more dependent on big corporate money that corrupts our political system.

I urge my colleagues to oppose it.

HONORING THE LIFE AND  
ACHIEVEMENTS OF MR. DAVID J.  
COHN

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Mr. David J. Cohn, a small business owner and philanthropist from Forrest City, Arkansas who passed away on November 26. Mr. Cohn was a proud member of Temple Israel in Memphis, whose compassion and devotion to helping the less fortunate was well-known to those who knew him.

Mr. Cohn was born September 30, 1955, in Memphis, Tennessee. He was the proud owner and operator of Forest City Grocery Company and Tobacco Superstore, until illness forced him to spend less time at work. He was also a member of the Arkansas Oil Marketers Association, Retail Tobacco Dealers of America, the Associated Wholesale Grocers and served as President of the Forrest City Country Club. Despite his obligations to his business and to his organizations, Mr. Cohn found time to give back to his community through charity and supporting local universities' athletic programs.

Mr. Cohn was a philanthropist and gave to many causes in Forrest City. He established endowments with the St. Francis Community Foundation including the David Cohn "Wishes" Endowment which grants wishes to those most in need as well as many nonprofits. This endowment was set up by his wife Marsha and their children as a birthday gift because they knew how important giving back to the community was to David. Mr. Cohn was a proud supporter of the University of Arkansas Razorbacks and was an ambassador for the University of Memphis Athletic Department.

David Cohn passed away at the young age of 56 years of age. David Cohn is survived by his wife of 26 years, Marsha, one son, Perry Partain, three daughters, Hannah Reeves, Emily Cohn and Kelli Cohn, as well as his mother, Suzanne Cohn, two sisters, a brother and a host of nephews and a caretaker. Mr. Cohn's commitments to his family and community will be missed. His was a life well lived.

CONGRATULATING KALEB WILSON

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Kaleb Wilson of the Linn High School Wildcats Boys Cross Country team for winning the individual Class 1 Missouri State Championship.

Mr. Wilson should be commended for all of his hard work throughout the regular season and bringing home the individual state title to his school, family and community. At the State Cross Country Championships in Jefferson City, Kaleb completed the race with a time of 17 minutes 1.32 seconds. The victory led to his team's overall win, but it has also provided additional support and comfort to his family. Kaleb has dedicated this season, including his final championship race, to his cousin who is still in the hospital following a car accident in early September.

I ask that you join me in recognizing Kaleb Wilson for a job well done.

HONORING THE SERVICE OF  
ROBERT G. MAHONY

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. HOYER. Mr. Speaker, I rise to speak about an outstanding public servant who will

soon be retiring after nearly forty-eight years of service to our nation.

Robert G. Mahony was born and raised in Chicago, Illinois, and attended the University of Notre Dame. When he graduated, in 1961, Bob was commissioned a 2nd Lieutenant in the United States Army. He attended law school at Loyola University Chicago and earned his J.D. in 1965. For the following two years, Bob served on active duty, including a combat tour in Vietnam. After returning home, he became a member of the Army Reserves and transferred to the Judge Advocate General Corps.

Service in the military was only the beginning for Bob. In 1967, he began work as a trial attorney for the Criminal Division of the Department of Justice here in Washington. After nine years there, he spent a year in private practice and was subsequently appointed as an Administrative Law Judge at the Department of Labor, serving in that capacity for twenty years. Since 1997, Bob has been an Administrative Law Judge at the Securities and Exchange Commission.

Throughout his civilian career, Bob remained in the Army Reserves, serving with distinction as the Commander of the 10th Military Law Center and later as Staff Judge Advocate for the 97th Army Reserve Command at Fort Meade. He retired as a Colonel in 1991 and received the Legion of Merit for exceptionally meritorious conduct in the performance of outstanding services and achievements. Bob is also a holder of the Vietnam Service Medal, the National Defense Service Medal, and the Vietnam Campaign Medal from the former South Vietnamese government.

Bob's commitment to public service extends as well to involvement in the community. He has served for over three decades as an official of the Northern Virginia Swimming League and for over twenty-five years as a basketball coach with the Braddock Road Youth Club, Saint Mary's Academy in Alexandria, the Holy Spirit Catholic Church in Annandale, and the Holy Trinity School in Washington.

Bob and his wife, Margaret, have been married for forty-four years and instilled in their four children a love of public service. I have borne witness to this, since their daughter, Gina, used to work on my staff.

Bob Mahony will retire from government service on January 3 after forty-seven years, eleven months, and twelve days. I join in thanking him for his dedicated service to our country and wishing him all the best in his retirement. Like all of our public servants, he can look back on his career and know he made a real difference in the lives of many Americans and the life of our nation.

CONGRATULATING MARLENE  
BLUM FOR RECEIVING THE 2011  
LAWRENCE V. FOWLER AWARD

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to congratulate Marlene Blum on receiving the Lawrence V. Fowler Award. The Fairfax County, Virginia, government gives the Fowler award annually to a citizen volunteer who has served on a County board, authority

or commission and who has demonstrated exceptional service to the community.

Marlene has committed herself to volunteer service on the often-overlooked advisory boards and commissions that are nonetheless so vital to the functioning of a caring community. She has, through mastery of areas like health care and human services, given us a model of how a single person can affect policy and programs that improve the lives of our entire community. Her wisdom and counsel continue to be indispensable in everything Fairfax County does in health and human services.

I have been privileged to call Marlene a friend for many years now, and I have worked very closely with her on countless issues. Her dedication and hard work have been inspirational. Marlene has been a truly transformative figure, leading by deed and example, improving the lives of the very youngest to the very oldest.

Over the years, Marlene has served in a number of different roles on a number of different boards and committees, generously giving of her time and expertise. She was President of the Fairfax County Council of Parent Teacher Student Association and promoted student needs. As Chairman of the Fairfax County School Health Task Force, Marlene led the effort to place public health nurses in every school. She led the effort to create the Community Health Care Network which provides primary health care to uninsured and underinsured individuals. Marlene helped create the County's HIV/AIDS Task Force in 1989 providing prevention and education assistance. She served on the Planning Committee to End Homelessness, providing blueprint recommendations. Marlene was instrumental in the creation of the Medically Fragile Respite Program in 2006, providing medically needy homeless individuals with critically needed care. Marlene served as the first Chairman of the Consolidated Community Funding Pool Advisory Committee, providing funding allocation recommendations for the County's various human services needs and helping to establish a professional, nonpartisan procedure for allocating human services funding.

One cannot overstate the profound impact Marlene Blum has had on the daily lives of Fairfax County residents over her more than 20 years of service, and she is an indispensable resource for our community. She truly represents a living example that one determined citizen does make a difference. I ask my colleagues to join me in congratulating Marlene Blum for receiving the 2011 Lawrence V. Fowler award and to take this opportunity to recognize all of our tireless citizen volunteers who give of themselves to better our communities.

RECOGNIZING MRS. AUDREY  
QUARLES ANDERSON FOR HER  
CONTRIBUTIONS TO EDUCATION  
AND SERVICE IN HOLMES COUN-  
TY, MISSISSIPPI

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mrs. Audrey Quarles Anderson of Lexington, Mississippi.

Mrs. Anderson is the wife of Mr. Matt Anderson, mother to Shakita Quarles and Shakemia Anderson and grandmother to Cason Hughes. Mrs. Anderson is an active member of the Durant Church of Christ where she serves as Sunday school teacher and coordinator for several of the church's special events and projects.

Mrs. Anderson has devoted a great deal of her life to supporting and encouraging the youth of her community. She was named Mississippi's Second Congressional District Parent of the Year in recognition of her many contributions to protect the welfare of the children of her community.

She is co-founder of Coats for Kids, a program that provides coats to children who are in need within the Holmes County area. She is an adult volunteer with the Girl Scouts, area cheerleading squads, and the Community Students Learning Center After-School Tutorial program.

Mrs. Anderson is a 1989 graduate of Jacob J. McClain High School and is a strong proponent of education. She stands firmly on her beliefs in regard to education and is not afraid to vocalize it. Mrs. Anderson is not only a wife, parent, and grandparent, but she is also a very valuable asset to the Holmes County community.

Mr. Speaker, I ask that you and our colleagues join me in expressing my appreciation to Mrs. Audrey Quarles Anderson of Lexington, Mississippi for her commitment and servitude to the cause of education.

HONORING MARIE CLARKE ARTURI  
AND HER DAUGHTER, DANIELLA  
MARIA ARTURI

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to congratulate Mrs. Marie Clarke Arturi of Laurel, Suffolk County, New York, the recipient of the 2011 American Society of Hematology (ASH) Outstanding Service Award in recognition of her efforts over more than a decade to raise public awareness and increase scientific research for the rare bone marrow failure disorder, Diamond Blackfan Anemia (DBA).

Mrs. Arturi founded the Daniella Maria Arturi Foundation with her husband, Manny, in honor of their daughter Daniella's short but beautiful life, whose death from treatment complications of DBA on this day sixteen years ago, December 6, 1995. This marked the beginning of the Arturis' tireless efforts to improve the clinical care environment for those living with this disorder and to inspire a remarkable and growing field of researchers now dedicated to this field of science.

Mrs. Arturi's efforts have helped shine a light on the value of understanding rare diseases. By demonstrating DBA's complex link to red cell aplasia, birth defects, cancer predisposition, and the first human disease identified as a ribosomal protein defect disorder, her work has made DBA an important area of focus within the National Institutes of Health, the Centers for Disease Control and Prevention, and clinical and research communities worldwide. These efforts are now leading to

improvements in care and research for patients with blood disorders like DBA, while also leading to advanced research initiatives that are yielding clues to other, more widespread disease populations.

The 2011 Outstanding Service Award will be presented to Mrs. Arturi during the 53rd American Society of Hematology Annual Meeting in San Diego, California, on December 11, 2011.

Mr. Speaker, I ask my colleagues to join me today in congratulating Mrs. Marie Clarke Arturi and her family for their outstanding public service to rare disease communities and those living with Diamond Blackfan Anemia in honor of Daniella Maria Arturi.

RECOGNIZING MR. DENNIS ROBERTS, RECIPIENT OF THE DYNACORP INTERNATIONAL CHAIRMAN'S PURPLE STAR AWARD

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize Mr. Dennis Roberts for being the recipient of the DynCorp International Chairman's Purple Star Award. This award recognizes Mr. Roberts' courage and sacrifice while working as a security coordinator in Afghanistan.

The Chairman's Purple Star Award is the highest honor given by DynCorp to its employees. It recognizes individuals who have been killed or wounded while supporting a customer's mission for their exceptional sacrifice.

In February of 2010, Mr. Roberts was supporting our Armed Forces at Kandahar Air Field, Afghanistan. During a sudden rocket attack that was launched upon the installation, Mr. Roberts was struck and severely injured by the motor that separated from the rocket. It penetrated a nearby vehicle before striking Mr. Roberts, who suffered severe injuries to his chest, hand, and shoulder.

In the time since the attack, Mr. Roberts has overcome great hardship, undergoing numerous surgeries and completing extensive physical rehabilitation to recover from his injuries. He is also working towards his bachelor's degree and upon his expected graduation next year, hopes to use his education and experience to continue working to support America's security.

Mr. Speaker, it is an honor to recognize Dennis Roberts for receiving this award and I ask that my colleagues in the House of Representatives please join me in congratulating him.

COMMEMORATING WORLD WIDE SIRES 40TH ANNIVERSARY

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. NUNES. Mr. Speaker, I rise today to extend my congratulations to World Wide Sires as they celebrate their 40th anniversary.

World Wide Sires was established in 1971 in Hanford, California, a small town in the San

Joaquin Valley. From his home farm, founder Bill Clark recognized the benefits of genetic potential and its role in producing the most efficient and highest quality livestock. Today, World Wide Sires is the world's leading cattle genetics marketing organization with active markets in over 70 countries.

In 2001, World Wide Sires Inc. was purchased by Accelerated Genetics and Select Sires and became World Wide Sires Ltd. Still operating as a stand-alone company, World Wide Sires has continued to use the San Joaquin Valley as the hub for their growing international sales, maintaining headquarters in Visalia, California. During its 40 years, World Wide Sires has sold products in 108 countries, all from only a few miles away from founder Bill Clark's original home farm.

A leading exporter of US bovine genetic material, World Wide Sires remains committed to providing dairy and beef producers throughout the world with the highest quality genetics and services available. I applaud World Wide Sires for their hard work and dedication to the agricultural community, and I congratulate them on their 40th anniversary.

BURMA

**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. PITTS. Mr. Speaker, I am deeply concerned about the international community's recent trust in assurances that Burma is opening up to the world and becoming a true democracy in which the rights of all people in Burma are protected. There have been some positive steps taken recently by the dictators, however, until we see permanency in these changes, we would all do well to remain deeply cautious.

One important issue the Secretary of State addressed during her visit this week to Burma regarded the attacks by the dictatorship's troops against the ethnic minorities. It is vital, and I cannot emphasize this enough, that leaders of the various ethnic groups be included in any and all discussions, dialogue and decision about the future of Burma. I would call your attention to the call by the U.N. for a tri-partite dialogue—all three parties, the dictatorship, the democracy groups and the ethnic groups, must be included fully in all negotiations and agreements in order for true change to come to Burma. This is even more important when, during this visit and the recent ASEAN meetings, the dictatorship was violently attacking one or more ethnic groups.

A few years ago, I submitted a Statement for this Record describing the Advanced Light Helicopters that India sold to Burma. The dictators of Burma used these, plus other military hardware sold to them by a variety of nations against the ethnic minority civilian populations. The brutality of Burma's Generals against the ethnic minorities has not stopped, even during this time when they are allegedly making democratic reforms. Therefore, we as a democratic, free nation must be extremely careful of what the Generals are really up to—they haven't proven themselves trustworthy in the past.

I would like to submit for the RECORD, a short letter to the Secretary from Ms. Zipporah

Sein, Secretary General of the Karen National Union.

I urge the Secretary of State, when engaging in further dialogues with the Burmese government, to proceed with the utmost caution.

OFFICE OF THE SUPREME HEAD-  
QUARTERS, KAREN NATIONAL  
UNION, KAWTHOOLEI,

*November 25, 2011.*

Hon. HILLARY RODHAM CLINTON,  
*Secretary of State,*  
Washington, DC.

DEAR MADAM SECRETARY: Thank you for your constant support and encouragement for the people of Burma.

The leaders of the Karen National Union (KNU), welcome your engagement with the government of Burma and your leadership alongside Daw Aung San Suu Kyi to bring to the forefront the need to see an end to the ongoing conflicts in the ethnic states and an end to the oppression of all people inside Burma.

We the KNU would like to ask you to take the lead to recognize the desires of all the ethnic groups, both armed and unarmed, to be treated as equals in the effort to establish a genuine federal union: A union that recognizes the rule of law and recognizes the equality of all.

We invite you to meet with ethnic leaders from all of the ethnic organizations both armed and unarmed as we move forward to work toward a peaceful and stable nation where our citizens can truly be free from governmental oppression. We need your help and your engagement with all of us.

Sincerely,

ZIPPORAH SEIN,  
*General Secretary, Karen National Union.*

CONGRATULATING THE ROCK BRIDGE HIGH SCHOOL BRUINS BOYS CROSS COUNTRY TEAM

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rock Bridge High School Bruins Boys Cross Country team for winning the Class 4 Missouri State Championship.

The young men and their coaches should be commended for all of their hard work throughout the regular season and bringing home the state title to their school and community. At the State Cross Country Championships in Jefferson City, the Bruins won the state title with a score of 61, 28 points better than second place. They have made history for the school, as it is the Rock Bridge boys' first state title.

I ask that you join me in recognizing the Rock Bridge Bruins for a job well done!

HONORING LARENCE C. "LARRY" MAXWELL

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Larence C. "Larry"

Maxwell who served his country honorably from a very young age.

Larence C. "Larry" Maxwell entered the United States Army shortly after completing high school and began a journey that would see him serve in multiple wars and conflicts for thirty-two years throughout the world culminating with promotion to Command Sergeant Major, the highest enlisted rank in the Army.

The son of Andrew and Addie Maxwell of Chowchilla, Larry was born in Madera on December 21, 1946. He was raised in Chowchilla, where he attended elementary school and attended Le Grand High School. In 1965, he entered the Job Corps. In 1966, he was drafted at age nineteen and subsequently enlisted in the Army. He completed basic training at Fort Ord, California and then Advanced Individual Training at Fort Leonard Wood, Missouri, where he was selected for training as an Army Engineer Heavy Equipment Operator. His first duty assignment was with C Company, 94th Engineer Battalion in Nillingen, Germany, where he assisted in the construction of facilities for ammunition and equipment when France resigned from NATO.

Vietnam was the next tour for the young Army combat engineer. He was assigned to the 92nd engineer Battalion in January 1968 as a heavy equipment operator and squad leader. The 92nd was known as the "Black Diamonds" and gained a reputation as the "can do" unit during combat operations, earning fourteen battle streamers in Vietnam and four Meritorious Unit Commendations and the Vietnamese Civil Action Honor Medal First Class. Maxwell participated in the Tet Offensive and four more major campaigns until his tour ended in January 1969. He was wounded by enemy mortar fire in May 1968 and was medevaced to the Army hospital at Bien Hoa and after recovery from his wounds he returned to the 92nd for duty.

He concluded his twelve-month tour and returned stateside. He took a brief break from the Army for two years before re-enlisting in 1971, and was stationed at Fort Bliss, Texas, with the 68th engineer Company as a squad leader and heavy equipment operator, where he worked on numerous projects including those for the Bureau of Indian Affairs on the Mescalero Indian Reservation. After Fort Bliss, he received orders to report to the 598th Supply and Service Company in Kaiserslautern, Germany, where he assumed duties as Class 3 Distribution Chief. He subsequently was promoted to Assistant Platoon Sergeant of the Equipment Platoon with the 370th engineer company. While serving in Germany, his unit was designated as the best engineer company in the U.S. Army.

In 1975, he reported to B Company, 43rd engineer battalion, Fort Benning, Georgia, where he served initially as a squad leader and promoted to platoon sergeant. With obvious leadership qualities, he was assigned to the 36th Engineer Group as an instructor in the Basic Leadership Course. His superiors selected him to attend the Engineer Advanced Course at Fort Belvoir, Virginia. Upon completion of the Advanced Course, he was selected for Drill Sergeant School at Fort Leonard Wood, Missouri. After graduation from Drill Sergeant School, he served as Drill Sergeant from June 1979 to October 1982.

He returned to Germany as First Sergeant with the 58th Combat Engineer Mechanized 11th Armored Cavalry Regiment at Downs

Barracks, at Fulda, Germany. The unit was responsible for protecting the East/West German border. After completion of the tour with the 11th Armored, he found himself back at Fort Leonard Wood as First Sergeant of A Company, 6th Battalion, 10th Infantry Basic Training.

In June 1988, he was selected for the Sergeants Major Academy at Fort Bliss, Texas. After graduating from the Sergeants Major Academy in January 1989, he was assigned to Army forces at Camp Nimble in Korea as First Sergeant of B Company, 44th Engineer Battalion. The 44th had responsibilities for duties on the Demilitarized Zone (DMZ). In September 1989, he was promoted to Sergeant Major and served in the capacity in Korea at Camp Mercer.

After returning stateside, he assumed duties as Sergeant Major for the 535th Prime Power Detachment at Fort Monmouth, New Jersey. The 535th had teams stationed in Kentucky, Georgia, Virginia, New Jersey, Panama, and Germany.

At the beginning of the Gulf War, Maxwell was designated Command Sergeant Major. In the U.S. Army, the leadership position of Command Sergeant Major is the highest enlisted rank and acts as the senior enlisted advisor to the commanding officer and represents all the enlisted soldiers of the command.

Maxwell was made Battalion Sergeant Major of the 43rd Engineer Battalion and deployed to Saudi Arabia, where he became Command Sergeant Major of Task Force 43 assigned to echelons above corps during hostilities with Iraq.

After the Gulf War, he participated in disaster relief during Hurricane Andrew. He deployed to Somalia twice, first as Sergeant Major with Task Force 43, 10th Mountain Division, and the second time when his battalion was attached to United Nations' forces for the construction of Victory Base. He subsequently deployed to Panama and Costa Rica for civic action projects and construction of medical aid facilities. His last assignment was Command Sergeant Major of the 84th Engineer Battalion and Sergeant Major of the 45th Corps Support Group (Forward), with the Army's famed "Tropic Lightning" 25th Infantry Division at Schofield Barracks, Hawaii. While at Schofield, Maxwell deployed with units throughout the Philippines, and other areas. After thirty-two years of service to his country, he retired from the U.S. Army in 1998 and returned to Madera.

For his service, Command Sergeant Major Maxwell was awarded numerous decorations including: two awards of the Legion of Merit, the Bronze Star, Purple Heart, three awards of the Meritorious Service Medal, four awards of the Army Commendation Medal, three awards of the Army Medal, Vietnam Campaign Medal, Vietnam Service Medal with five campaign stars, Armed Forces Expeditionary Medal, two awards of the National Defense Service Medal, United Nations Medal, ten awards of the Good Conduct Medal, two awards of Humanitarian Service Medal, the Korean Defense Service Medal, the Presidential Unit Citation, the Republic of Vietnam Cross of Gallantry Unit Award with frame, the Southwest Asia Service Medal, Kuwait Liberation Medal, two awards of the Army Service Ribbon, four awards of the NCO Professional Development Ribbon, the German Schutzenschnur, the Bronze and Silver de Fleury Medal, and the

Drill Sergeant Badge. During his military career, Larry earned an Associate of Arts degree from Central Texas College.

After retirement from the Army, Larry worked as a Corrections Officer for the Madera County Probation Department, where he performed duties as an instructor in ceremony and physical drill at the boot camp. In 2000, his drill team won the Grand Prize at the Fresno Veterans Day Parade. He was promoted to sergeant in 2002 and continued to teach and counsel adolescents to become productive members of society until his retirement from the Probation Department in January 2010.

Larry is a life member of Chowchilla VFW Post 9896 and American Legion Post 148. He is a member of the Army Engineer Association, the Noncommissioned Officers Association, the Association of the United States Army, and the Armed Forces Association. He is a member of the Grace Community Church and is a volunteer with Food Bank.

Larry has two brothers, Charley Maxwell (deceased) of Idaho, First Sergeant (Ret.) Donnie Maxwell, Sr. of Madera, and three sisters, Donna Lea and Bonnie Bartley of Madera, and June Maxwell of Cleveland, Oklahoma. Larry married his first wife, Linda Swilley of Chowchilla and had three children, Garry Maxwell and his wife Tonya of Falmouth, Kentucky, and a daughter Samantha and husband Tim Richards of Chowchilla, and daughter Wendy and husband Chris Yowell of Chowchilla. Larry married Ronda Davis of Mulberry Indiana, who has two children, Jonathan Shambaugh and wife Melanie of West End, New Jersey, and Courtney Shambaugh and Andrew Watkins of Highland, New Jersey. Larry has thirteen wonderful and very active grandchildren.

Mr. Speaker, please join me in thanking Larence C. "Larry" Maxwell for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

HONORING MRS. DIANE McMANUS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the achievements of Diane McManus who will be retiring after 25 years of outstanding work in the field of commercial lending and finance.

Throughout her career, Diane has been a committed advocate on behalf of Maine's business community. As Vice President of Finance for Development Concepts Inc., she worked hand in hand with companies to locate new investment streams and further develop their business models. Diane brought this background with her to Northeast Bank where, as a loan officer, she continued to provide resources to help grow Maine enterprise. Her devotion to local commercial development, and the successes that followed, have earned her numerous promotions and professional accolades. As Regional Vice President and Senior Market Manager at Camden National bank, Diane is leaving behind a thriving program that covers \$82 million in commercial loans.

Diane has not only excelled within the realm of business, but she has gone above and beyond expectations to serve her community as

well. In 2002, she was awarded the Maine State Chamber Volunteer of the Year Award. In 2004, she earned the Chamber of Commerce Ken Addison Small Business Advocate Award, and most recently, Diane was recognized as the Number one U.S. Small Business Administration 504 Lender in the State of Maine by the Granite State Development Corp.

It is always with some lingering sadness that I pass along my best wishes for the retirement of an individual such as Ms. McManus. Though retirement is well-deserved and will begin a new and exciting chapter in her life, it also signifies that Maine is losing one of its most dedicated and valued employees. Diane's perpetual willingness to believe in Maine businesses has touched the lives of countless entrepreneurs throughout the state. I wish her the very best going forward as she takes this exciting next step.

Mr. Speaker, please join me in congratulating Diane McManus on her retirement and honoring her 25 years of impeccable commitment to her field and her community.

RECOGNIZING AMERICA'S MINERS  
ON NATIONAL MINERS DAY

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. RAHALL. Mr. Speaker, I submit the following.

Watching coal-miners at work, you realize momentarily what different universes people inhabit.—George Orwell.

George Orwell was humbled by coal miners—brave and earnest individuals who work hard hours, often in cramped, damp, lamp-lit corners far below the surface of the Earth. He was shocked by the living and working conditions he witnessed while he boarded in the coal mining communities of Northern England, accompanying the miners underground to see, first-hand, the hot, horrible conditions under which they labored.

"Down there," he wrote, "where coal is dug is a sort of world apart which one can quite easily go through life without ever hearing about. . . . It is so with all types of manual work; it keeps us alive, and we are oblivious of its existence. More than anyone else, perhaps, the miner can stand as the type of the manual worker, not only because his work is so exaggeratedly awful, but also because it is so vitally necessary and yet so remote from our experience, so invisible, as it were, that we are capable of forgetting it as we forget the blood in our veins."

Even now, in an age of Twitter and reality TV, when every aspect of life can be beamed around the world in an instant, it is too easy to forget about the miner and his daily digging chores, sequestered far from our view, though intimately connected to so many of our daily needs and desires.

Yet, from time to time, something happens to remind us of that separate world. Unfortunately, that something is, too often, a tragedy, like the explosion at Massey Energy's Upper Big Branch Mine in Southern West Virginia, on April 5, 2010, that took the lives, far too soon, of 29 hardworking men.

In the hours following that explosion, reporters from around the Nation flocked to the mine

site, nestled in a rural mountain fold not far from my home. Every phase of the attempted rescue effort was captured and broadcast around the globe, and for many tense and worrisome hours, coal miners were very much on the minds of the world, holding its collective breath and hoping for a miracle—a miracle that was not be.

Now, after the passing of many months, it is clear that the loss of those 29 miners was not due to one unpreventable, fateful incident, but, instead, it was the result of a pervasive, long-running, callous corporate culture that put production and profit far above people.

It is no coincidence that, today, the Mine Safety and Health Administration is releasing its final report on the UBB disaster. This day, December 6th—the anniversary of the 1907 Monongah Mine disaster, the worst mining disaster in American history—is also the Congressionally designated "National Miners Day."

I am proud to have been the author of the House Resolution that sought to establish this date as a milestone of national recognition and remembrance of America's miners. It is a shameful truth that each advance in our Nation's mine safety system has come only after a mine disaster. But I hope that this day might alter that tradition and serve to bring the miner out from the dark of the mines into the national light for at least one day each year. It seems to me far preferable that our national conscience be kindled not by tragedy, but, instead, by celebration.

And so I urge that, at least on this one day each year, the Congress and all Americans will turn our attention to recognizing the contributions that miners have made to our Nation—its economic vitality and its military strength. And that we will take this annual opportunity to help ensure that these men and women are assured of safe, healthy, humane conditions in which to earn an honest living. America and American miners deserve no less.

HONORING LEWIS WILLIAMS

**HON. KATHY CASTOR**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor and highlight the distinguished life and career of the Honorable Lew Williams, who passed away sadly on December 3rd, 2011. Mr. Williams was a member of the Pinellas County School Board and a local educator. His impact on our community will be felt for years to come. He leaves behind two children and his wife, Arthurene.

Mr. Williams was elected to the Pinellas County School Board in 2010. However, over his lifetime, his impact was profound. Quiet and reserved, he chose his words carefully in a way that would be sure to have the most impact. His colleagues on the School Board have noted that he often had the ability to drive debates to a solution, while being one of the quietest individuals in the room. In his time on the Board, he was able to move the district in a different direction and was instrumental in leading the fight for changes in the district's superintendent position.

Lew Williams was born in Blakely, Georgia, but moved to Florida at a young age. Growing

up in public housing, he saw education as a means to future success. Two educators saw his potential for achievement and helped pay his way for college. He graduated from Allen University with a bachelor's degree and South Carolina State College with a master's degree.

Mr. Williams was instilled with the same optimistic belief in those around him. He started out as a social studies teacher, but eventually went on to become a principal at five different Pinellas County schools. In 2010, Mr. Williams was elected to the School Board seat for District 7. Local educational leaders, such as the current head of the local teachers union, credit him for seeing leadership in them when he chose to hire them. His hard work, sacrifice and determination have truly impacted our community and continue to do so.

The Tampa Bay community mourns his loss and is so thankful for his many years of service to students and our community. I ask that you and all Americans remember such a remarkable educator for his ability to inspire success in others.

HONORING DR. CHARLES  
GRINDSTAFF

**HON. H. MORGAN GRIFFITH**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Dr. Charles Grindstaff, a great man, devoted educator, and public servant from Southwest Virginia. Dr. Grindstaff left us on December 2, 2011.

Born on September 3, 1947, in Bluefield, W. Va., Dr. Grindstaff was raised in the small town of Bishop, Va. He later earned degrees from Tazewell High School, East Tennessee State University, Radford University, and NOVA University. After God and family, Dr. Grindstaff's passion was education. Since 1969, Dr. Grindstaff—often known simply as "Dr. G"—served students as a teacher, administrator, and professor in Tazewell County Public Schools, Horry County, SC Schools, and at Concord University in Athens, W. Va. For over 15 years, Dr. Grindstaff also served the Town of Tazewell as a councilman and as mayor until the time of his death. He was an avid sportsman, enjoyed performing in local theatre, and sharing his musical talents. Dr. Grindstaff leaves behind his wife Suzanne, daughters Heather and Christina, and his son Andy, as well as three grandchildren.

Dr. Grindstaff, through both his work in the classroom and local government, impacted countless lives. He was also my District Director Michelle Bostic Jenkins' principal at Jewell Ridge Elementary and taught with her mother for several years. After a flood on the Clinch River destroyed many of their belongings, Dr. Grindstaff was there willing to help. He was well known for his exceptional goodwill and dedication to the Tazewell community. I am honored to pay tribute to this great man's many contributions. His legacy and influence will be long remembered in Tazewell and throughout Southwest Virginia. He will be missed, but never forgotten.

CONGRATULATING THE MISSOURI  
CATTLEMEN'S ASSOCIATION ON  
ITS 100TH ANNIVERSARY

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the Missouri Cattlemen's Association, which is celebrating its one hundredth anniversary this year.

The Missouri Cattlemen's Association began in 1911 as the Missouri Livestock Producers Association and adopted its current name in 1968. In the beginning, dues were only \$2, and were reduced to a quarter during the Depression.

Missouri ranks third in the Nation in the number of cows, and the Missouri Cattlemen's Association is the voice for the State's 60,000 beef producers, focusing on issues that affect beef production while also providing a safe, abundant, and nutritious source of food.

In closing, Mr. Speaker, I ask all my colleagues to join me in wishing the members of the Missouri Cattlemen's Association congratulations on reaching this significant milestone.

HONORING THE LIFE OF "J.  
BLACKFOOT"—JOHN COLBERT

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. COHEN. Mr. Speaker, I rise today to recognize and celebrate the life of John Colbert, better known as J. Blackfoot, a great soul singer and entertainer from the city of Memphis, Tennessee. J. Blackfoot was a special talent known for his unique vocal style. Born in Greenville, Mississippi, his family moved to Memphis when he was two. Colbert earned the nickname "Blackfoot" as a child because he would run barefoot through his neighborhood.

J. Blackfoot began his music career after meeting Johnny Bragg, founder of the 1950s-era music group "Prisonaires." Together they recorded a "behind-the-walls" hit for Sun Records, after which J. Blackfoot embarked on a solo venture under his birth name. Strongly pursuing his love for music, he eventually found himself at Stax Records under the tutelage of songwriter/producer, David Porter.

In the late 1960s, J. Blackfoot auditioned at Stax Records where David Porter and his song writing partner, Isaac Hayes, initially wrote many solo songs for him to perform. When the R&B duo Sam and Dave left Stax, Porter and Hayes decided to fill the stylistic void. They paired J. Blackfoot with Norman West, Anita Lewis and Shelbra Bennett to create the "Soul Children." They put out 7 albums over their decade long career and released 15 R&B hits.

In 1983, J. Blackfoot began a successful solo career, scoring many chart successes in both the U.S. and the U.K. He released several hit songs, including "Taxi" from the 1983 album City Slicker, which was perhaps his biggest solo career single. Over the last two decades, J. Blackfoot continued to record dozens

of solo albums, performed at Stax-related events and reformed the "Soul Children."

J. Blackfoot passed away on November 30, 2011 at 65 years of age. Memphis, known for its rich musical heritage, mourns the loss of one of its unique voices. Mr. Speaker, I ask all of my colleagues to join me in honoring the contributions J. Blackfoot made to the music community. As an artist and music maker, his was a life well lived.

HONORING THE MEMORY OF SIS-  
TER CATHERINE (MARY ISAAC)  
COLBY, DOMINICAN SISTER OF  
PEACE

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. TIBERI. Mr. Speaker, I rise today to pay tribute to and honor the memory of Sister Catherine (Mary Isaac) Colby, O.P., Ed.D., of the Dominican Sisters of Peace in Columbus, Ohio, who passed away suddenly on December 2, 2011.

Sister Catherine Colby was a native New Yorker, and a graduate of St. Helena's Elementary School in the Bronx and Dominican Academy in Manhattan. She entered the Novitiate of the former Dominican Sisters of St. Mary of the Springs in 1960 and made her Profession of Vows in 1963. Sister Catherine earned a Doctorate in Education from Nova Southeastern University of Florida; an M.Ed. in Educational Administration from Xavier University of Cincinnati; an M.A. in Pastoral Ministry from St. Joseph's College of Connecticut; and a bachelor's degree in Education from the former College of St. Mary of the Springs, now Ohio Dominican University, in Columbus.

A lifelong educator, Sister Catherine was an outstanding administrator and a compassionate and perceptive preacher—the principle charisma of the Dominican Order—as well as a division chair, faculty member, school principal and teacher in New York, Ohio, Pennsylvania and New Mexico. Additionally, she had been Vocation Director and Director of Candidates for her Dominican Congregation.

Sister Catherine was an Associate Professor of Education at Ohio Dominican for twenty-three years, and for seven of those she served as Chair of the Division of Education. The founder of the Center for Dominican Studies at ODU, Sister Catherine was also the University's first Vice President for Mission and Identity. In that capacity, she coordinated and facilitated the university-wide process of sustaining, enhancing, and promoting its distinct mission as a Catholic and Dominican university.

Her passing is a great loss not only for the Colby family, but for the Dominican Sisters of Peace, the entire campus community, the twelfth Congressional District of Ohio, and for Catholic education across this country.

Mr. Speaker, I would like to extend my deepest condolences to Sister Catherine's family, including her godson, John Colby, who serves with us here as a United States Capitol Police Officer, as well as to her Congregation, Ohio Dominican University, the Dominican Order, and her friends and colleagues during this most difficult time. Her legacy will stand as an exemplar for all Catholic educators and

women religious, and she will be dearly missed.

HONORING 1LT IVAN D.  
LECHOWICH

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life, sacrifice, and heroism of Army First Lieutenant Ivan Lechowich of Valrico, Florida.

1LT Lechowich, a combat engineer, was unfortunately killed while conducting combat operations for Operation Enduring Freedom on September 28, 2011, in Ghazni Province, Afghanistan.

U.S. Army combat engineers are greatly admired for their fearlessness and diligence in helping to tackle rough terrain in combat situations and for providing combat effectiveness to maneuver forces. 1LT Lechowich personified this bravery and dedication while he and his team worked to clear a roadway of explosive devices on the day of his death. During his Army career, he has been awarded a Sapper Tab, the Purple Heart, Bronze Star, Army Commendation Medal, and NATO medal.

Outside of the Army, Ivan was a loving husband and new father, whose daughter was born during his deployment. 1LT Lechowich enjoyed reading, studying history, and was an avid fan of the University of Florida's football team.

Mr. Speaker, though proud to have such a fine example from the Tampa Bay community, it is with great remorse that I rise to commemorate the life of 1LT Lechowich. I am in awe of the young men and women like Ivan Lechowich who choose to serve their countrymen in the armed forces. As professionals in all that they do, they exhibit honor, courage, and commitment in every pursuit. Their sacrifices, like that of 1LT Lechowich, will not be forgotten.

RECOGNIZING MRS. DONNIE POW-  
ELL FOR HER CONTRIBUTIONS  
TO EDUCATION AND COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a true valued member of our society, Mrs. Donnie Powell. Mrs. Powell has dedicated a great deal of her life to championing causes relative to education and criminal justice.

Mrs. Powell received degrees in Criminal Justice from Coahoma Community College and Mississippi Valley State University; and has worked 25 years for the Mississippi Department of Corrections.

She is an active member of the Tallahatchie County Parent Teacher Association and was recruited to be a part of the parent-community ad hoc committee's nationwide search for a new Superintendent for the Tallahatchie School District in 2009. She has received Parent of the Month awards from local elementary

and high schools in Tallahatchie County, and was most recently named the 2011 Tallahatchie School District Parent of the Year.

She volunteers her time and energy to her local Boys and Girls Club, in an effort to help educate and deter the youth from engaging in counterproductive activities such as joining gangs and committing violence in their schools and communities.

She works in conjunction with the Mississippi State Department of Health to organize speaking engagements and forums on gangs and violence in Tallahatchie, Panola, Quitman, Sunflower, and Coahoma counties.

Mrs. Powell believes that parents, teachers, and community members should work together and maintain strong lines of communication in an effort to ensure that the students of today receive adequate education and training to thrive in an ever changing world.

Mr. Speaker, I ask you and our colleagues join me in recognizing Mrs. Donnie Powell for her many contributions to education and serving her community.

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HONORING SERGEANT-AT-ARMS  
WILSON "BILL" LIVINGOOD

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. HOYER. Mr. Speaker, next month this House will lose a dedicated public servant. Wilson "Bill" Livingood, our Sergeant at Arms, will retire after seventeen years keeping us safe. Since 1995, he has stood watch over the People's House and all of its members, staff, and visitors, overseeing the security of this chamber, the Capitol, and Congressional office buildings.

Under Bill's leadership, the House has adapted its security measures to meet new challenges faced since September 11. He has been a driving force in enhancing screening procedures while ensuring that Americans can still easily visit the Capitol and meet with their representatives.

Bill Livingood's life has been spent in service to our nation and to protecting the institutions of our democracy. Before his long service as Sergeant at Arms, Bill was an agent of the U.S. Secret Service for thirty-three years, placing his life on the line to protect our commander-in-chief.

While I have no doubt that the strong voice with which Bill has welcomed U.S. presidents and foreign dignitaries into the House chamber has become iconic, I believe he will be remembered here most for his warmth and kindness and for his deep love of country. I have been fortunate to call him a friend and can attest to the attention and respect he commands from all who have known him. It has been a pleasure serving with Bill throughout his tenure, and I wish him all the best in his retirement.

I join with my colleagues from both sides of the aisle in thanking Bill for his long career of distinguished service to the people of the United States and, in particular, to their House.

CONGRATULATING THE LINN HIGH SCHOOL WILDCATS BOYS CROSS COUNTRY TEAM

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Linn High School Wildcats Boys Cross Country team for winning the Class 1 Missouri State Championship.

The young men and their coaches should be commended for all their hard work throughout the regular season and bringing home the state cross country championship to their school and community. The boys have relied on each other throughout the season, providing one another with encouragement and displaying true team spirit. They won by a mere one point, proving that all seven boys were truly needed in securing the victory.

I ask that you join me in recognizing the Linn Wildcats for a hard fought victory and a job well done.

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OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,068,133,903,969.13. We've added \$10,266,728,728,674.85 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

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HONORING THE BIRTHDAY OF KING BHUMIBOL ADULYADEJ OF THAILAND

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to express my congratulations and best wishes to the world's longest serving monarch, King Bhumibol Adulyadej of Thailand, on the occasion of his 84th birthday this past Monday, December 5th. King Bhumibol is beloved by his people and esteemed for his great humility, compassion and proactive engagement with everyday Thais.

King Bhumibol has spent decades in virtually every corner of Thailand, engaging with the Thai people face-to-face, seeking new and improved ways to make their lives better. Since the early years of his now 65-year reign, he has been mindful of the livelihood of farmers and others dependent on agriculture. He made water management a key priority in royal development projects, with the first such project initiated in 1963. Taking a holistic ap-

proach, the King's projects also sought to ensure local residents understand the importance of proper water management to avoid flooding, droughts and pollution.

The King has also promoted sustainable agricultural practices along with soil resource management, to maximize economic success in rural areas and to help farmers become self-reliant. His economic advice based on the "Sufficiency Economy" philosophy, which calls on individuals and businesses to practice moderation and reasonableness, and seek self-immunity against external factors in their pursuit of growth, has been embraced by rural farmers and private businesses alike.

Agriculture, environmental conservation and sustainable development are among the many other areas of King Bhumibol's initiatives to contribute to the progress of Thailand and its people. During the 1960s and 1970s, the King developed an opium crop substitution program that encourages hilltribe people to grow cash crops so that they abandon the drug trade. His initiatives on health—started even earlier in the 1950s—helped Thailand's efforts to eradicate and combat diseases such as leprosy, cholera, tuberculosis and smallpox. These and the scholarship programs he created to support Thais to study medicine and medical advancement overseas have contributed to the development of the country's public health system—today one of the most advanced in Southeast Asia.

King Bhumibol's values, initiatives, and passion for improving life for all Thais have earned him the respect of the people of Thailand. He has also been recognized internationally for his unique leadership, which has uplifted the people of Thailand during difficult times.

Mr. Speaker, I am honored to join the people of Thailand—America's friend and oldest treaty ally in Asia—as they pay tribute to King Bhumibol and celebrate his 84th birthday this week.

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HONORING MR. JEREMIAH JOSEPH O'KEEFE FOR HIS CONTRIBUTIONS AND SERVICE TO COMMUNITY AND COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a World War II hero, entrepreneur, philanthropist and outstanding public servant, Mr. Jeremiah "Jerry" Joseph O'Keefe.

A native of Ocean Springs, Mississippi, Jeremiah Joseph O'Keefe was born July 12, 1923, in a gracious antebellum home constructed by his grandfather. When Jeremiah O'Keefe was 13 years old, the family lost their home during the Depression and relocated to Biloxi, Mississippi. In Biloxi, Mr. O'Keefe attended Sacred Heart Academy high school, where during his senior year he was co-captain of the school's football team.

Mr. O'Keefe was attending Soule Business College when the Japanese bombed Pearl Harbor in 1941 and he quickly offered to serve his country by enlisting in the United States Navy. He would join the Aviation Cadet Program of the United States Navy in June 1942,

and was commissioned a 2nd Lieutenant in the United States Marine Corps and designated a Naval Aviator on June 16, 1943. In 1945, Mr. O'Keefe, then a 1st Lieutenant, and his 24-plane fighter squadron, "the Death Rattlers," deployed upon Okinawa where they would participate in his first aerial combat. Their assignment was to prevent repeated nightly Japanese aerial attacks in the harbor. An "ace" fighter pilot, Mr. O'Keefe was credited with shooting down a total of seven Japanese airplanes in the Battle of Okinawa, including five in one day. At the age of 21, Mr. O'Keefe became one of the youngest "Aces" in World War II. For his meritorious efforts, he was awarded the United States Navy Cross, Distinguished Flying Cross, the Air Medal, and the Gold Star.

Following World War II, Mr. O'Keefe obtained a degree in business administration from Loyola University and went to work with his father in the family funeral business. In 1958, he purchased Bradford Funeral Service and merged it with the O'Keefe family business to create Bradford-O'Keefe Funeral Home. That same year, Mr. O'Keefe founded Gulf National Life (GNL) Insurance Company. Over the course of several decades, GNL acquired a number of other smaller companies and became the largest insurer in Mississippi with over 200 affiliated funeral homes.

Deeply rooted in politics on the Gulf Coast, Mr. O'Keefe's grandfather was alderman-at-large in Ocean Springs. In 1935, Jerry O'Keefe's uncle, John O'Keefe served as Mayor of Biloxi for two years, before resigning to become an Adjutant General in the Mississippi National Guard. Jerry O'Keefe was elected to the Mississippi State Legislature seven years later in 1959 and served one four-year term. Mr. O'Keefe was elected Mayor of Biloxi in 1973 and served eight years. Known as an energetic and innovative mayor, he was awarded Biloxi's Citizen of the Year in 1976.

As mayor, Mr. O'Keefe was a strong proponent for civil rights and the advancement of the African-American community. While mayor of Biloxi, he confronted the Ku Klux Klan (KKK) by rescinding a permit they received to hold a parade in the town. When the KKK proceeded with the parade, he had them arrested. Mr. O'Keefe was guided by his moral compass and ethical disposition during a time when few stood up against the Ku Klux Klan for fear of retribution. Mr. O'Keefe received death threats and the KKK burned a cross in front of his house. Still, Jerry O'Keefe stood his ground.

After three decades of politics, Mr. O'Keefe shifted his focus to fundraising and philanthropy. He has been a supporter and donor to numerous organizations, schools, and museums. In 1967 and 1975, Mr. O'Keefe received awards from the United Fund Campaign for Distinguished Service to the people of Harrison County. He has been the recipient of the Pine Burr Area Boy Scouts of America's Lifetime Achievement Award. In 1995, he and his wife, Annette, founded The O'Keefe Foundation with an initial endowment of \$10 million. The foundation is the primary financial sponsor of The New Hope Center in Ocean Springs, a center for disabled youth. Additionally, the foundation supports numerous organizations throughout the state and the greater

Gulf Coast region which includes the Coalition for Citizens with Disabilities, St. John's and Mercy Cross High Schools, Habitat for Humanity, Shaw University, Tougaloo College, St. Alphonsus Elementary School, YMCA, the St. Vincent Depaul Society, the Walter Anderson Museum, Boys and Girls Clubs, Christians United of Jackson County, and the City of Ocean Springs.

Mr. O'Keefe and his first wife, Annette Saxon O'Keefe, have 13 children. He and his later wife, Martha, have worked to reinforce family bonds through regular church attendance, Sunday dinners, and family vacations. Mr. O'Keefe is an active member in the Nativity B.V.M. Cathedral.

Mr. Speaker, I ask that my colleagues join me in expressing my sincere gratitude to Mr. Jeremiah "Jerry" Joseph O'Keefe of Ocean Springs, Mississippi for his service to the state of Mississippi and to this country.

SUPPORT OF H. RES. 440 CONGRATULATING RECIPIENTS OF 2010 WORLD PEACE PRIZE H.H. DORJE CHANG BUDDHA III AND THE HONORABLE BEN GILMAN

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. ENGEL. Mr. Speaker, I rise today to express my strong support of H. Res. 440 which congratulates H.H. Dorje Chang Buddha III and the Honorable Ben Gilman for winning the 2010 World Peace Prize.

Recently, I introduced this resolution to highlight the awarding of the World Peace Prize to both H.H. Dorje Chang Buddha III and Congressman Gilman. The World Peace Prize is a very distinguished honor granted by the World Peace Council in recognition of individuals who exemplify selflessness in their devotion to humanity.

I commend H.H. Dorje Chang Buddha III and the Honorable Ben Gilman for their multiple contributions to our society and urge my colleagues to support H. Res. 440.

THE CAMERAS IN THE COURTROOM ACT OF 2011

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, today I introduced the Cameras in the Court Act of 2011 to ensure transparency and accountability in the judicial branch by providing television coverage for open proceedings before the United States Supreme Court.

This is companion legislation to a bipartisan bill, S. 1945, introduced yesterday by Senator DICK DURBIN (D-IL), Assistant Senate Majority Leader, and Senator CHUCK GRASSLEY (R-IA), Ranking Member on the Senate Committee on the Judiciary. The Cameras in the Courtroom Act of 2011 respects the individual rights of the parties appearing before the Court, only

applying to open proceedings. In addition, a majority of the Supreme Court justices may vote to exclude television coverage of a particular proceeding if they decide that such coverage would result in a violation of the due process rights of any of the specific parties before the Court.

This legislation would only apply to those Supreme Court proceedings currently open to the public. Individual Americans are welcome to observe these Court proceedings, but only in an extremely limited number. The Supreme Court has seating for several hundred, however they typically only allocate roughly 50 seats for the general public. And that is what is so troubling. Given the sweeping nature of recent Supreme Court decisions, this limited seating almost screams elitism, secrecy and contempt for the public by this third branch of our government.

I strongly believe that the separation of powers and our system of checks and balances is essential to the successful operation of a democratic society. However transparency and accountability are necessary to ensure that those checks and balances are properly applied, even in the judicial branch itself.

Regardless of the scope of the legislation, Congressional debates and votes on each and every bill are televised and available to Americans through CSPAN. It was not enough for reporters to pass along their accounts of what occurred, nor was it enough for the limited number of Americans who could directly observe from the House and Senate galleries. The entire American public—it was determined—was entitled to know what the Congress was undertaking in its name.

It strains any reasonable precept of transparency to assert that such momentous recent Supreme Court deliberations such as *Bush v. Gore*, *Kelo v. City of New London*, and *Citizens United v. Federal Election Commission* were available only to the 50 Americans who were allowed and fortunate enough to be among the chosen few to wait in the queue for public seating.

Americans today live in a world where information is near instantaneous; where with a handheld cell phone they are able to communicate through live video conferencing with nearly anyone in the world. Today's technology allows us to bring events from across the globe to our fingertips in real time.

It is essential that the highest arbiter of the law of our land provide all Americans with the opportunity to observe United States Supreme Court proceedings in a manner that will enable them to form their own opinion through direct observation. Transparency and accountability are the windows through which everyday citizens may observe and protect democracy. Are there risks that some will play to the cameras? Yes, absolutely. Are those risks offset by the public's need, indeed right, to know? Absolutely yes. Sunshine—even in the Supreme Court—remains the best disinfectant against those who might feel that the black robe of life-tenure grants them permanent immunity from accountability for their words and opinions.

I urge my colleagues to support transparency and accountability in the United States Supreme Court and cosponsor the Cameras in the Courtroom Act of 2011.

CONGRATULATING MERAMEC  
ELECTRICAL PRODUCTS COMPANY

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize Meramec Electrical Products Company in Cuba, MO, which was awarded the Make It in America Manufacturer of the Week for November 16–23, 2011.

Make It in America is an initiative supported by the U.S. Department of Commerce's Manufacturing Extension Partnership (MEP), which works with small and mid-sized U.S. manufacturers to help them create jobs, increase profits and save time and money. The nationwide network of manufacturers provides a variety of services and resources to aid American businesses in expanding into new markets, creating new products and building their clientele. For every one dollar of federal investment, MEP generates \$32 in new sales growth, which equates to \$3.6 billion in new sales annually.

Each week MEP features an American business that is boosting U.S.-based manufacturing and production. I am pleased to acknowledge Missouri's hardworking manufacturing industry and, specifically, Meramec Electrical Products Company. This midwest company is one of the largest manufacturers of instrument current transformers for the power generation, transmission and electrical distribution markets. Its products are used in generators, power transformers and high voltage circuit breakers, to name a few.

The company was founded in 1969 on the principles that quality people and teamwork will produce quality products. Those principles have guided the business for the past four decades, leading to its success today. Meramec Electrical Products Company is the largest bushing transformer manufacturer in the Western Hemisphere and serves a global market. It uses an effective Quality Assurance System to ensure high quality products produced efficiently, effectively and on budget. This company is a true testament that hard work and dedication lead to success and greater opportunities.

In closing, Mr. Speaker, I ask all my colleagues to join me in congratulating Meramec Electrical Products Company and its employees for all their success and the well-deserved title of Make It in America Manufacturer of the Week.

RECOGNIZING MR. KENNETH COLEMAN FOR HIS DEDICATION TO SERVING OTHERS AND GIVING BACK TO THE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and an intrepid man; one who has served as a father figure to many of the children of Crystal Springs, Mississippi; Mr. Kenneth Coleman. Mr. Coleman, a lifelong resident of Crystal Springs, Mississippi is husband and devoted father to two biological sons. Mr. Coleman graduated from Crystal Springs High School in 1991 and received his Bachelors of Science Degree in Recreation from Alcorn State University in 1998.

Mr. Coleman serves as a volunteer coach for both Crystal Springs Middle and High School football and basketball teams. Mr. Coleman's commitment to the children of Crystal Springs is of no small consequence; under his direction the children learn a sense of sportsmanship, comradery and teamwork.

Mr. Coleman is employed as a conservation officer with the Mississippi Department of Wildlife and Fisheries, and Parks and is also a member of the Sanderson Masonic Lodge #22 in Crystal Springs. Mr. Coleman is a very active member of the Jerusalem Missionary Baptist Church, where he serves as chairman of the deacon board and is a member of the choir.

Mr. Speaker, I ask you and my colleagues to join me in commending Mr. Kenneth Coleman for serving as a role model and inspiration to the children of Crystal Springs, Mississippi.

HONORING MARIPOSA COUNTY  
HIGH SCHOOL GRIZZLY MARCHING  
BAND

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 6, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mariposa County High School Grizzly Marching Band that was selected to perform in the 92nd Annual NYC Veterans Day Parade commemorating the 10th Anniversary Tribute to The World Trade Center, and The Band of Pride Tribute Mass Band Performance on November 10, 2011.

The selection committee consisted of The Mayor's Office of Veterans' Affairs, The Hon-

orable Mayor Michael R. Bloomberg, The United War Veterans' Council and Melinda Marinoff, The NYC Veterans Day Parade's Official Marching Band and Youth Sponsor. They selected the band because of their incredible reputation for fostering personal growth and development through music, their style and talent, and their respect for the flag.

The band joined fewer than 20 other high school bands from the entire United States to participate with several international bands to form a "Band of Pride." They were the only high school band from California.

It was a great honor for the band members to be invited to participate in such a magnificent and touching tribute to all those who have served our country and to the victims of 9/11. Even more so, it had special meaning for the band director, Dr. Phillip M. Smith, a disabled decorated veteran who has served his country for over 35 years. In addition, he is a member of their local VFW Post 6042, and is a recently retired reservist. In his lifelong spirit of service, Dr. Smith has donated his time for over the last ten years by directing our MCHS Grizzly Band. He has inspired, mentored, and been a staunch supporter of the last decade of band kids. The kids can count on him to love and accept them at all times.

In addition to the great honor of marching in the N.Y.C. Veterans Day Parade, the Mariposa County High School Grizzly Marching Band had the distinction of being selected as one of only 36 high school bands from across the United States to receive a GRAMMY Signature Schools Enterprise Award. In addition to this award, they have also amassed the following: 1st Place, Band and Drum Major—Selma Band Review; highest rating for Division D band in Northern California Band Association history, October 2011; Local Heroes Award presented by Mariposa Chamber of Commerce, October 2011; 3rd Place, Fresno Fair Band Review, October 2011; 1st Place, Oakhurst Heritage Days Parade, September 2011; Mariposa's Fair Parade was dedicated to MCHS Grizzly Band; Silver Medal, Forum Festivals Concert Band Contest, Spring 2011; 3rd in Division, Band and Color Guard, Merced CCBR, November 2010; 1st place Band and Drum Major, Selma Marching Band Festival, October 2010; 4th, Southern California Forum Festivals Concert Band, Los Angeles, Spring 2010; Gold Medal, Forum Festivals Concert Band Contest, Spring 2009; and the Signature Schools Enterprise Award, June 2011.

Mr. Speaker, please join me in recognizing the Mariposa County High School Grizzly Marching Band for their hard work and in wishing them great success in their future endeavors.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8345–S8379*

**Measures Introduced:** Two bills and one resolution were introduced, as follows: S. 1947–1948, and S. Res. 344. **Page S8376**

**Cordray Nomination—Cloture:** Senate began consideration of the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection. **Page S8347**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, December 8, 2011. **Page S8347**

**Halligan Nomination—Cloture:** Senate resumed consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S8352–61**

By 54 yeas to 45 nays, 1 responding present (Vote No. 222), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Page S8361**

**Messages from the House:** **Pages S8374–75**

**Measures Placed on the Calendar:** **Page S8375**

**Executive Communications:** **Pages S8375–76**

**Additional Cosponsors:** **Pages S8376–77**

**Statements on Introduced Bills/Resolutions:** **Pages S8377–78**

**Additional Statements:** **Pages S8373–74**

**Notices of Hearings/Meetings:** **Page S8378**

**Authorities for Committees to Meet:** **Page S8378**

**Record Votes:** One record vote was taken today. (Total—222) **Page S8361**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:03 p.m., until 11:30 a.m. on Wednesday, December 7, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8379.)

### Committee Meetings

*(Committees not listed did not meet)*

#### IMPLEMENTATION OF THE WALL STREET REFORM ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine continued oversight of the implementation of the "Wall Street Reform Act", after receiving testimony from Neal S. Wolin, Deputy Secretary, and John Walsh, Acting Comptroller of the Currency, both of the Department of the Treasury; Daniel K. Tarullo, Member, Board of Governors of the Federal Reserve System; Mary L. Schapiro, Chairman, U.S. Securities and Exchange Commission; Gary Gensler, Chairman, Commodity Futures Trading Commission; and Martin J. Gruenberg, Acting Chairman, Federal Deposit Insurance Corporation.

#### CONTAMINATED DRYWALL

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners, after receiving testimony from Neal S. Cohen, Office of Education, Global Outreach, and Small Business Ombudsman, Consumer Product Safety Commission; Christopher J. Portier, Director, National Center for Environmental Health, Centers for Disease Control and Prevention, and Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; William C. Shelton, Virginia Department of Housing and Community Development Director, Richmond; and Brenda Brincku, Alva, Florida.

#### TAX REFORM

*Committee on Finance:* Committee with the House Committee on Ways and Means concluded a joint hearing to examine tax reform and the tax treatment of financial products, after receiving testimony from Thomas A. Barthold, Chief of Staff, Joint Committee on Taxation, United States Congress; Alex Raskolnikov, Columbia Law School, and David S.

Miller, Cadwalader, Wickersham and Taft LLP, both of New York, New York; and Andrea S. Kramer, McDermott Will and Emery LLP, Chicago, Illinois.

#### WHISTLEBLOWER PROTECTION

*Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight* concluded a hearing to examine whistleblower protections for government contractors, including S. 241, to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds, after receiving testimony from Peggy E. Gustafson, Inspector General, U.S. Small Business Administration, and Chair of the Legislation Committee, Council of Inspectors General on Integrity and Efficiency; Marguerite C. Garrison, Deputy Inspector General for Administrative Investigations, Department of Defense; Angela Canterbury, Project on Government Oversight (POGO), Washington, D.C.; and Walter L. Tamosaitis, Richland, Washington.

#### TELEVISIONING THE SUPREME COURT

*Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts* concluded a hearing to examine access to the court, focusing on televising the Supreme Court, including S. 1945, to permit the televising of Supreme Court proceedings,

and S. 410, to provide for media coverage of Federal court proceedings, after receiving testimony from former Senator Arlen Specter; Anthony J. Scirica, Circuit Judge, United States Court of Appeals for the Third Circuit; Mark Cady, Chief Justice Iowa Supreme Court, Des Moines; and Tom Goldstein, Goldstein and Russell, P.C., and Maureen Mahoney, Latham and Watkins LLP, both of Washington, D.C.

#### EXPRESS SCRIPTS/MEDCO MERGER

*Committee on the Judiciary: Subcommittee on Anti-trust, Competition Policy and Consumer Rights* concluded a hearing to examine the Express Scripts/Medco merger, after receiving testimony from George Paz, Express Scripts Inc., St. Louis, Missouri; David B. Snow, Jr., Medco Health Solutions, Inc., Franklin Lakes, New Jersey; Scott E. Streater, The Ohio State University Medical Center, Columbus; Sue Sutter, National Community Pharmacists Association (NCPA), Horicon, Wisconsin; Michael J. Bettiga, Shopko Stores, Green Bay, Wisconsin, on behalf of the National Association of Chain Drug Stores; and David A. Balto, Washington, D.C.; on behalf of the Consumers Union, Consumer Federation of America, National Consumers League, U.S. Public Interest Research Group, and the National Legislative Association on Prescription Drug Prices.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 3563–3574; and 2 resolutions, H.J. Res. 92, and H. Res. 484, were introduced.

**Pages H8186–87**

**Additional Cosponsors:**

**Pages H8187–88**

**Reports Filed:** Reports were filed today as follows:

H.R. 3237, to amend the SOAR Act by clarifying the scope of coverage of the Act, with an amendment (H. Rept. 112–315) and

H.R. 1633, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, with an amendment (H. Rept. 112–316).

**Page H8186**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today.

**Page H8137**

**Recess:** The House recessed at 11 a.m. and reconvened at 12 noon.

**Page H8143**

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Bryan Thiessen, Journey Church, Bridgeville, Pennsylvania.

**Page H8143**

**Regulations From the Executive in Need of Scrutiny Act of 2011—Rule for Consideration:**

The House agreed to the rule (H. Res. 479) that is providing for consideration of H.R. 10, to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, by a yea-and-nay vote of 235 yeas to 180 nays, Roll No. 890, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 184 nays, Roll No. 889.

**Pages H8146–52, H8167–69**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Pandemic and All-Hazards Preparedness Reauthorization Act of 2011:** H.R. 2405, amended, to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development;

**Pages H8153–59**

**SOAR Technical Corrections Act:** H.R. 3237, amended, to amend the SOAR Act by clarifying the scope of coverage of the Act;

**Pages H8159–60**

**Promoting the development of the Southwest waterfront in the District of Columbia:** H.R. 2297, amended, to promote the development of the Southwest waterfront in the District of Columbia;

**Pages H8160–61**

**Amending section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis:** H.R. 2471, amended, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, by a  $\frac{2}{3}$  yea-and-nay vote of 303 yeas to 116 nays, Roll No. 891;

**Pages H8161–65, H8169**

**Temporary Bankruptcy Judgeships Extension Act of 2011:** H.R. 1021, amended, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts;

**Pages H8165–67**

**Granting the consent of Congress to an amendment to a compact between the States of Missouri and Illinois:** S.J. Res. 22, amended, to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

**Pages H8169–72**

**Amending title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion:** S. 1639, to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion; and

**Pages H8172–73**

**Revising the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership:** S. 1541, to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

**Pages H8173–74**

**Recess:** The House recessed at 1:54 p.m. and reconvened at 2:51 p.m.

**Page H8161**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8178.

**Senate Referrals:** S. 384 was held at the desk.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H8167–68, H8168–69, and H8169. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7 p.m.

## Committee Meetings

### LEGISLATIVE MEASURES

*Committee on Financial Services:* Full Committee held a hearing on H.R. 1148, the “Stop Trading on Congressional Knowledge Act.” Testimony was heard from Rep. Jones; Rep. Slaughter; Rep. Walz of Minnesota; Robert Khuzami, Director, Division of Enforcement, Securities and Exchange Commission; Jack Maskell, Legislative Attorney, Congressional Research Service; and public witnesses.

### LEGISLATIVE MEASURES

*Committee on Homeland Security:* Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies held a hearing entitled “Hearing on Draft Legislative Proposal on Cybersecurity.” Testimony was heard from public witnesses.

### JIHADIST USE OF SOCIAL MEDIA

*Committee on Homeland Security:* Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Jihadist Use of Social Media—How to Prevent Terrorism and Preserve Innovation.” Testimony was heard from public witnesses.

### LEGISLATIVE MEASURES

*Committee on the Judiciary:* Subcommittee on the Constitution held a hearing on H.R. 3541, the “Susan B. Anthony and Frederick Douglass Prenatal Non-discrimination Act (PRENDA) of 2011.” Testimony was heard from public witnesses.

### ENDANGERED SPECIES ACT

*Committee on Natural Resources:* Full Committee held a hearing entitled “The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.” Testimony was heard from Dan Ashe, Director, Fish and Wildlife Service; Eric Schwaab, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration; and public witnesses.

### JAMES WEBB SPACE TELESCOPE

*Committee on Science, Space, and Technology:* Full Committee held a hearing entitled “The Next Great Observatory: Assessing the James Webb Space Telescope.” Testimony was heard from Rick Howard, Program Director, James Webb Space Telescope, NASA; and public witnesses.

## HIGH SPEED AND INTERCITY PASSENGER RAIL PROGRAM

*Committee on Transportation and Infrastructure:* Full Committee held a hearing entitled “The Federal Railroad Administration’s High Speed and Intercity Passenger Rail Program: Mistakes and Lessons Learned.” Testimony was heard from Ray LaHood, Secretary, Department of Transportation; and public witnesses.

## Joint Meetings

No joint committee meetings were held.

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## COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 7, 2011

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions, 2 p.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine turning the investigation on the science of forensics, 2:30 p.m., SR–253.

*Committee on Finance:* to hold hearings to examine drug shortages, focusing on why they happen and what they mean, 10 a.m., SD–215.

*Committee on Homeland Security and Governmental Affairs:* to hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States, 9:30 a.m., HVC–210.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, with the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs, to hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster, 2:30 p.m., SD–342.

*Committee on the Judiciary:* to hold hearings to examine reauthorizing the EB–5 Regional Center Program, focusing on promoting job creation and economic development in American communities, 10 a.m., SD–226.

*United States Senate Caucus on International Narcotics Control:* to hold hearings to examine government efforts to curtail marijuana cultivation on United States public lands, focusing on exploitation of public lands as grow sites for marijuana and discuss barriers to the criminal prosecution of drug traffickers, 2:30 p.m., SD–562.

### House

*Committee on Financial Services,* Subcommittee on Oversight and Investigations, business meeting for the purpose of authorizing and issuing a subpoena ad testificandum for the appearance of Jon Corzine in conjunction with the

hearing scheduled for Thursday, December 15, 2011, 3 p.m., 2128 Rayburn.

Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled “H.R. \_\_\_\_\_, the Private Mortgage Market Investment Act, Part 2.” 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Subcommittee on Oversight and Investigations; and Subcommittee on Middle East and South Asia; joint hearing entitled “Camp Ashraf: Iraqi Obligations and State Department Accountability.” 2:30 p.m., 2172 Rayburn.

*Committee on the Judiciary*, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled “Oversight of the Antitrust Enforcement Agencies.” 10 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, hearing entitled “Visa Waiver Program Oversight: Risks and Benefits of the Program.” 1:30 p.m., 2237 Rayburn.

*Committee on Oversight and Government Reform*, Subcommittee on Government Organization, Efficiency and Financial Management; and Subcommittee on Health Care, District of Columbia, Census and the National Archives, joint hearing entitled “A Medicaid Fraud Victim Speaks Out: What’s Going Wrong and Why?” 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled “Oversight

in Iraq and Afghanistan: Challenges and Solutions.” 10 a.m., 2247 Rayburn.

*Committee on Rules*, Full Committee, hearing on H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011” 3 p.m., H-313 Capitol.

*Committee on Science, Space, and Technology*, Subcommittee on Energy and Environment, hearing entitled “Energy Critical Elements: Identifying Research Needs and Strategic Priorities.” 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Full Committee, hearing entitled “Restoring Jobs, Coastal Viability and Economic Resilience in the Gulf of Mexico: H.R. 3096, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2011.” 10 a.m., 2167 Rayburn.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: to receive a briefing on conflicts in the Caucasus, focusing on prospects for resolution, where these conflicts stand today, what factors impede a settlement, whether the resumption of armed hostilities is a serious threat, whether changes in the negotiating format might yield a better outcome, and what, if anything, could the United States do to facilitate a resolution, 2:30 p.m., B318, Rayburn Building.

*Next Meeting of the SENATE*

11:30 a.m., Wednesday, December 7

## Senate Chamber

Program for Wednesday: Senate will be in a period of morning business.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, December 7

## House Chamber

Program for Wednesday: Consideration of H.R. 10—Regulations From the Executive in Need of Scrutiny Act of 2011 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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