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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. PALAZZO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 13, 2011.

I hereby appoint the Honorable STEVEN M. PALAZZO 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 11:20 a.m.

AFGHANISTAN

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

Mr. JONES. Mr. Speaker, I'm back on the floor again to talk about bringing our troops home from Afghanistan.

I had the privilege and the honor to be at Walter Reed in Bethesda on Tuesday, and I talked to so many of our young men and women who have lost legs and other parts of their body and just continue to wonder why in the world the leadership of the House does not join together and call on Mr. Obama to bring our troops home before 2014–2015.

Mr. Speaker, I'm holding up right now from The Wall Street Journal a rather lengthy article that says, ''Afghan Opium Output Surges.'' That is real encouraging; our young men and women walking the roads of Afghanistan, getting their legs blown off, and yet the drugs in Afghanistan are surging. That's great news, I guess, for the dealers.

Mr. Speaker, in addition to that, on October 5 in a poll, it says one in three vets see Iraq-Afghanistan wars as a waste. And I read: ''A new opinion survey says one in three U.S. veterans of the post-9/11 military believe the wars in Iraq and Afghanistan are not worth fighting. Most of the vets polled by the Pew Research Center also think that after 10 years of combat, America should be focusing less on foreign affairs and more on its own problems.''

I'm pleased to see Ms. WOOLSEY from California on the floor because she has joined many of us in the Republican Party and her Democratic Party in continuing to grow the opposition to staying in Afghanistan until 2014–2015.

Well, you might say, You keep saying 2014–2015. So I want to make reference to testimony of former Defense Secretary Gates. This was on February 16, 2011, and it reads: ''By the end of this calendar year, we expect there to be less than 100,000 troops to be deployed in both of the major post-9/11 combat theatres, virtually all of those forces in Afghanistan.

''That is why we believe that beginning in fiscal year 2015''—Mr. Speaker, I'm going to read that one more time: ''That is why we believe that beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active-duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan will be significantly reduced by the end of 2014, in accordance with the President's strategy. If our assumptions prove incorrect, there's plenty of time to adjust the time and schedule of this change.''

Mr. Speaker, what that means is the end of 2014 becomes 2015; 2015 becomes 2016.

I have a poster here that ran in the Greensboro paper in a Sunday edition. They had put in their paper a letter from JIM MCGOVERN and me calling on the President to bring our troops home before 2014. The title says, Mr. Speaker, ''Get Out.'' And the soldiers are bringing a flag-draped coffin off a plane.

I don't know how much longer we have to continue to spend $10 billion a month to prop up a crook named Karzai. I just made reference to a Wall Street Journal article that opium surges. It's a corrupt country. It's never going to change. We might as well just face the fact that we won, bin Laden is dead, al Qaeda has been dispersed all over the world, and it's time to bring them home.

Mr. Speaker, with that, I'm going to be handing out to anyone that comes to my office a picture of marines carrying a flag-draped coffin, and I say call on the leadership all the way to the White House, to the House, to the Senate, and ask them to bring our people home.

With that, Mr. Speaker, I will ask God to please bless our men and woman in uniform. God, please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And I will close by asking God to please bless the House and Senate. I will ask God to give wisdom, strength, and courage to the President. And three times I will ask, God please, God please, God please bless America.

[From the Associated Press, Oct. 5, 2011]

POLL: 1 IN 3 VETS SEES IRAQ, AFGHAN WARS AS WASTES

WASHINGTON.—A new opinion survey says one in three U.S. veterans of the post-9/11 military believes the wars in Iraq and Afghanistan are not worth fighting. Most of the vets polled by the Pew Research Center also think that after 10 years of combat America should be focusing less on foreign affairs and more on its own problems.

SYSTEMATIC TORTURE IN AFGHAN PRISONS

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

Ms. WOOLSEY. ''One interrogator kept banging my head against the wall.

''After 2 days, he tied my hands behind my back and started beating me with an electric wire. The interrogation and beating lasted for 3 to 4 hours into the night.

''For the next 2 days, I was tied up from both wrists to the bars of an iron door. From morning until lunchtime they put a hood on my head and hung me by my wrists.''

Mr. Speaker, these are the direct quotes from detainees apprehended in Afghanistan and subjected to torture at the hands of Afghan intelligence officials and police forces. It's all documented in a report issued by the United Nations this week. What they found was systematic abuse that followed a pattern—not random or isolated incidents—a pattern at several different facilities, involving at least 300 prisoners.

There's more. Kicks to the head; beatings with electric cables, rubber hoses, and wooden sticks; electric shocks to the thumbs; threats of sexual abuse, some of them against children. And there are some even more graphic, gruesome details that I know we've read about that I'll spare my colleagues for now.

No Americans have been directly implicated in this. But as long as we're continuing a military occupation of Afghanistan and as long as we've taken on the task of training Afghan security forces, I don't see how we avoid the responsibility for these shameful acts of abuse and ritual humiliation. At the very, very least, Mr. Speaker, we're guilty of shoddy oversight and failure to instruct Afghan officials in humane interrogation techniques.

Of course, this kind of brutality is a gross violation of international human rights standards. But it's also well-documented that torture doesn't work. Torture, at the very most for a normal human being, will force that human being to confess to anything under such duress, and it's a complete failure as an intelligence-gathering strategy.

The war in Afghanistan has been going on for 10 years now. It's costing American taxpayers $10 billion a month. How can we justify spending all this money, money that we need to invest in job creation right here at home, on a policy and a mission that is leading to such barbaric acts. How can we continue to sacrifice blood and treasure on this war, a war that is being waged in such gross violation of our very American values?

I have never been more convinced it's time to bring our troops home.

□ 0940

IRANIAN CONNECTION WITH ZETAS

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

Mr. POE of Texas. Mr. Speaker, in the last 2 days, we have been learning some disturbing information about the Nation of Iran and its dictator, Ahmadinejad. It seems as though, with the consultation with Iran and the drug cartels in Mexico, it was the idea that the Iranian Government, through one of its operatives, would commit a crime against the United States. We're learning more and more about this, but it's my opinion that the Iranian Government was in the middle of this attempted assault on American soil.

The idea that the Embassy down the street that belongs to the Saudi Arabians would be attacked, that the Saudi Arabian Ambassador would be murdered somewhere in a restaurant in Washington, DC, with a possible attack on the Israeli Ambassador, with a possible attack on the Israeli Ambassador and the Saudi Arabian Ambassador in Argentina, was being plotted by the Iranian Government against us is something that we should be aware of and conscious of and be very concerned about.

Thanks to good law enforcement, this terror plot was thwarted. But what if it had occurred? What if the will of this terrorist would-be to go to Mexico and meet with what he thought was a Zeta cartel member to smuggle explosives into the United States from Mexico that would be used in an attack in Washington, DC, what if that had actually occurred? Certainly, if the Iranian Government was involved in it, we would consider that an act of aggression against the United States.

And it's interesting to me that the Iranian Government was so bold that they thought they could do something like this and get away with it. Did they believe that the United States would not do anything about it? Did they perceive us to be so weak that we would not have shown them consequences for this action against this Nation? We don't know. But the truth is we should show the Iranian Government that there are consequences for an attempted attack such as this by the Iranian Government.

There are a couple of things that I think are important for us to realize. One, we should hold the Iranian Government accountable for this attempted attack on American soil, to show them that you must leave us alone no matter what your political philosophy is. But just as equally disturbing is the fact that this operative—that I believe was dispatched by the Iranian Government—had the wherewithal to go to Mexico, our neighbors, and try to work with the drug cartels down there, and working in unison to come into the United States to commit a crime. Now, granted, the person that he was working with was not a Zeta cartel member. It was one of our own law enforcement officers. But the person thought he was working with the drug cartels. And the reason he was working with the drug cartels is because they, too, are at war with the United States, and they have easy access into the United States.

On a daily basis, the Zeta drug cartel—which I think is the worst of the worst in Mexico—comes into the United States and brings drugs and people, traffics humans, anything for money. And on a daily basis, they go back to Mexico and they take that money and they take weapons because they have access to our porous borders. If you want to get into the United States, hook up with one of the drug cartels and they'll get you in the U.S. And that's obvious what this Iranian operative was trying to do was to hook up with them. The drug cartels, for little money, will do anything, including commit murder in the United States.

So that should tell us that the border is still porous, Mr. Speaker. We hear that it's not, it's safe. It is porous, Mr. Speaker. There are portions that are safe, but the portions that are not safe are where the drug cartels go back and forth.

So, two lessons we should be learning are that the Iranian Government has it in for the United States—at least some people do in their government; two, that the border is porous, and we need to protect the national security of the United States' southern border.

So what are we going to do about it? We've heard that, well, we're going to impose some more sanctions to try to isolate Iran. Historically, sanctions have never worked any time countries have tried to use them. It is true that we could actually have some sanctions that would do some good, such as keeping Iran from having refined gasoline going back into the country, and maybe keeping crude oil from going out of Iran, but that doesn't solve the problem long term.

The long-term solution in Iran is a regime change. And let me make it clear, that regime change should be by the people of Iran who live in Iran and people who support the freedom fighters in Iran.

It's time that the regime of Iran be removed by the good folks who live in Iran. And the United States' policy publicly should be that we support those dissidents to get rid of the rogue regime of Ahmadinejad.

And that's just the way it is.

IN OPPOSITION TO THE PROTECT LIFE ACT

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

Ms. MOORE. Mr. Speaker, I rise today to state my strident opposition to H.R. 358, proposed by our colleague, Representative PITTS, which we will be considering later on today.

H.R. 358 includes several truly unprecedented restrictions on abortion coverages—coverages which, by the way, our Supreme Court has determined are rights of women. And it would limit access to abortion services for all women, regardless of their health status, economic circumstances, age, or any other considerations.

This bill would also impose sweeping refusal provisions that not only undermine women's health care and women's rights, but actually endanger women's lives. It's not hyperbole to say that the provisions of the Pitts bill represent an extreme and callous attack on women's health.

First, H.R. 358 would effectively end abortion coverage for women in State insurance exchanges, both for those who receive subsidies to buy coverage and for those who use their own private money to buy coverage. This would mean that millions of women—contrary to what we have promised them through the Affordable Care Act, that they would be able to keep coverage they currently have—would actually lose the coverage that they currently have. The Pitts bill represents an unparalleled restriction on the use of private funds and an insurmountable impediment for women who simply want to be able to choose a health plan that will cover all of their potential health needs.

Second, H.R. 358 would codify and expand the vast refusal clause currently in law, the Weldon amendment, granting people with only a tangential connection to abortion services—such as receptionists who make appointments or claims adjustors at insurance companies—the right to refuse services to women who seek abortions. Not only that, but the Pitts bill would make it possible for States to pass a whole new slate of refusal laws that could allow insurers to opt out of covering not just abortion care, but birth control, screening, counseling for sexually transmitted diseases, mammograms, and much more.

But the most shocking expansion of our refusal laws is the provision in H.R. 358 that would exempt hospitals from treating or referring women, in case of emergency abortion care, even if women will die without it. Hospitals would no longer be forbidden from abandoning patients on the doorstep of emergency rooms and providing treatment to at least stabilize the medical condition of such patients. This provision heartlessly puts the preferences of hospitals above the lives of women.

And finally, Mr. Speaker, H.R. 358 even establishes restrictions on people's ability to get information about their coverage options. The Pitts bill would prevent the Federal Government, States, or any other entity implementing the Affordable Care Act from requiring access to abortion services. This means, for example, that people may not get impartial or even accurate information from the patient navigators who are designated to help them choose coverage.

The advocates of Planned Parenthood in Wisconsin sent me a story that truly encapsulates the emotion, the real-life consequences of what we're talking about today. This is Judy's story, not a woman who wanted an abortion so that her bikini line would not be ruined, but a woman whose mother had died when she was 4 years old. She and her husband agonized about their decision, but her health was in jeopardy, and they knew that preserving her health and her life was the best choice for her family.

□ 0950

And she painfully, painfully, agonizingly decided to terminate her pregnancy to save her life and to preserve the quality of the life of the one child that she has so that she could rear him.

To protect the right to safe, legal abortion care takes a serious commitment to Wisconsin's health, and it takes courage, Mr. Speaker. Politicians who want to end private health insurance coverage of abortion have neither of these qualities.

FOCUS ON JOB CREATION IN AMERICA

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

Ms. BERKLEY. Mr. Speaker, I rise today on behalf of Nevada's unemployed workers who got a glimpse this week of exactly what is wrong with Washington. Too many politicians in Washington have their priorities upside down.

My State is struggling with record unemployment rates. We should be focused every day here in Washington like a laser on job creation. And yet, this week, Washington voted repeatedly to send more jobs overseas.

Just yesterday, the House voted to kill legislation that would have stopped China from cheating Nevada workers out of thousands of jobs. These unfair currency manipulation tactics by China have already cost the Silver State nearly 15,000 jobs; and ironically, at the same time that Washington Republicans rejected efforts to stand up to China, three job-killing trade agreements sailed through the House and the Senate. These trade agreements could cost our Nation another 200,000 jobs.

Mr. Speaker, we need jobs here in America, not in foreign countries. Unemployed workers in Nevada and across our Nation are counting on us to get our priorities straight. Washington must stop protecting China and start fighting to create jobs for American workers right here on American soil.

BIG GOVERNMENT CONSERVATISM

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

Mr. DUNCAN of Tennessee. Mr. Speaker, in the current issue of the American Spectator Magazine, Robert Merry, the former CEO of the Congressional Quarterly, has a great article that I wish everyone would read. It is an article about the Presidency of Andrew Jackson, but it applies lessons of history to modern-day issues and problems better than almost anything I have ever read.

Mr. Merry says the Republican Party should not follow the big government conservatism of David Brooks, William Kristol, or Presidents like Theodore Roosevelt or George W. Bush, who he says ''expanded the size and scope of the Federal Government and pursued the global goal of remaking other cultures in far-flung regions.''

Mr. Merry asks, ''Who among past Presidents should Republicans turn to for lessons and guidance?''

''The answer,'' he says, ''is Andrew Jackson, who would have slapped down the notion of American greatness conservatism,'' i.e., big government conservatism, ''with utter contempt because he believed,'' that is, Jackson believed, ''the country's greatness emanated from its people, not from its government.

''Jackson was the great conservative populist of American history, and his story bears study at a time when the country seems receptive to a well-crafted brand of conservative populism.''

''Indeed,'' Mr. Merry continues, ''conservative populism is the essence of the Tea Party—opposed to big, intrusive government; angry about the corporate bailouts of the late Bush and early Obama administrations; fearful of the consequences of fiscal incontinence; suspicious of governmental favoritism; wary of excessive global ambition.

''These concerns and fears were Jackson's concerns and fears 180 years ago when he became President, and his greatest legacy is his constant warning that governmental encroachments would lead to precisely the kinds of problems that are today besieging the country. That legacy deserves attention.''

Mr. Merry also admires Thomas Jefferson. He wrote:

''Jackson was of course a Democrat, but the Democratic Party of that era was almost the polar opposite of today's version.

''The 19th-century party emerged from the politics of Thomas Jefferson, who despised the governing Federalists of the early Republic for their elitist tendencies and push for concentrated Federal power.

''Jefferson brought forth new political catchphrases: small government,

strict construction of the Constitution, States' rights, reduced taxes, less intrusion into the lives of citizens.

''His administration, historian Joyce Appleby wrote, would speak for 'the rational, self-improving, independent man who could be counted on to take care of himself and his family if only intrusive institutions were removed.' ''

Then Mr. Merry goes on and says about Jackson: ''Jackson knew that big government could always be manipulated to benefit the few at the top, especially those who worked or formerly worked for the government and big government contractors.''

Merry wrote: ''Jackson's most penetrating political insight was that concentrated governmental power always leads to corruption and abuse. The way to prevent this, he believed, was to maintain a diffusion of power and keep it as close to the people as possible.

''It wasn't that ordinary folks were less likely to abuse power; human nature applied to all. But if power were spread out through the polity, it couldn't be directed toward special favors and privileges for those who always managed to get their hands on power when it was available in sufficient increments. The playing field would be level.''

Of course the thing Jackson is most remembered for as President is his veto of a federally run national bank.

''The President wasted no time in vetoing legislation, daring his political opponents to make the most of it. Few documents in the American political literature capture conservative populism with the verve and power of Jackson's veto message. In it he portrayed the bank as a government-sponsored monopoly that employed the money of taxpayers to enhance the power, the privileges and wealth of a very few Americans and foreigners—'chiefly the richest class'—who owned stock in the bank and worked for it.

''If government is to grant such gratuities, he said, 'Let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country.'

''Rather, he added, such favors should be granted in such way as to 'let each American in turn enjoy the opportunity to profit by our bounty.' ''

Finally, Merry applies the Jackson philosophy the Dodd-Frank bill and similar legislation, which, he says, Jackson would have opposed, and says Jackson ''would expel Wall Street henchmen from the government, particularly if they came from Goldman Sachs.''

He also wrote that ''Jackson would be aghast that Fannie Mae and Freddie Mac still exist. Kill 'em, he would demand.

''The whole story of these government-sponsored enterprises would scandalize him—government guarantees that amount to government subsidies that are then used to lobby the government for ever more economic leverage.''

He has very accurately described the big government, big business duopoly that runs this country today. I urge all of my colleagues and others to read the Robert Merry article about Andrew Jackson in the October issue of the American Spectator Magazine.

CONGRESSIONAL OUT OF POVERTY CAUCUS

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

Ms. LEE of California. Mr. Speaker, I rise as the founder and the co-chair of the Congressional Out of Poverty Caucus to continue to sound the alarm every week that there are millions of Americans in need all across America. They need our help and they need our support.

Imagine for a moment if the entire population of 24 States in America were living in poverty. How would our Nation respond? We would respond as we do in any emergency, mobilizing to provide these people and families with adequate food, clothing and shelter. We would come together as a Nation and work to solve the crisis of poverty.

We know that nearly 47 million people live in poverty in America now, today. That's essentially the entire population of 24 States of this country. The emergency is real, and the crisis is happening each and every day in every city and every town across America.

But we are not mobilizing to solve this crisis of poverty. We are not directing Federal, State and local resources to help these men, women and children.

Mr. Speaker, we are really failing those living in and facing poverty. If you are facing or living in poverty, something as basic as eating is not a guarantee, and millions go to bed hungry every night.

This Sunday, October 16, is recognized as World Food Day. On Sunday, of course, we all should take a moment and be grateful that many are food secure, but we need to think about the nearly 15 percent of households and over 16 million children in America who are food insecure.

In fact, beyond Sunday, I hope that every Member of Congress joins me and other members of the Congressional Out of Poverty Caucus later this month in the 2011 Food Stamp Challenge. Once again, as several of us did a couple of years ago, I challenge my colleagues to live for a week on what a person on food stamps lives on; that is, $4.50 a day, and that's $1.50 a meal. So I hope you join us in that effort, my colleagues.

Experience is often the best teacher, and I bet that even a few days on living on what a person on food stamps survives on day in and day out might just bring us together to work to address the crisis of poverty.

□ 1000

We know what we need to do, really. The pathway to addressing the crisis of poverty, to boosting our stagnating economy and reducing long-term deficits is the same one: create stable living-wage jobs.

The most effective antipoverty program is an effective jobs program. When a family in poverty gains a living-wage job with good benefits, the family stops relying on government services, and that family begins to pay into the tax base instead of drawing from it. When jobs are created, it boosts demand, which helps to create even more jobs, which is what tax cuts for the wealthy, quite frankly, have always failed to accomplish. So we must come together and pass the President's American Jobs Act and support those initiatives that create stable living-wage jobs.

But while we work to create new jobs, we cannot forget that there are millions of Americans who are our most vulnerable. There are millions who face hunger, millions who have been looking for a job for more than 99 weeks, and millions of Americans who are losing their homes and struggling to keep their version of the American Dream alive. We must protect the vital safety net programs that support these people in these very hard times from draconian and shortsighted budget cuts by the so-called supercommittee. We cannot balance the budget on the backs of our most vulnerable

Poverty is real. It's rural and it's urban. People of all backgrounds, all ethnic backgrounds, are poor in our country. And so I hope we can finally, at least on this issue, end the extreme partisanship and really stand united in a bipartisan way and as a nation to create jobs and to address the crisis of poverty ravaging our Nation.

HONORING ARMY SPECIALIST GARRETT FANT

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

Mr. MCCLINTOCK. Mr. Speaker, 40 years from now, a beloved high school history teacher at Tahoe High School named Garrett Fant should be celebrating his retirement surrounded by generations of his students and his children and grandchildren. They would have all told affectionate stories about how Mr. Fant inspired them or helped them and wished him a happy and well-deserved retirement.

Unfortunately, history has willed a different story. Army Specialist Garrett Fant instead returned to Lake Tahoe last week as a fallen hero at the age of 21. This young man sacrificed all those years, all those memories, all those pleasures—and all that life—in the service of his country.

He loved the Army, and he had a plan for his life—he'd serve his country as a soldier for 20 years, and then he would come and serve his community as a high school history teacher. From everything I've learned about Garrett

Fant, he would have made a great history teacher. His mother told a reporter, ''His thought was that high school was the last stop for kids, and he wanted to influence people.''

He'd have made a great family man. His older brother remembers looking up to Garrett as if Garrett were the older brother. Knowing full well the dangers that surrounded him in Afghanistan, his foremost attention went to reassuring his family that he was safe and secure. His mother said, ''He always tried to protect me from the dangers of being over there. He was just someone that, if you were his family or his friends—or his country—he gave you his all and loved you with everything.''

Above all, Garrett Fant wanted to be a soldier. His brother tried to get him to enlist with him in the Navy, but Garrett would have none of that. He was all Army and had known from the time he was a little boy that's what he most wanted to do. On Facebook, he listed his occupation as ''grunt,'' telling his friends, ''You can't spell Infantry without 'Fant.''' He was the top marksman in his class of 1,000.

I wish I'd known him. I wish my grandchildren might one day have been his high school history students. Instead, Army Specialist Garrett Fant takes his place in history, among nine generations of American heroes who sacrificed all those precious years to protect those who couldn't protect themselves, to stand up to the bullies of the world, ''to proclaim liberty throughout all the land and unto all the inhabitants thereof.''

In his farewell address at West Point, General Douglas MacArthur turned his attention to fallen heroes like Army Specialist Garrett Fant, and with searing insight he observed, ''Their story is known to all of you. It is the story of the American man at arms. My estimate of him was formed on the battlefields many, many years ago and has never changed. I regarded him then as I regard him now, as one of the world's noblest figures; not only as one of the finest military characters, but also as one of the most stainless.

''His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, or any other man.''

And MacArthur goes on to say, ''But when I think of his patience under adversity, of his courage under fire, and his modesty in victory, I am filled with an emotion of admiration I cannot put into words.

''He belongs to history as furnishing one of the greatest examples of successful patriotism. He belongs to posterity as the instructor of future generations in the principles of liberty and freedom.''

And so Garrett Fant became a teacher after all. As Shakespeare said, ''this story shall the good man teach his son.'' Succeeding generations of students at South Lake Tahoe High School and also at Valley Oak High School in American Canyon, which Garrett also attended, will know his story. Every Memorial Day in his hometown, his name will be read with a special pride that his friends and neighbors will share. Strangers will pass by his honored grave, adorned with flags and flowers, and they'll note the few years he had and the sacrifice he made and be humbled by it and perhaps inspired by it to become better citizens. No history teacher can do more than that.

To his grieving family, on behalf of a grateful Nation, I can only say that you do not mourn alone. Your pride in Garrett is shared by your community, by your country, and by many, many history teachers who will tell his story to the latest American generation.

CELEBRATING WORLD FOOD DAY

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

Mr. BUTTERFIELD. Let me thank the Speaker for yielding time to me this morning.

As I begin my remarks, Mr. Speaker, I just want to make a brief remark about one of the preceding speakers, Congresswoman BARBARA LEE from Oakland, California, who has been an advocate for poverty, food insecurity, human rights, and all of the global issues that we have talked about over the years. And I want to thank her for her leadership on this very important issue. Congresswoman LEE is the founder of the Out of Poverty Caucus here in the House of Representatives, and I am honored to serve as one of her cochairs.

But the Congresswoman is absolutely correct; on this Sunday, October 16, we will celebrate World Food Day, a day to increase awareness, understanding, and informed, year-round action to alleviate hunger across the globe and in our neighborhoods.

The statistical evidence of pervasive and persistent hunger is absolutely staggering, notwithstanding the human stories of working families in my communities of eastern North Carolina or families in eastern Africa who cannot get enough food to eat on a daily basis.

And so I want to take this opportunity to remind all the Members of this body that millions of Americans, millions of people suffer from hunger; and unless we commit to eliminating this scourge, these human beings will suffer persistent poverty, reduced rights, and even death. We must come together, Mr. Speaker, to make hunger and nutrition issues, these issues, a priority. It is a priority in my hometown of Wilson, North Carolina. We have a food bank in my community. It is administered by the Wilson OIC, the Wilson Opportunity Industrialization Center.

□ 1010

On at least four occasions, on each occasion each year, this center is responsible for passing out food to those suffering from food insecurity. I have here to my right simply a picture of the last food program in which citizens of our community lined up all night long to receive food in this community. You will see this building. It is a former school. Actually, I went to elementary school there many years ago. This was my first-grade classroom, Congresswoman LEE. This is a former elementary school. It is now the Wilson OIC, and citizens lined up all night long in order to receive food from this program.

What a shame.

But thank you, OIC, for your effort.

Nine hundred twenty-five million people suffer from chronic hunger worldwide—one in seven people. That is an atrocious statistic. Shockingly, in 2011, there is still severe starvation. The worst drought in 60 years caused widespread hunger and starvation across the Horn of Africa, and we need to pay attention to the Horn of Africa. Globally, 12 million people are in danger of starving to death, and children are especially vulnerable.

In the United States—the richest country in the world, the richest country that we've ever known—in our beloved country, 48 million people live in food insecure households, and these are yet examples of that. That is one in six people in our country who suffer from food insecurity. The recession that we talk about on this floor every day has exacerbated the plight of many, but the problems with food insecurity began well before 2007. Since the year 2000, the number of people classified by USDA as having very low food security has doubled. My district has been recently classified as the second most insecure district in the country.

The Federal Government certainly needs to find ways to cut costs and reduce spending, but that burden should not fall heaviest on the people with the greatest needs. We need to continue our investments in agriculture research to empower scientists to develop more efficient and sustainable methods of production. We should maintain and improve our commitments to foreign aid programs through USAID, improving them to provide greater access to needed resources.

Finally, Mr. Speaker, my predecessor in this office, former Congresswoman Eva Clayton, was a strong, clear voice on behalf of the hungry of the country and those abroad. During her 10 years in Congress, she was staunchly committed to improving access and the quality of food stamps, WIC, and other programs. Following her retirement, she was appointed the assistant director of the U.N. Food and Agriculture Organization.

In this astounding legacy, we will be introducing legislation, probably tomorrow, to honor the work of Eva Clayton: The Eva Clayton Fellows Program Act of 2011. This is a wonderful

program. I urge my colleagues to pay attention to the introduction of this bill. It will be significant.

THE SPIRIT OF COMPETITION

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

Mr. SCHILLING. Mr. Speaker, I rise today, in the spirit of competition, in support of American workers and as an advocate for a government that seeks to provide economic certainty for the businesses that create jobs in this country.

Last night, the House voted on bipartisan trade agreements with Colombia, Panama, and South Korea. These agreements represent an opportunity to compete, grow jobs, and promote American exports.

Here is what we know: Ninety-five percent of the world's customers live outside this great country. Here is another thing: If America gives itself the opportunity to compete with other countries, like these three agreements will, American manufacturers and farmers will deliver, and we will all win. Job creation is red, white, and blue. It's definitely a red, white, and blue issue, and that is why you saw both Democrats and Republicans coming together yesterday to provide this opportunity for American exports to compete.

In the 17th District of Illinois, which I represent, I recently visited a company that makes the big mining trucks, and 80 percent of those trucks ship outside of the United States of America. This company employs 3,000 workers, which is equal to supplying jobs to 2,400 of those. These jobs are dependent upon exports. The same company also manufactures bulldozers. Eight out of 10 of those are sold to buyers from overseas. Yet again, this is an example of jobs being created because of the demand for American products by customers in a global economy.

These trade agreements will reduce tariffs on goods and will remove barriers that are currently in place. By leveling the playing field for our manufacturers and farmers, we can further promote these cornerstones of the American economy. We need to enact these policies that strengthen our manufacturing base, which is why I am cosponsoring legislation offered by my colleague and friend DAN LIPINSKI that will pave the way for our national manufacturing strategy.

Three million manufacturing jobs and almost 4 million ag jobs are dependent upon U.S. exports. The independent U.S. International Trade Commission estimates that these agreements will increase American-made exports by $13 billion and inject $10 billion into our GDP. President Obama estimates that these jobs could create a quarter of a million jobs. According to the Congressional Research Service, the last time the United States signed a trade agreement was back in 2006 with Peru.

These three trade agreements the House passed last night could have been sent to Congress back in 2009. Every day we delay is a day we deny American workers job opportunities to compete. These trade agreements aren't about rhetoric. They are about results. We cannot afford to sit on the sidelines anymore while other countries enter into trade agreements with Colombia, Panama, and South Korea, causing us to lose more of the market share. Again, I support these free trade agreements. If as a country we are allowed to compete, I know we will deliver.

RECOGNIZING MARCIA JO ZERIVITZ

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. I rise today to honor the achievements of Marcia Jo Zerivitz, the founding executive director and chief curator of the Jewish Museum of Florida.

Marcia has been a leader in the organized Florida Jewish community for more than 40 years. Originally from West Virginia, she has been a leader in Jewish organizations since her work with Hillel during her college years. Since the 1970s, Marcia has held various leadership roles within organizations such as Israel Bonds, AIPAC, ORT, and Hadassah.

Throughout her lifetime, Marcia has broken the glass ceiling as the first woman in many positions, including as president of the Greater Orlando Jewish Federation. She is one of the first women nationally to hold this office. She was also the first woman to chair the Florida Association of Jewish Federations Conference in 1979. In 1993, Marcia guided the restoration of an abandoned 1936 art deco building on Miami Beach, which served as an Orthodox synagogue for 50 years, and she opened the Jewish Museum of Florida in 1995.

She led the effort to get the museum accredited and has presented more than 50 exhibits in 15 years. The museum, which is on the National Register of Historic Places, has collected, preserved, and interpreted the Jewish experience in Florida since at least 1763, when Jews were first allowed to live in the State.

In 2003, she initiated State legislation for a Florida Jewish History Month, which is now recognized each January. Then in 2005, Marcia and members of Miami's Jewish community approached me with the idea to designate a month to honor the contributions that American Jews have made to our Nation. As a result, I was the proud sponsor of the Jewish American Heritage Month resolution, which the House and Senate unanimously passed in 2006 and which has been proclaimed by President Bush and President Obama annually since then.

Marcia Zerivitz should take great pride in knowing that Jewish American Heritage Month, which is now celebrated across our Nation each May, began with her work at the Jewish Museum of Florida.

I am honored to recognize Marcia Jo Zerivitz for the positive impact that she has made, not just on Florida's Jewish community but on communities across our Nation. I wish her well on her retirement, and I thank her for enriching the lives of countless others in the Jewish community and around the country.

□ 1020

YUCCA MOUNTAIN

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

Mr. SHIMKUS. Mr. Speaker, I come to the floor a second time, as I promised a couple of weeks ago, to talk about high-level nuclear waste in the Yucca Mountain repository.

Two weeks ago I highlighted Hanford, Washington, a DOE site that has 53 million gallons of nuclear waste—53 million gallons of nuclear waste that's stored 10 feet underground in tanks that are leaking. The waste is 250 feet above the water table and the waste is 1 mile from the Columbia River, versus Federal law which said in 1982 that Yucca Mountain should be our national repository.

Now let's look at Yucca Mountain. Right now there's no nuclear waste on site. The waste would be stored a thousand feet underground. The waste is a thousand feet above the water table, and the waste would be 100 miles from the Colorado River; 100 miles versus 1 mile, high-level nuclear waste, especially with Hanford where you have nuclear waste that actually is leaking outside the tanks.

So then my response was: What are the Senators in these two States doing and what's their position? The reason why we're not moving to Yucca Mountain is because of one U.S. Senator, the majority leader of the Senate, HARRY REID, who has blocked the movement of Yucca Mountain.

Obviously, these Senators have an interest because of the Columbia River, and I was trying to encourage them, through the use of the bully pulpit, that this was a time to move to get this resolution resolved, especially after Fukushima Daiichi, everybody following the tragedy in Japan, and part of that was high-level nuclear waste in storage ponds right on site.

Since then, I have been able to get a few quotes from these Senators, or researched them. Senator CANTWELL said: ''The National Academy of Sciences has concluded that the best approach is to bury nuclear waste deep underground. Since that conclusion, Yucca Mountain in Nevada has been chosen as the national repository.''

Senator MURRAY said this: ''I believe that it is irresponsible for the Department of Energy to discontinue the

Yucca program altogether, its funding, licensing and design.''

Senator WYDEN has said: ''I don't see that (Yucca Mountain will reopen). I think that there'll be an effort to look at new technologies and on-site storage and a whole host of approaches, but I don't think that's going to happen.''

So Senator WYDEN is accepting this in Hanford, a mile from the Columbia River.

Senator MERKLEY has been quiet, as far as we could find from the Google search pairing his name and any Yucca Mountain comments.

Now, lest people think I'm picking on the Northwest, let me go to my home State of Illinois. So one facility, Zion Nuclear Power Station, it's a decommissioned plant but there's still 65 casks containing 1,135 metric tons of nuclear waste, versus Yucca Mountain, which has zero.

The waste at Zion is stored above the ground; the waste at Yucca Mountain would be a thousand feet below the surface. The waste at Zion is 5 feet above the water table; the waste at Yucca Mountain would be a thousand feet. The waste at Yucca Mountain is 100 miles from the Colorado River; the waste from Zion is 1,300 feet from Lake Michigan.

I mean, it doesn't take a rocket scientist to understand that Yucca Mountain is safer than storing high-level nuclear waste next to Lake Michigan.

So what have our Senators said?

Well, let's start with Senator DURBIN. He's quoted as saying: ''There are a lot of options out there. But I have supported Yucca in the past, and I am not walking away from that. I just think we need to consider other options as well.''

I want him to obviously continue to consider Yucca Mountain.

Senator KIRK has said: ''I think in the end Congress needs to fight and win the battle to build the Yucca Mountain facility so that we can store nuclear waste 1,000 feet below the surface.''

I agree.

Senator KOHL is quoted as saying: ''This site, on the Nevada nuclear test site''—that's what people don't know is that Yucca Mountain is also the Nevada nuclear test site. That's where we tested the nuclear bombs during the nuclear arms race and the nuclear age. So Senator KOHL is correct in saying: ''This site, on the Nevada nuclear test site, is certainly safer than leaving the waste at 132 sites nationwide, sites scattered around the country that were never designed to be a permanent solution.''

Senator JOHNSON is silent.

CURRENCY MANIPULATORS

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to applaud the bipartisan majority in the Senate for passing legislation to take on currency manipulators, and to urge our House of Representatives and our House Republican leadership to do the same—to allow a stand-alone, up-or-down vote on currency manipulation legislation—here in the House of Representatives. In a period of congressional gridlock, we must seize every bipartisan opportunity available to us not only to create jobs, but also to protect the good-paying jobs we already have.

As the Senate demonstrated this week by passing the Currency Exchange Rate Oversight Reform Act, the time is now to take advantage of bipartisan cooperation. Sixteen Republican Senators joined 47 Democratic Senators in voting for this legislation to counter an unfair trade practice that is hampering our economic recovery.

In February, Congressman SANDER LEVIN, TIM RYAN, and TIM MURPHY introduced the Currency Reform for Fair Trade Act. H.R. 639 has garnered 225 bipartisan cosponsors, more than enough secure House passage. This 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 of Representatives last year by a strong, overwhelming bipartisan vote of 348–79, both Republicans and Democrats.

When countries are allowed to keep the value of their currencies artificially low and, in turn, the prices of their exports into the United States, American companies and American workers face an unfair disadvantage. Forced to compete on an unlevel playing field where competitors are able to maintain a permanent 30 to 40 percent-off sale on their products, American jobs are lost and our trade deficit grows with countries like China.

The Economic Policy Institute recently released the study, and it showed that in the last 10 years the U.S. lost 2.8 million jobs, including nearly 62,000 jobs in my home State of Indiana as a result directly of the expanding trade deficit with China. Many experts agree: Countries like China that manipulate their currencies are damaging the U.S. economy.

Fed Chairman Ben Bernanke recently expressed concern ''that the Chinese currency policy is blocking what might be a more normal recovery process in the global economy,'' and he stated that ''it is to some extent hurting the recovery.''

Chairman Bernanke is tasked directly with the responsibilities of serving and protecting America's economic interests. He recognizes the impact that Chinese currency manipulation is having on our economy. It is long past time for this House of Representatives to do the same.

□ 1030

After the Senate expressed interest in considering S. 1619, China immediately went on the offensive, issuing threats and saying such legislation could spark a trade war. Though China's comments are disappointing, they are not unexpected, and Congress should not shy away from doing what is in America's best interests. That is our job. China's unfair currency policies have cost millions of Americans their jobs, and I believe inaction on this issue is dangerous to our economic recovery and continues to put at risk hundreds of thousands of additional American jobs.

When I travel around my district, I hear from small businesses and manufacturers on this issue. And they never ask for Congress to guarantee their success. All they want is a fair fight, for the rules to be the same. And I believe given a level playing field, American businesses will win every single time.

Once again, to our House leadership, please allow bipartisan legislation addressing currency manipulation to come before the full House of Representatives for a standalone, up-or-down vote. Who are you going to stand with, the Chinese government or American businesses and American workers? The American people want a vote now and deserve a vote now.

REPUBLICAN ANTI-CHOICE LEGISLATION

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

Mr. CROWLEY. Mr. Speaker, we are now more than 275 days into this 112th Congress, and the GOP leadership has put forward zero American jobs bills and outright rejected consideration of President Obama's jobs proposal. So if jobs aren't at the heart of the Republican Tea Party's agenda, what is?

Passage of anti-labor legislation to weaken the rights of middle class workers and encourage the shipping of jobs overseas. Check.

Passage of anti-middle class legislation to raise taxes on hardworking families. Check.

Passage of anti-environment legislation to roll back clean air standards. Check.

Passage of anti-education legislation to slash Pell Grants for middle-income students to afford college. Check.

And later today, passage of its seventh anti-women's health measure. Today's bill will put the government in the middle of American's health choices and allow hospitals to refuse life-saving treatment to women.

Every day it feels more and more like the movie ''Groundhog Day.'' I wake up hoping it will be something different, but it's the same scene played over and over and over. The Republican Tea Party agenda stuck on repeat might satisfy the extreme right wing, but it neither satisfies nor helps hardworking Americans.

It is time for the GOP leadership to learn a lesson from ''Groundhog Day''—the only way out of it is to do better.

The American people don't want token legislation, extreme partisanship, or sideshow politics. They want

real solutions, real jobs, and a real vision. They want a vision for America. A vision for America. And like the movie, they are desperate for a new day.

HISTORIC PRESERVATION

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

Mr. HIGGINS. Mr. Speaker, I rise today to celebrate the National Trust for Historic Preservation's 65th National Preservation Conference, which will be held in my community of western New York next week.

Over 2,000 people from across the country and around the world will converge in Buffalo to be immersed in our considerable and remarkable architecture. What makes this conference unique is that our community's historic preservation assets are the very reason the conference is being held there.

The centerpiece will be the numerous buildings, homes, parks, and neighborhoods that were remarkable upon their construction and will help grow us in the future. This conference will provide international validation to what many in western New York have long known and understood: that our ability to thrive lies in recapturing the potential of what we have built in the past. And we are doing just that.

Buffalo is home to the Nation's first park and parkway system, designed in the 19th century by the famed landscape architect Frederick Law Olmsted. The 1,200-acre parklands are some of the very best in the world. The Buffalo Olmsted Parks Conservancy is leading a multimillion dollar effort to restore the parks so western New Yorkers can visit and appreciate and enjoy them for decades to come.

Meanwhile, we are meticulously restoring buildings integral to our architectural legacy. These include the Darwin Martin House and Graycliff Estate by Frank Lloyd Wright; the Guaranty Building by Louis Sullivan; the Buffalo Psychiatric Center by Henry Hobson Richardson; and the Hotel Lafayette by one of America's first female architects, Louise Blanchard Bethune.

These efforts are not just examples of historic preservation. They represent a new confidence that we can take charge of our own future by reclaiming our past.

Mr. Speaker, historic preservation efforts in Buffalo and western New York also demonstrate the importance of partnerships between the Federal Government and the private sector. Without these partnerships, many preservation projects would never get off the ground.

Federal tools like the historic preservation tax credit and the new markets tax credit bring builders, investors, and development professionals together, and they have the capacity to turn around entire communities.

In Buffalo, $64 million of new market tax credit investments have occurred since 2005. This investment has leveraged projects totaling over $141 million in our community. The new markets program has encouraged the redevelopment of the Oak School Lofts, Ellicott Commons, the Electric Tower, the Webb Lofts, Ashbury Hall, AM&A's Warehouse Lofts, 567 Exchange Street, the Larkin at Exchange complex, the Erie Lackawanna Train Station in Jamestown, and the Innovation Center at the Buffalo Niagara Medical Campus. All of these projects involved either a restoration of a historic, vacant building, or new construction in an economically distressed area.

I support legislation that would extend the new markets program and authorize it at $5 billion or more a year. And I support extending the historic preservation tax credit because I have seen in Buffalo how cost effective and successful these programs can be.

Older industrial areas like Buffalo will be able to compete and succeed in a globalized economy if their leaders develop a culture of innovation and create new economic opportunities while taking advantage of the unique aspects of the past. Buffalo and western New York are ready to meet that challenge.

I congratulate those who have led the effort to host this important conference, especially Bob Skerker and Catherine Schweitzer, and the hundreds of western New Yorkers who will make this conference a success.

To the conference attendees and visitors from all around the world, I would say our community is honored to host you and proud to show off our unique architecture and historic assets. I promise you will not be disappointed.

INVESTING IN AMERICA

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

Ms. JACKSON LEE of Texas. Mr. Speaker, thank you very much for yielding to me this morning.

I wanted to share with my colleagues an important challenge that we have. And I think some would say how obvious with 9 percent unemployment, which I think we should be honest with ourselves and realize that it has been an accident that has been long in coming. Almost as if one slowed down on a rainy day and looked as if one was following the prudent rules of the road and decided to, in a moment's notice, not only speed but speed through a stop sign, an accident waiting to happen. We have of course, had spending without accountability in two wars, Iraq and Afghanistan, preceding this administration; and, of course, tax cuts for the top 1 percent of the population, many of whom acknowledge that where there is opportunity and benefit, there must be sacrifice and contribution.

And if we were to engage them in a reasoned discussion, we would find out, of course, that they would be willing to invest in America. I don't call it taxation. None of us enjoy getting that bill that deals with taxes, but we do understand the value of investing in America.

□ 1040

Yesterday, we debated three trade bills. All of them are my friends. I have had the opportunity to engage with the communities represented by South Korea, Panama, and Colombia. Let me say in particular on Panama, my grandfather worked on the Panama Canal. The evidence is not his words to me, since he died before I was born, but it is the evidence of his name being printed in the annals of the Panamanian history of the canal right there at the canal site that I have visited on many occasions. What an emotional moment to see his name arise as one who helped construct and build in the 1900s amongst all the devastation, the mosquitoes, and disease. He survived and helped build the Panama Canal. So we have a longstanding relationship with them. We have a longstanding relationship with the canal.

But the trade bills, for me, should answer one question—and I respect those who voted for it: Will it have an infusion of opportunity for those who have lost their jobs? Unlike some comments by Presidential candidates running for this job, I don't believe if you're unemployed and if you are not rich, it is your fault. There are college graduates who are unemployed today. There are skilled artisans and those who are in the trades who are unemployed today. There are returning veterans—young men and women—who led almost multinational companies in terms of the jobs that they had in the military in Iraq and Afghanistan. How do I know? Because I have visited them and seen them in operation. If you are over the logistics of moving equipment and moving men and women, and you're 25 years old, I can assure you that you know how to work in a large corporation.

There's no evidence that these bills being passed at this time will in fact bring down the unemployment. I believe our chief responsibility is to find work for the American people.

One of the challenges of the language of the trade bill is the question of protecting our intellectual property. Intellectual property creates jobs. It protects the genius of America. Of course, all of us through our history books have known about the origins of the telephone and we know the origins of the lightbulb and some of the geniuses that we've known in our early history. Many of us have heard of George Washington Carver, who did a lot with the peanut.

America knows how to invent. We know how to do research. I have the privilege of having in my jurisdiction and surrounding areas the Texas Medical Center, where some of the most outstanding research is being done on cancer, which seems to be an epidemic in this country.

So I argue we did not have sufficient protections for intellectual property. But here is the key. In addition to not having a direct correlation and an oversight on the passage of these bills which passed in the Senate last night and the creation of jobs that our population, our citizens, those that we are here to protect, those who we're here to create a pathway of economic opportunity for—a nexus of jobs, that's what you need to prove to me. And so I believe that we are missing a manufacturing strategy. It is interesting that we consider that old stuff and how proud we were of the Model T.

I believe that we cannot go forward on trade bills, Mr. Speaker, until we focus on manufacturing in America, make it in America, and putting people back to work at all levels of education. That's going to be my cause for now and forever and ever. I want America back to work. It's a great Nation. It's the greatest country in the world. Let us focus on our folks getting jobs and getting our folks back to manufacturing, making things, selling things, and America continues to serve this world as the greatest democracy and the greatest country in the world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11:30 a.m. today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until 11:30 a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 11:30 a.m.

PRAYER

Reverend Jesse Reyes, San Jose Catholic Church, Saipan, Northern Mariana Islands, offered the following prayer:

Gracious and loving Father, we thank You for this beautiful day.

We ask You to send Your Holy Spirit of good counsel and fortitude to all who make the law; enlighten their minds and their hearts to be moved with compassion and to be conducted in righteousness and be eminently useful to Your people over whom they represent.

May they have the courage to promote peace and harmony, and bring us the blessings of liberty and equality.

We make this prayer through Christ our Lord.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Ms. HOCHUL) come forward and lead the House in the Pledge of Allegiance.

Ms. HOCHUL 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 JESSE REYES

The SPEAKER pro tempore. Without objection, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 1 minute.

There was no objection.

Mr. SABLAN. Today, I welcome Father Jesse T. Reyes, from the Diocese of Chalan Kanoa in the Northern Mariana Islands, as our guest chaplain.

Father Reyes, or ''Pale Jesse'' as we say in the Marianas, was ordained in 2007. Since then, he has devoted himself to serving our people as the parochial vicar for the parish of San Jose in the village of Oleai.

Pale Jesse's ministry also includes serving as chaplain at the adult correctional facility, as vocation director for the diocese, and as the spiritual director for the Christian Mothers and the Divine Mercy prayer group.

I am very grateful that Pale Jesse was able to set aside that work for a few days to accept the invitation to be here. This marks the first time that a member of the clergy of the Northern Mariana Islands has offered the opening prayer for the U.S. House of Representatives; and it is, indeed, a great honor for the people of our islands—people of all creeds and denominations.

Welcome, Pale Jesse, and thank you for your blessings.

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, October 13, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, 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 October 13, 2011 at 9:20 a.m.:

That the Senate passed without amendment H.R. 3080.

That the Senate passed without amendment H.R. 3079.

That the Senate passed without amendment H.R. 3078.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

EXPRESSING FRUSTRATION WITH WASHINGTON POLITICIANS

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

Mr. JOHNSON of Ohio. Madam Speaker, last week we witnessed shocking, shocking hypocrisy from President Obama. His Justice Department filed a lawsuit, a frivolous lawsuit, to block the State of Alabama from enforcing a law that would keep illegal immigrants from taking American jobs.

In the lawsuit, Mr. Obama's lawyers claimed that the law would expose those whom authorities suspect might be here illegally from ''new difficulties in routine dealings.'' Now, keep in mind that this is the same Obama administration that is strangling small businesses with job-killing regulations, and because of Barack Obama, virtually every small business in America is now facing ''new difficulties in routine dealings.''

The people I represent are beyond frustrated with Washington politicians, who are slow to protect America's businesses, yet who are quick to sue over a law that would help American citizens get jobs. Americans have given up on their leadership, so here is a message for President Obama:

Stop targeting small businesses, and let these job creators get back to doing what they do best—creating jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President.

CHINESE CURRENCY BILL

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

Ms. HOCHUL. I rise in support of bipartisan, job-creating legislation to crack down on the unfair manipulation of Chinese currency.

Businesses in my district, like Pyrotek and I Squared R Element, are ready to lead the resurgence of American manufacturing, but these businesses are competing on an unlevel playing field.

For far too long, China has gotten away with manipulating its currency to make Chinese exports to America cheaper and American exports to China more expensive. There is overwhelming bipartisan support to hold China accountable. Level the playing field, and I would put my team up against any team in this world—second to none. The Currency Reform for Fair Trade

Act would enhance our economic security; it would enhance our national security; and it would help create over 1 million jobs here in America.

I call on the leadership of this House to bring this legislation to a vote, and I call on all of my colleagues to support it.

JOHN 3:16 MINISTRIES

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

Mr. CRAWFORD. Madam Speaker, I rise today to speak on the important role that John 3:16 Ministries plays in the lives of recovering addicts in the First District of Arkansas, which I am privileged to represent.

John 3:16 Ministries is a nonprofit, faith-based recovery center, located in Cord, Arkansas, which offers men an opportunity to overcome their addictions through faith and service to others. This organization was founded by Bryan and Beverly Tuggle, who were inspired to open a spiritual boot camp for addicts after Bryan sought help for his own addictions years earlier at the New Beginnings Ministry.

John 3:16 Ministries took its first resident on May 5, 2003, and it has been helping men who struggle with addiction ever since. Residents receive lodging, are taught skills to help them become more productive citizens in their communities, and are encouraged to enroll in classes offered through the local community college. Most importantly, residents of John 3:16 Ministries are given an opportunity to heal physically and spiritually.

Unlike most recovery centers, John 3:16 Ministries offers these services free of charge and is funded by donations only from local churches, businesses, and individuals. When asked about the cost of the services that John 3:16 Ministries provides, Bryan always has the same response: Jesus Christ has paid the cost in full.

Mr. and Mrs. Tuggle provide an incredible service, and I am honored to serve such selfless constituents in the First District of Arkansas.

GREAT LAKES RESTORATION

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

Mr. HIGGINS. Madam Speaker, the Great Lakes are one of America's most overlooked and underappreciated resources. They are the largest source of surface freshwater in the world, providing more than 30 million people with drinking water and supporting a multibillion dollar boating, shipping, fishing, and recreation economy. The Great Lakes fishery alone generates $7 billion in economic activity and directly supports 75,000 jobs.

Yet the lakes are threatened by toxic algal blooms that are fueled by agriculture runoff, sewer overflows, and other pollution. Lake Erie, in particular, as the shallowest of the lakes, is exceptionally vulnerable to excess nutrients and phosphorus.

According to a recent report by the National Wildlife Federation, this summer, Lake Erie saw the most severe algal blooms since the 1960s. Madam Speaker, the Brookings Institution reports that every dollar invested in Great Lakes restoration results in a $2 return in the form of increased fishing, tourism, and home values.

This program is cost-effective, and I urge Congress to reject cuts to Great Lakes restoration.

□ 1140

TRIBUTE TO RAY REID

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

Mr. WOMACK. Madam Speaker, I rise today to honor the life and legacy of Arkansas' ''fifth Congressman,'' Colonel (Retired) Raymond T. Reid, who passed away last weekend at the age of 90.

Ray Reid had an amazing love for his country. At the outbreak of World War II, he left school to join the Army and over the ensuing 31 years, faithfully served his Nation in uniform. His record of service placed him among our Nation's most unique: a veteran of World War II, Korea, and Vietnam.

And, Madam Speaker, as if his distinguished military service was not enough, Ray Reid came to Capitol Hill and served a quarter-century on the staffs of John Paul Hammerschmidt, Tim Hutchinson, and Asa Hutchinson, where, upon his retirement, he earned the nickname of Arkansas' ''fifth Congressman.''

Ray Reid was an institution. He enjoyed a long and adventurous life. Married to his sweetheart, Jean, for 51 years, he was the father of four, grandfather of six, and great-grandfather of two.

I am honored to acknowledge the dedicated service of this great American hero.

OPPOSITION TO THE KOREA, COLOMBIA, AND PANAMA TRADE AGREEMENTS

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

Ms. FUDGE. Madam Speaker, I rise today to address the need to keep good-paying jobs in America. I voted ''no'' on the trade agreements passed in this House last night, but in that same vote I voted ''yes'' for American jobs, I voted ''yes'' for jobs on American soil, I voted ''yes'' for human rights and ''yes'' for labor protections.

The trade agreements will cost us jobs at a time when we should be investing in America, and they will lead to further decline of the middle class. These agreements are toxic for Ohioans who work in manufacturing and other sectors.

The U.S.-Korea trade agreement alone will cost almost 160,000 jobs in this country in the first 7 years. Stand with me for the middle class and against shipping jobs overseas.

MESSAGE FOR FEDERAL GOVERNMENT: BACK OFF

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

Mr. POE of Texas. Madam Speaker, when I meet with businesses across southeast Texas, their message for the Federal Government is clear. Back off.

Over 14 million Americans are unemployed because companies are not hiring. Companies are not hiring because of the uncertainty in the economy.

The Federal Government redtape, high taxes, and unnecessary regulations are crippling job creators and adding to the uncertainty. America has become an unfriendly place to do business, so businesses are either not hiring or they move out of the country.

The Judiciary Committee will soon vote on the REINS Act. I support this bill because it says that Congress must approve every major rule proposed by the executive branch before it could be imposed on the American people and the American companies.

So the EPA's dust regulation, among several, would be no more. It is the responsibility of Congress to rein in the administration's runaway regulators. That is how we get America back to work.

The Federal Government cannot create jobs, but its self-inflicted overregulation is destroying jobs. It's time to end the out-of-control Federal regulation terror on American businesses.

And that's just the way it is.

URGING ACTION ON JOBS LEGISLATION

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

Mr. HIMES. Madam Speaker, 2 days ago the United States Senate, the Republicans in the United States Senate, unanimously decided to not bring for consideration the jobs bill. I don't understand the workings of the United States Senate, and I don't understand the logic behind that decision, but I do understand why on a good day the approval ratings of the United States Congress are 12 percent.

Maybe the bill wasn't perfect. The only justification for not bringing the jobs bill today is because you've got a better bill.

So I ask the Senate and I ask the leadership of this House, there are 14 million Americans who today need a job; so if the bill's not perfect, that's fine; let's make it good. But let's do it today.

The American people cannot wait on the politics of this institution. Let's bring a jobs bill to the floor today.

AGAINST THE PRESIDENT'S JOBS BILL

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

Ms. HAYWORTH. Madam Speaker, on September 14, 2011, this year, Mark Prosachik from Hopewell Junction, New York, sent the following letter to me, and I quote:

''Dear Congresswoman Hayworth, I have been unemployed for over 18 months and my unemployment insurance ran out, reducing my eligibility for extended benefits. You would think I would be fuming mad . . . and demanding the government make companies hire me. But, no. Instead I'm against President Obama's jobs bill. It is guaranteed to add to the country's bloated debt. It will require taxes to be raised. It will waste money training people when there are many with the skills who are unemployed.''

Mr. Prosachik, I think you're absolutely right. Spending more of your hard-earned dollars or anybody's else's on projects like Solyndra or other efforts that unfortunately have not grown our economy will not work. I commend the Senate for rejecting a jobs bill that was a job-killing bill.

We in the House majority have passed bills throughout this year, joined often by our Democratic colleagues, that will grow jobs, that will revive our economy. I urge all of our colleagues in the Senate to pass that agenda immediately.

HISPANIC HERITAGE MONTH

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

Mr. COSTA. Madam Speaker, as Hispanic Heritage Month comes to a close, let us all take a moment to celebrate the Hispanic community and their contributions throughout the United States.

The story of Hispanic Americans is truly the story of America and all its groups. Their dream is the American Dream.

In America, if you work hard and play by the rules, dream big, there is absolutely no limit to what you can achieve. Hispanics have succeeded in every walk of life, and the success of their community strengthens the very fabric of our Nation.

Let us all recommit ourselves to working on issues that are important to the Hispanic community, which, after all, are the same issues important to all Americans: creating good jobs, expanding access to higher education, and mending our broken immigration system. When we reflect upon America's history, we are a Nation of immigrants from the past and present.

Let us work together today as Democrats and Republicans so that every citizen in America can achieve the American Dream.

MORTGAGE FRAUD

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

Mr. MARCHANT. Madam Speaker, in my district and across America, mortgage fraud is a serious crime that's hurt homeowners, businesses, and the economy.

The exact amount of losses attributed to mortgage fraud is unknown, but some estimates state that $10 billion of loans were originated with fraudulent applications in 2010. Major contributors to mortgage fraud are carried out by nonresident aliens and illegal immigrants.

HUD's Office of Inspector General noted that one loan officer gave fraudulent documents to undocumented immigrants in order to obtain FHA-insured mortgages. HUD then realized $3.2 million in losses.

To correct this problem, I've introduced H.R. 695. The purpose of my bill is to cut down on such waste. It does so by requiring E-Verify checks with mortgage applications where the mortgage is guaranteed by an agency of the Federal Government. This will help stop the fraud in our mortgage system.

Please join with me in ending this mortgage fraud and help me support H.R. 695.

TIME TO END THE WAR IN AFGHANISTAN

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

Ms. HAHN. Madam Speaker, over the weekend I visited Arlington West on the beach in Santa Monica, a beautiful memorial to the men and women in uniform who have lost their lives in the 10 years of war.

As I walked through hundreds of crosses in the sand marking the lives of thousands of young people who've given everything they had to give, on the weekend that marked the 10th anniversary of the start of the war in Afghanistan, I held these heroes and their families in my thoughts and my prayers.

I want this war to end, and I want to speed up the timetable so our President brings our troops home. We are simply losing too many lives and spending too many resources abroad. We cannot afford to spend $190 million a day on this war when we have crumbling schools and infrastructure here at home that needs fixing.

Just think what we could build with $190 million a day in this country. Think of the jobs we could create with projects rebuilding America.

And when our heroes come home, we should do everything we can to help them reenter their families and their workforce.

Let's put people to work building an American future worthy of the sacrifices of our brave young people in uniform.

□ 1150

CALLING FOR A BALANCED AMENDMENT

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

Ms. FOXX. Madam Speaker, if our Nation's debt crisis has taught us anything, it's that we need a permanent spending solution to keep America the permanent land of the free. There's only one way to bind Congress to such a commitment, and that is through a balanced budget amendment to the Constitution.

House Republicans have already changed the debate from how much to spend to how much to cut, yet our extraordinary crisis still demands extraordinary action.

Washington Democrats went on a record spending binge and left America in an economic hangover. New taxes, as the President proposes, would only punish the Nation and reward the spenders with more money to waste.

We need to stop spending money we don't have and begin living within our means like every American family and business is expected to do. We need a permanent constitutional amendment. For the sake of tomorrow's generations, let's get it done today.

CURRENCY REFORM FOR FAIR TRADE ACT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, China's policy of undervaluing its currency is undercutting American manufacturing and American jobs by giving China an artificial and unfair advantage. In this time of economic uncertainty and high employment, we need to take direct, commonsense action to protect the American worker from unfair Chinese trade practices.

The Senate has passed a bill to investigate currency cheating by China and other countries and to impose tariffs if they are found guilty. Yesterday, Democrats attempted to offer a similar bill, which has 61 Republican cosponsors, but 235 Republicans voted against it. Moreover, House Republican leaders have indicated the Senate bill will never see the light of day if they have their way. Speaker BOEHNER says the fair trade bill with China is ''dangerous.''

The American people don't think there is anything dangerous about protecting American workers from schemes that burden our exports, subsidize their imports, and kill jobs. Republican leadership should bring the China currency and fair trade bill to

the floor so the House can give it the bipartisan vote it deserves.

HOCKEY FIGHTS CANCER DAY ON THE HILL

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

Mr. QUIGLEY. Madam Speaker, I rise in celebration of National Hockey League's Hockey Fights Cancer Day on the Hill.

Anyone who has played the great sport of hockey or who has watched a game has probably seen a fight or two on the ice. It's no secret that hockey players are a tough group. But off the ice, there are bigger fights being waged each and every day by people even tougher than your average hockey player, even players like former Blackhawk Reid Simpson.

Those living with and fighting against cancer are tougher than the toughest odds and incredibly brave in spite of daunting treatment and an uncertain future. With nearly 12 million patients in America today, most of us know someone fighting cancer, be it a family member, friend, or neighbor.

The NHL's Hockey Fights Cancer initiative is an extraordinary opportunity for members of the hockey family to stand up for our loved ones and to support the organizations that provide cutting-edge research, therapy, and vital support services that make their lives better.

This is one fight I'm proud to be a part of, and I encourage other hockey fans out there to join me as Hockey Fights Cancer.

CURRENCY REFORM FOR FAIR TRADE ACT

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

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of American families whose jobs and livelihoods are being undermined by China and other countries which purposely undervalue their currency.

For the past several years, the best economic research has shown that China manipulates the value of its currency by at least 25 to 30 percent against the dollar.

This blatantly unfair trading practice has contributed to our trade deficit with China, growing it from $68 billion to $273 billion in just 11 years. Worst of all, the American people have become the ultimate victims. Last month, the Economic Policy Institute found that 2.8 million U.S. jobs have been eliminated or displaced since 2001 due to the growing U.S.-China trade deficit.

Last year, the Currency Reform for Fair Trade Act passed this Chamber with strong bipartisan support. Yesterday, unfortunately, the new House majority voted nearly identical legislation down. The Currency Reform for Fair Trade Act has been supported by Members on both sides of the aisle and would give this and any administration the authority to take countervailing measures against currency manipulators, like China, in support of hardworking Americans.

We need to change that, Madam Speaker.

AMERICAN JOBS ACT

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

Mr. PERLMUTTER. Madam Speaker, the best way to reduce the debt that this country has is to put people back to work. When they are back to work, they are paying their taxes and they are not getting unemployment. We need to get everybody in this country working, and the President proposed a bill called the American Jobs Act that does just that. It focuses on innovation, American innovation and ingenuity. It focuses on education and our community colleges and our K–12, and it focuses on rebuilding this country's infrastructure: our roads, our bridges, and our energy system.

But you know what happened over in the Senate yesterday; every single Republican voted against this. That bill has Republican ideas and Democratic ideas, but every single Republican voted against it.

We need to put the people in this country back to work. We don't need to be playing politics about the White House 13 months out from the election. That American Jobs Act needs to be passed, and it needs to be passed right now.

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. Madam Speaker, this year a number of States are taking steps to make it more difficult for citizens to register to vote, to limit early voting, and to require photo IDs at the polls. The proponents of these new laws argue that they are designed to combat voter fraud. Clearly, we don't want people voting illegally, but these new laws are a solution to a problem that does not exist, and these steps will create serious problems.

A recent report by the Brennan Center at NYU shows that these new laws would affect more than 5 million eligible voters and would disproportionately disenfranchise young, low-income, and minority citizens.

In the past, literacy tests and poll taxes were used selectively to allow certain citizens to vote and disenfranchise others. They were and are illegal, and they should remain so. So we must oppose 21st century poll taxes which seek to suppress the vote of eligible voters and deny them their constitutional rights and weaken our democracy.

PROTECT LIFE ACT

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

Mrs. DAVIS of California. Madam Speaker, there is a strange thing that is going to be happening on this floor in just a little while. We should be focusing like a laser on jobs and strengthening the middle class. But instead, the majority is bringing forth a measure, the Protect Life Act. It's a measure coming before this body which, quite honestly, Members have had a chance to express themselves on numerous times. This does not create jobs. And what's ironic about it is this Protect Life Act is actually putting the lives of women at risk.

I really don't think that the American people feel that right now, today, that this is the highest priority for our country. Our highest priority is finding jobs for people in our country, not taking away lifesaving care from women.

PROTECT LIFE ACT

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to voice my opposition to H.R. 358. When I speak with women in my district, they are concerned about finding a job, keeping their home from foreclosure, or putting food on the table. What they do not ask for is their constitutional rights to be threatened or their health to be endangered. Yet this bill does just that.

Rather than focus on continuing to rebuild our Nation's economy, the Republican majority is focusing their time on, once again, seeking to limit women's access to reproductive care.

I am particularly troubled that this bill, the Protect Life Act, actually does just the opposite. This bill would override core patient protections and allow hospitals to legally refuse lifesaving treatment to women, thus allowing them to die in a hospital despite their treatable condition. This extreme legislation is dangerous to women's health and does nothing to address the jobs crisis facing American families.

I urge my colleagues, if they truly want to protect life, to vote against this bill.

□ 1200

SOCIAL SECURITY, MEDICARE, AND MEDICAID: KEEPING FAITH WITH AMERICA'S SENIORS, THE DISABLED, AND THE NEEDY

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

Ms. SCHAKOWSKY. Madam Speaker, I rise today to issue a warning to America's seniors and working families: Top Republicans are still trying to privatize Social Security. The GOP Budget Chairman PAUL RYAN, author of the budget that ends Medicare and increased health costs for seniors, admitted he views Social Security as a Ponzi scheme. And Congressman PETE SESSIONS, who serves in House leadership for the GOP, introduced legislation labeled ''Savings Account For Every American Act'' that would have people opt out of Social Security by sending their contributions to a private account.

According to Stephen Goss, Social Security's chief actuary, this change will ''severely compromise'' the ability to pay for current seniors and those near retirement. ''So Social Security, the ability to pay benefits to people who are currently receiving, or are now approaching the time of receiving benefits, would be severely compromised. Our year of trust fund exhaustion would certainly come to be much sooner than 2036.'' In other words, the plan of the Republicans to privatize Social Security would put that program that has never missed a check to Americans in danger. We need to oppose those efforts.

PROVIDING FOR CONSIDERATION OF H.R. 358, PROTECT LIFE ACT

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 430 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as adopted and that the bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

POINT OF ORDER

Ms. MOORE. Madam Speaker, I raise a point of order that the rule, H. Res. 430, violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Thank you, Madam Speaker.

I raise this point of order that H.R. 358 contains several potential unfunded mandates that would burden the States, burden private insurance companies, and burden women. I am also raising this point of order because it is a powerful vehicle to register my concern that this bill is a misguided ideological distraction from what should be our top priority—getting people back to work and protecting working families who have been hit hard by economic circumstances.

It is so clear to me that in spite of what our colleagues may say across the aisle, this bill is not about public funding for abortion. It's really crystal clear, Madam Speaker, that the Affordable Care Act already explicitly prohibits Federal funding for abortion. It reaffirms the Hyde amendment. It even includes the Nelson amendment to ensure that there's no commingling of funds. H.R. 358 would bring back the infamous world of Stupak-Pitts. But this time it adds even more restrictive language to the proposal.

This bill would essentially ban insurance coverage of abortion in health care exchanges, not just for women who are being publicly funded or subsidized in the exchanges, but even for women paying with their own private dollars, Madam Speaker. In addition, H.R. 358 would create a system that plays Russian roulette with pregnant women's lives when they enter a hospital. This would mean that any hospital could refuse to perform an emergency abortion—even if a woman would die without it—without violating the Federal law designed to prevent people from being denied emergency medical care.

It goes even further by paving the way to allow State refusal laws that are not limited to the provision of abortion services, but to anything that would be considered controversial—treatment for STIs, birth control services, screening services, and counseling.

With that, I would yield time to my good colleague from California, Representative SPEIER.

Ms. SPEIER. I thank the gentlelady from Wisconsin.

Madam Speaker, I think this bill goes to the farthest extreme in trying to take women down not just a peg but take them in shackles to some cave somewhere. Twenty-five years ago, this body passed EMTALA, a bill that basically said anyone that shows up at an emergency room would access health care, no questions asked. Now, my colleagues on the other side of the aisle want to amend that law and basically say, Oh, except for a woman who is in need of an abortion, or except for a woman who's bleeding to death who happens to be pregnant, or except for a woman who is miscarrying.

Basically, what this bill would do is say that any hospital could decline to provide services to one class of people in this country. And that one class of people is pregnant women.

Let me tell you something. My story is pretty well known now. I was pregnant. I was miscarrying. I was bleeding. If I had to go from one hospital to the next trying to find one emergency room that would take me in, who knows if I would even be here today.

What my colleagues on the other side of the aisle are attempting to do is misogynist. It is absolutely misogynist.

The time has come for us to stop taking up this issue over and over again this year and do something that the American people really care about. They want jobs. They want to be able to hold on to their homes. They want some mortgage relief. And what do we do? We stand here on the floor and create yet another opportunity for women to be cast in shackles.

Ms. MOORE. Thank you for that compelling story.

How much time do I have, Madam Speaker?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 5½ minutes remaining.

Ms. MOORE. I would like to yield 3 minutes to my colleague from Illinois, Representative JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank my friend, the gentlewoman, for yielding to me. I rise in support of her point of order.

The American people are begging us to work together to create jobs to bolster the economy. Instead, we're here once again to consider legislation that endangers and attacks the right of women and is far out of the mainstream of American priorities.

H.R. 358 is extreme legislation. It is another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health. It would take away a woman's right to make her own decisions about her reproductive health—even with her own money. It would allow public hospitals, as you heard, to deny emergency abortion care to women in life-threatening situations. It would expand the existing conscience objection to allow providers to avoid providing contraception. We're talking now about birth control.

This legislation revives a debate that has already been settled. There is no Federal funding for an abortion in the health care reform law. Legal experts have said it, independent fact-check organizations have said it. Yet Republicans continue to insist that the possibility of funding remains.

□ 1210

Federal funds are already prohibited from being used for abortions under the Hyde amendment—at the expense, I should add, of poor women, Federal employees, women of the District of Columbia, and women in the military. But this bill goes way beyond that law. The attention Republicans are focusing on the private lives of women—what American families do with their own money—makes it clear that their real goal is to ban all abortions and end access to birth control and contraceptives.

Republicans don't want government to protect the water we drink—oh, no—or the air we breathe or the food we eat, but they do want to intrude in a woman's right to choose.

We are now at 280 days into this Congress without passing a jobs plan, yet the Republican majority has consistently managed to pass extreme and divisive legislation targeted at women's health. The administration strongly opposes H.R. 358, and this bill has no chance of becoming law. Now is the time to work on the issues that are most important to Americans—creating jobs and improving the economy—rather than restricting reproductive choice and access to family planning.

American women will suffer if this bill becomes law, but we're just wasting time here because it will not. And it just shows how mean spirited and extreme this legislation is. It's a way to roll back women's health and rights. It's too extreme for women, too extreme for America, and we should reject it right now.

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

Ms. FOXX. Madam Speaker, I claim time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 10 minutes.

Ms. FOXX. The question before the House is: Should the House now consider H. Res. 430? While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. The waiver is prophylactic in nature.

The Congressional Budget Office has stated that H.R. 358 contains no intergovernmental or private sector mandates, as defined in the Unfunded Mandates Reform Act, and would impose no cost on State, local, or tribal governments. Again, Madam Speaker, this waiver is prophylactic, and the motion of the gentlewoman is dilatory.

I would like to now yield 3 minutes to my distinguished colleague from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

I have listened very carefully to the arguments that have been advanced by the speakers on the other side—my friend and neighbor, the gentlewoman from Wisconsin (Ms. MOORE), the gentlewoman from California (Ms. SPEIER), and the gentlewoman from Illinois (Ms. SCHAKOWSKY). None of them address the question before the House. The question before the House is whether or not to consider this bill. It's not about jobs—although they're important. It's not about the merits of the bill—which we will debate later should the House vote to consider this bill. It's about whether there are unfunded mandates in the bill.

The gentlewoman from North Carolina (Ms. FOXX) read the CBO statement of February 28, 2011: ''H.R. 358 contains no intergovernmental or private sector mandates, as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.'' That's what the CBO said, and that has not been rebutted either by the proposer of the point of order, my colleague from Wisconsin (Ms. MOORE), or those who have spoken on behalf of this.

Now, if we're to follow the rules and say, okay, if there's an unfunded mandate, we ought to waive it—which the resolution does—then we've all got to vote ''yes'' on consideration, because there are no unfunded mandates and nobody has claimed that there are any unfunded mandates. That's why the gentlewoman from North Carolina (Ms. FOXX) is correct in saying that the point of order is dilatory.

If you want to debate the bill, let's debate the bill. If you want to object to consideration of the bill, then all you want to do, those who decide to vote ''no'' on this motion to consider ought to have a debate on whether there should be public funding of abortion.

Now, when the taxpayers are asked to fund abortions, that's a whole different issue than whether there should be a right to abortion. This question is whether there should be taxpayer funding of abortion. There are no unfunded mandates. And the honest vote is ''yes'' on the motion to consider.

Ms. MOORE. I would reserve my right to close.

The SPEAKER pro tempore. The gentlewoman from North Carolina would have the right to close.

Ms. MOORE. Does the gentlewoman have more speakers?

The SPEAKER pro tempore. Does the gentlewoman from North Carolina have other speakers?

Ms. FOXX. Madam Speaker, parliamentary inquiry. I believe that we have the right to close; is that correct?

The SPEAKER pro tempore. That is correct. The gentlewoman from North Carolina has the right to close.

Ms. FOXX. Then I will reserve my time.

Ms. MOORE. Madam Speaker, can you tell me how much time I have?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 2½ minutes remaining.

Ms. MOORE. Thank you, Madam Speaker.

I would yield 1 minute to my colleague from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentlelady for yielding.

I find it actually somewhat humorous to think that the argument on the other side of the aisle is that this is dilatory when, in fact, the entire bill is dilatory when you look at what is really facing this country right now.

This bill makes it very clear that any hospital that does not want to provide emergency room services to a woman who is miscarrying and needs an abortion would no longer have to do it. Let's make that very clear.

Let me read one little example from the American Journal of Public Health:

A woman with a condition that prevented her blood from clotting was in the process of miscarrying at a Catholic-owned hospital. According to her doctor, she was dying before his eyes. In fact, her eyes were filling with blood. But even though her life was in danger and the fetus had no chance of survival, the hospital wouldn't let the doctor treat her by terminating the pregnancy until the fetal heartbeat ceased.

Ms. MOORE. Madam Speaker, I can tell you this bill does waive the health and lives of women if the point of order is not found to be in order.

To sum it up, H.R. 358 is incredibly divisive. It takes away comprehensive health coverage from women in not only eliminating the protections they currently have right now, but going even further than current law and completely undermining women's health.

At a time when the majority should be using its tremendous power to create jobs and turn the economy around, the majority is using its power to turn on women.

With that, I yield back the balance of my time.

Ms. FOXX. I yield myself the balance of my time.

Madam Speaker, I find it unbelievable that our colleagues across the aisle could make the comments that they are making today. H.R. 358 takes away no protections from women in this country. It takes away no rights of women. It is not extreme.

Seventy-seven percent of the people in this country are opposed to taxpayer funding for abortions. What H.R. 358 does is to say we are going to make it absolutely certain that we are not going to use taxpayer funding to pay for abortions, even under what has become known as ObamaCare. This bill does not go beyond the pale, as our colleagues have said. It is not outside the mainstream. It is our colleagues across the aisle who are outside the mainstream. They represent 23 percent of the people in this country who do want to see taxpayer funding for abortions. They are outside the mainstream.

And talk about dilatory, this whole point of order is dilatory. It is an effort on their part to simply bring up issues that are irrelevant. And in many cases, the points made are not true. They are

the ones who are wasting time. They say we should be dealing with the jobs bill.

Well, Madam Speaker, let me point out to our colleagues across the aisle that not one of them who spoke today, not one of them who gave 1-minutes on the jobs bill have cared to be cosponsors of the jobs bill. The jobs bill, which President Obama has been asking the Congress to pass, was defeated in the Senate.

□ 1220

It was introduced in the House by one Member, and he put on the bill, ''by request.'' That means it was a courtesy to the President. No other Member across the aisle has chosen to cosponsor that bill. If they are so eager to get that bill passed, you would think that they would become cosponsors of the bill.

We are doing a lot on our side of the aisle to create jobs. We are doing our best to reduce spending and to reduce rules and regulations, and that will create jobs in this country.

Additional spending by the Federal Government doesn't create jobs. We know that from the stimulus bill that was passed in 2009.

And for my colleagues across the aisle who say that this is a misogynist bill, nobody has ever fought more for the rights of women than I have. But 50 percent of the unborn babies that are being aborted are females. So the misogyny comes from those who promote the killing of unborn babies. That's where the misogyny comes in, Madam Speaker. It doesn't come in from our trying to protect taxpayers' money from being spent on killing unborn children.

Madam Speaker, in order to allow the House to continue its scheduled business for the day, I urge Members to vote ''yes'' on the question of consideration of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

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

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

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

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. Madam Speaker, House Resolution 430 provides for a closed rule providing for consideration of H.R. 358, the Protect Life Act.

I would now like to yield 2 minutes to my colleague from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Madam Speaker, the Protect Life Act offered by Chairman JOE PITTS and DAN LIPINSKI ensures that all the elements of the Hyde amendment apply to all the programs that are authorized and appropriated in ObamaCare.

By now I trust that all Members fully understand that because programs in ObamaCare are both authorized and appropriated in the law on a parallel track but not subject to appropriations under HHS, the actual Hyde amendment therefore has no legal effect whatsoever. Hyde only affects Labor-HHS programs including Medicaid, not the massive expansion of government-funded health care. Thus, ObamaCare, when phased in fully in 2014, will open up the floodgates of public funding for abortion in a myriad of programs, including and especially in the ''exchanges'', resulting in more dead babies and wounded mothers than would otherwise have been the case.

Because abortion methods dismember, decapitate, crush, poison, or starve to death or induce premature labor, pro-life Members of Congress and, according to every reputable poll, majorities of Americans want no complicity whatsoever in the destruction of human life. ObamaCare forces us to be complicit.

Despite breathtaking advances in recent years, and respecting and treating unborn children as patients in need of diagnosis and care and treatment for any number of diseases just like any other patient, far too many people dismiss the baby in the womb as persona non grata.

I respectfully submit: How can violence against children by abortion be construed as benign or compassionate or caring?

The dangerous myth of ''safe abortion'' must be exposed—and absolutely not subsidized by taxpayers. So-called safe abortion is the ultimate oxymoron, an Orwellian manipulation of language designed to convey bogus respectability to a lethal act. Abortion is, by any reasonable definition, child mortality. Its sole purpose is to kill a baby.

I would also suggest that presumptuous talk that brands any child as ''unwanted'' or an ''unwanted child'' reduces that child to a mere object bereft of inherent dignity or value.

We should not be paying for abortion. I support the Protect Life Act.

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

Madam Speaker, the Protect Life Act amends the Patient Protection and Affordable Care Act to prohibit Federal funds from being used to pay for abortion services or any health plan that includes such service. It also imposes new restrictions on health insurance coverage for termination care and expands conscience protection laws, while limiting access to reproductive health services.

At a time when our Nation is facing great economic uncertainty and millions of Americans are in need of jobs, please, somebody tell me why we are here considering a bill that is a direct attack on a woman's constitutionally protected right to choose and that does not create one single job.

Let's be serious here. Republicans have yet to pass a jobs bill. Instead of getting down to the business of creating jobs, they're bringing to the House floor a deeply flawed and deeply divisive bill that will not pass the Senate and would be vetoed if it reached the President's desk. They know that. I know that. Everybody knows that.

The Protect Life Act is both unnecessary and clearly politically motivated. Republicans are resorting to their old bag of tricks and pulling the abortion card in order to distract from their clear lack of leadership. In April they rammed through H.R. 3, the No Taxpayer Funding for Abortion Act, instead of focusing on efforts to pass a clean continuing resolution that would prevent a government shutdown.

As the deadline approaches for the Joint Select Committee on Deficit Reduction in Congress to approve a deficit reduction plan in excess of $1.5 trillion, Republicans have deemed it necessary to rehash the health care reform debate and roll back women's rights.

And I want to clear up one thing. You keep saying ''ObamaCare.'' I've said repeatedly that there are those of us, and I am among them, that advocated for health care, including a public option and universal health care long before we even knew Barack Obama's name. So perhaps it should be called ''Hastings-ObamaCare.''

This time, however, they take it to a new harmful extreme. The Protect Life Act is not about the regulation of Federal funds with regard to abortion services. The Hyde amendment already does that. This act is about restricting access to care and intimidating women and their families in the use of their own money.

Since 1976, the Hyde amendment has prohibited the use of taxpayer money for funding abortions, unless the abortion is performed in the case of rape, incest, or a threat to the life of the mother. The Affordable Care Act is no exception.

Regardless of the facts, however, House Republicans continue their assault on a woman's right to choose. Contrary to popular belief, the Protect Life Act is not the Stupak-Pitts amendment of the 2009–2010 health care reform debate. It goes far beyond Stupak-Pitts to impose unprecedented limitations on abortion coverage and restricts access to abortion services for all women.

The Protect Life Act would have an adverse effect on women's access to reproductive services, especially for low-income minority women who are very likely to be underinsured or uninsured and use partial subsidies to purchase insurance.

□ 1230

It not only ends abortion coverage for women in the exchange who use their own private funds to pay for their insurance, but also essentially shuts down the private insurance market for abortion coverage. This act imposes crippling administrative burdens on insurance companies that choose to cover abortion care and bans abortion coverage from all multi-State plans, interfering with private insurance companies' decisions about what benefits to offer.

Simply put, the Protect Life Act is a misnomer. It poses a direct threat to the health and lives of women by restricting access to termination services, including factually accurate information such as the availability and coverage of abortion care by insurance plans. Even more troubling is the fact that this act creates an exception to the obligation of hospitals to comply with the Emergency Medical Treatment and Labor Act, which requires appropriate treatment and referral for emergency patients. If enacted, hospitals could refuse to provide abortion services to pregnant women whose lives are in critical danger. This is beyond irresponsible. It is, indeed, reprehensible.

Finally, the Protect Life Act vastly broadens already expansive federal conscience laws without regard for patient protection or anti-discrimination protection for providers of abortion services. It safeguards from federal preemption State conscience laws beyond abortion, which could allow providers to drop their coverage of other reproductive health services like contraception and possibly even reproductive care such as mental health services and HIV counseling.

All I hear from my colleagues on the other side of the aisle, especially those within segments of their party, is that they want the government to butt out. Why, then, are we considering legislation on the House floor that effectively overturns the privacy rights enumerated by the United States Supreme Court as well as increases burdensome government regulations on insurance companies? Congress should not be making personal health care decisions for women, and Congressmen really shouldn't be even involved in making personal health care decisions for women. That should be between a woman, her family, and her doctor.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished chairwoman of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for yielding me the time.

I stand in strong support of the Protect Life Act.

I thank my good friend, my colleague, Congressman PITTS, for introducing this important legislation because this bill will help ensure that no funds authorized or appropriated by the President's health care law will be used to pay for abortion except in the cases of rape, incest, or to save the life of the mother.

This is not something new. This is not something radical. This simply applies the bipartisan principles of the Hyde amendment, which has helped guide this Chamber's legislative deliberations for over three decades. It extends the same standards applied to Medicaid, the Federal Employee Health Benefits Program, and other federal programs.

The American people, Madam Speaker, have made it quite clear that they do not want their taxpayer dollars used to fund abortions. And the Stupak-Pitts amendment, as we know, was gutted in the Senate. The President's Executive order stating that the Hyde amendment would apply is not enough. Why? It is flawed because Executive orders can disappear as quickly as they are issued. But the Protect Life Act will create a solid framework that will safeguard taxpayer dollars.

We must protect the sanctity of an innocent human life, we must stand behind the rights of the unborn, and we must prevent taxpayer dollars from being used to fund abortions. That's why I'm proud to support the Protect Life Act and the rule for it.

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

The SPEAKER pro tempore. The gentleman from Florida has 23 minutes remaining. The gentlewoman from North Carolina has 26½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, with your permission, at this time, I am going to yield to a number of Members for unanimous consent, the first of whom is the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it is an assault on a woman's health and her right to make her own life decisions.

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

There was no objection.

Mr. HASTINGS of Florida. I yield for a unanimous consent request to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because this extreme legislation is dangerous to women's health and does nothing to address the main issue affecting American families: the lack of jobs.

PARLIAMENTARY INQUIRIES

Ms. FOXX. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from North Carolina will state it.

Ms. FOXX. Is it appropriate for our colleagues across the aisle to make comments about the bill when they're asking unanimous consent?

The SPEAKER pro tempore. The Chair would advise Members to confine their unanimous consent requests to a simple declarative statement of the Member's attitude toward the measure, either ''aye'' or ''no.'' Further embellishments will result in deductions of time from the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Florida. That declarative statement that you speak to, am I correct, Madam Speaker, that it could include a sentence?

The SPEAKER pro tempore. A simple declarative statement is acceptable. ''Because tada-tada-tada'' would be an embellishment.

Mr. HASTINGS of Florida. At this time, I yield for a non-embellishment, unanimous consent request to the distinguished lady from California (Ms. HAHN).

Ms. HAHN. I ask unanimous consent to revise and extend my remarks in opposition to this bill because Americans need us to focus on jobs right now, not this extreme bill that endangers the lives of women.

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

There was no objection.

The SPEAKER pro tempore. The Chair will begin deducting time.

Mr. HASTINGS of Florida. I yield for a unanimous consent request to the distinguished lady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill that is extreme, dangerous legislation.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished lady from California, a former member of the Rules Committee, Ms. MATSUI, for unanimous consent.

Ms. MATSUI. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it's extreme legislation that is dangerous to women's health and does nothing to address the jobs crisis facing America today.

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

There was no objection.

The SPEAKER pro tempore. The gentleman will be charged.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I am very pleased to yield to the distinguished gentleman from Washington (Mr. MCDERMOTT) for a unanimous consent request.

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it is an attack on women, and it does nothing to deal with the job crisis of this country.

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

There was no objection.

The SPEAKER pro tempore. The gentleman will be charged.

Mr. HASTINGS of Florida. I yield to the distinguished lady from Wisconsin (Ms. MOORE) for a unanimous consent request.

Ms. MOORE. Madam Speaker, I ask unanimous consent to revise and extend my remarks in strident, strident opposition to this bill.

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

There was no objection.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, as a cosponsor and the proud parent of two young boys—adopted young boys—whose family exists only because two women in two difficult situations in two different States chose life and gave us a family, I am proud to rise in strong support of the rule to allow the House to consider the Protect Life Act, led by my friend and colleague, Congressman JOE PITTS.

Over a year ago, President Obama's health care plan was signed into law—despite a strenuous outcry by the American people—without significant and substantial prohibitions on federal funding for abortion. This funding of abortion through insurance plans, community health centers, and other programs created by the new health care law could have been avoided. But such language was intentionally left out. There have been restrictions on abortions and subsidies for over 30 years, beginning with the Hyde amendment in 1976, and I'm proud that today we are acting in that spirit.

Regardless of whether you are prochoice or, like me, strongly pro-life, Americans have always agreed we will not use federal tax dollars to subsidize or incentivize abortion. And you don't have to take my word for it.

□ 1240

In poll after poll, more than 60 percent of Americans oppose using Federal funding for abortions. More recently, two-thirds of Americans said we shouldn't subsidize health insurance that includes abortions.

The President's health care plan fails to provide real conscience protection for health care providers who decline to participate in abortions by mandating that they not be discriminated against because of their religious faiths.

The bottom line is that this bill we take up today strikes an important balance. It makes sure your Federal tax dollars are not used to subsidize abortions in the President's plan, and we make sure that people and institutions are able to care for their patients and are not forced to violate their moral principles.

I strongly urge my colleagues to respect America's conscientious objections to abortion by voting for the rule and by voting for the Protect Life Act.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, earlier this year, we learned what opponents of choice really think of women when they attempted to redefine rape in H.R. 3, when they claimed to be fiscal watchdogs and then voted to repeal funding for family planning services and Planned Parenthood, which saves the public $4 for every $1 invested.

Now they are pushing H.R. 358, the falsely named Protect Life Act, which, rather than protecting life, would actually allow hospitals to refuse lifesaving treatment to women on religious or moral grounds. This bill would also effectively ban comprehensive insurance coverage, which includes abortion care—even if a woman pays with her own private dollars.

H.R. 358, like every extremist, antichoice measure before it reveals what choice opponents really think of women. Here is what I think of women: I think they should be able to make their own life choices about their own bodies.

I think we should vote down this bill and every other destructive measure being pushed by those who think so little of our mothers, sisters, wives, and daughters.

Ms. FOXX. I yield 1 minute to the distinguished gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. I thank the gentlelady for yielding.

I rise today in strong support of H.R. 358, the Protect Life Act, and I want to thank Congressman PITTS for his hard work on this legislation.

Kansas has long been on the front lines of defending life, and I join most other Kansans in acknowledging that life begins at conception. Nearly all Kansans understand that Federal taxpayer dollars should never be used for abortions.

I know the history here. For a very long time, there was bipartisan support for the Hyde amendment and for legislation that said that taxpayer money should not go for abortions; but today, the left has moved so far that they object to this simple, commonsense measure which will protect taxpayers from their money going to a procedure which they find abhorrent.

Simply put, we must end what ObamaCare did, and we must stop subsidizing abortions with Federal taxpayer dollars. I urge my colleagues to support both this rule and H.R. 358 and to protect the life of the unborn.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend for yielding.

Madam Speaker, I rise in strong opposition to the so-called Protect Life Act. Our first priorities here now must be to help to foster job creation and support middle class families.

We are 280 days into this Congress without even having a jobs plan from the majority. Instead, the Republicans have chosen to continue their radical assault on women's health and health care in the guise of preventing the use of Federal funds to pay for abortion procedures.

This bill is as unnecessary as it is offensive and inhumane. The bill would penalize private insurers that offer comprehensive plans; would allow hospitals to refuse lifesaving care to women; and would prevent access to birth control, including providing emergency contraception to sexual assault survivors.

Instead of debating how to put Americans back to work, the majority party is spending our time on socially divisive bills that are going nowhere.

Ms. FOXX. I yield 2 minutes to my distinguished colleague from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentlelady for yielding.

I rise in support of H.R. 358, the Protect Life Act.

Doesn't that name really say it all, the ''Protect Life Act''?

Historically, the Federal funding of abortion has been restricted. Time and time and time again, an overwhelming majority of Americans has indicated that they oppose the Federal funding of abortion. Go all the way back to 1976. Congress has repeatedly passed the Hyde amendment.

What does it do?

It ensures that no Federal Government dollars are used to pay for elective abortion or insurance plans that provide elective abortion under Medicaid. Unfortunately, the insurance plan that was forced through Congress this last session would now allow Federal funds to subsidize, to basically support and pay for, abortions on demand in America for the very first time since 1976. So the Hyde amendment, as it stands today, only extends to HHS.

The Obama health care plan, what does it do?

It exploits that loophole. As the law now stands, the government can literally force that federally funded and private health care providers cover abortion under the guise of family planning or pregnant women services or countless other euphemisms.

My friends on the other side of the aisle will say, Well, that's incorrect because President Obama signed an Executive order to bar abortion funding.

No. Members on both sides of the aisle know that pointing to an Executive order is disingenuous at best. We all know, as we come to this floor, that this Executive order, the same one that the Planned Parenthood Federation of America calls a ''symbolic gesture,'' can be completely undone by a future administration.

The only way to ensure that taxpayer dollars are not spent on abortion is—how?—through legislative action.

President Obama's insurance plan passed Congress. It did so over the objection of the majority of the American public. So it is time now that we come to the floor to respect that majority of Americans and to ensure that they do not fund abortions simply by paying their taxes every April 15. Therefore, I urge all of my colleagues to support this bill, as I said at the very beginning, the Protect Life Act—the bill that says it all.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, recently, I got an email from a constituent from my hometown of Lowell, Massachusetts, that read, ''I think Republicans are focusing on the wrong thing. We need jobs.''

Our constituents are pleading with us to focus on jobs; yet here we are again, debating an ideologically driven bill that does nothing for the economy as it endangers women's health. For women to receive the best possible health care, they need—we need—access to all legal and appropriate medical procedures. Decisions about these procedures should be made by a woman in consultation with her doctor and her family.

I believe a woman's right to choose is fundamental to a woman's freedom, but this bill puts the government in the middle of that decision. This bill discriminates against women, and it goes so far as to prevent those who want to buy health plans that cover abortion services with their own money from making that choice. This bill also permits hospitals and hospital workers to choose to deny women care that could save their lives, putting ideology above women's health.

Let's focus on the right thing and vote down this bill.

Ms. FOXX. I yield 2 minutes to my distinguished colleague from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, I rise in support of both the rule and the bill.

In 1973, the Supreme Court decided that a right to an abortion was a constitutional right, but they did not decide that there was a constitutional right to have the taxpayers pay for it.

The Hyde amendment has been passed every year since 1976 with my support and with the support of an overwhelming bipartisan majority. However, when the President's health care bill was rammed through this House in March of last year, the Hyde amendment didn't apply. So, if you try to get a Medicaid abortion, the Hyde amendment applies, and the taxpayers don't finance it; but if you try to get an abortion under the Obama plan or under the exchanges that have been set up under the Obama plan, then there will be taxpayer money that will be used to pay for it. This bill closes that loophole. It is in response to the overwhelming sentiment of the American public, including the sentiment of many of those who do support legalized abortion.

Secondly, this bill also reaffirms Federal and State conscience protection laws. The Supreme Court, when it decided Roe v. Wade, did not force people to choose between their faiths and their jobs if they had religious objections to abortion. This protection is not afforded in the Obama health care bill. This legislation closes that loophole.

□ 1250

We've heard a lot about jobs from people on the other side of the aisle that don't want to talk about the fact that this legislation shuts the door to the two loopholes that I have just described.

Maybe there will be more unemployment if someone who has a license to practice medicine or is in the healthcare profession is told that they have to violate the tenets of their religion in order to keep their job.

Now, we have a choice. We have a choice of freedom and liberty by closing the loopholes and passing the bill or not.

I urge support of the bill.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished gentlelady from New York (Mrs. MALONEY) for the purpose of offering a unanimous consent.

Mrs. MALONEY. I ask unanimous consent to place in the RECORD my opposition to this attack on women's access to reproductive health services and our fundamental right to lifesaving medical care.

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

There was no objection.

Mrs. MALONEY. Madam Speaker, I rise in strong opposition to H.R. 358.

There is no question and there can be no debating the fact that this bill endangers women's health and puts their lives at risk and intrudes on their constitutionally protected liberties.

This bill extends the reach of government more cynically and in a more profoundly disturbing way than any piece of legislation in modern times.

This bill carries with it the clear implication that under some circumstances—a woman just doesn't have a right to live.

The Republican majority has consistently said its priority is jobs and job creation, but here we are debating a bill that even their Members admit is the wrong bill at the wrong time.

Instead of creating jobs, they remain focused on creating obstacles for women to access safe, legal, and badly needed health care.

H.R. 358 is an attack on women's access to reproductive health services and our fundamental right to life saving medical care.

It is stunning in its scope, appalling in its indifference and outrageous in its arrogance.

This bill is deliberately divisive and cynical in its intent.

Madam Speaker, Americans want Congress to create jobs, strengthen middle class families, and find bipartisan consensus.

It's time to end this attack on women and get to work on our top priority: Creating Jobs.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, this bill threatens the health and basic rights of American women.

The majority is once again trying to embed their extreme and divisive ideological preferences into law. They are trying to impose their backward view of a woman's role on everyone else, forcing women back into traditional roles with limited opportunities.

They need to trust and respect American women. The bill goes beyond prior legislation. It bans working women access to a legal medical procedure. It denies all but the wealthiest women their choice in health services. It puts the government between a woman and her doctor. It allows hospitals to deny lifesaving care to women. We should be standing up today for the middle class by working to create jobs, not trying to prevent women access to lifesaving health services.

This bill is an affront to women's health. I urge all of my colleagues to oppose it.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, I am a little appalled at some of the comments that I have heard across the aisle, especially those that say talking about jobs is more important than talking about saving lives.

I don't believe there are many Americans who would agree with our colleagues who say that we in this country pride ourselves on saving lives at every opportunity, both humans, animals, any form of life, and I believe this is a worthy debate for us to be having today.

But, Madam Speaker, the Republican-led House has also been working hard to rein in out-of-control government spending and represent the majority of the American people who elected us, and we know that by reining in spending we could do something to help create jobs. So we are not a one-note party. We understand we can do both of those things.

The bill before us today is a continuing effort to steward the taxpayer money wisely, represent the majority

of Americans who believe taxpayer money should not be used to pay for elective abortions, and, thereby, protect innocent life.

Last year, as others have said, the liberal Democrats rammed through their overall health care legislation and refused to include standard pro-life protections that have had broad bipartisan support in the past.

The rule before us today provides for consideration of H.R. 358, the Protect Life Act, which prohibits taxpayer funding for elective abortions under ObamaCare and also prohibits the Federal Government from forcing private insurance companies to offer plans that cover elective abortions. It does not take away any rights of women.

In addition, the underlying bill ensures that taxpayer subsidies for purchasing health insurance plans on the ObamaCare exchanges are not used to pay for plans that cover elective abortions, and does not allow the Federal Government to administer health plans that cover elective abortions. This is consistent with the history in our country of not using taxpayer funding for elective abortions.

Finally, the bill provides for conscience protections for pro-life health providers and entities to ensure they are not discriminated against for their pro-life beliefs and practices.

This bill has gone through regular committee consideration and passed the House Energy and Commerce Committee on February 15 with bipartisan support. The need for this legislation is critical, as the Institute of Medicine recommended in July that what has come to be called ObamaCare should cover emergency contraception with no copay or deductible. Many pro-life conservatives are concerned that their recommendation is a slippery slope to, again, what has been known as ObamaCare mandating and covering elective abortions, because the law does not contain specific longstanding pro-life protections.

A Zogby poll last year found that 77 percent of Americans believe Federal taxpayer funds should never pay for abortion or should pay only to save the life of the mother, and it is unacceptable that the liberal Democrats ignored the will of the people last year in ramming through their government takeover of health care.

As you can see, Madam Speaker, the vast majority of Americans don't want their tax dollars paying for or promoting abortion.

This isn't part of a radical agenda, as some of our friends on the left like to say. This is part of a longstanding and growing social consensus. Americans do not want their tax dollars supporting the abortion industry or promoting this terrible practice.

In May this House passed H.R. 3, the No Taxpayer Funding for Abortion Act. This legislation would codify many longstanding pro-life provisions and ensure that taxpayer money is not being used to perform abortions. H.R. 3 is now awaiting consideration in the Senate.

As a proud cosponsor of H.R. 3 and H.R. 358, I will not cease to fight to protect the lives of the unborn at every turn. Since 1973, approximately 52 million children's lives have been tragically aborted in the United States. Until we have a permanent prohibition on taxpayer funding of abortion and protection for health care providers who cherish life, I will continue to offer and support efforts to protect taxpayers' families and children from the scourge of abortion.

The unborn are the most innocent and vulnerable members of our society, and their right to life must be protected.

Yesterday in the Rules Committee our friends across the aisle who spoke against this rule and bill said we're bringing up ''hot-button social issues as diversions from the important topic of jobs.''

I have two responses to them on that comment. The issue of life is not a hot-button social issue; it's at the very core of our values as a country. We go to extraordinary lengths to save not only human beings, but even animals, because we value life so much. However, there are many who do not hold the unborn in the same esteem, and that is tragic for more than 1 billion unborn babies every year.

Therefore, Madam Speaker, I urge my colleagues to support this rule in favor of the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, would you tell us again how much time remains?

The SPEAKER pro tempore. The gentleman from Florida has 18 minutes remaining, and the gentlewoman from North Carolina has 13½ minutes remaining.

Mr. HASTINGS of Florida. Thank you very much.

I am pleased at this time to yield 1 minute to the distinguished minority leader, the gentlewoman from California (Ms. PELOSI).

□ 1300

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and for giving me this opportunity.

As a mother of five children, when I brought my baby, my youngest baby, number five home from the hospital, that week my oldest baby was turning 6 years old. The birth of a baby is such a jubilant occasion, and women's health is essential to the health of families and raising our children in a way that has respect for all of them.

It's very interesting that we're taking this bill up now when the American people are calling out for jobs. Their number one priority is the creation of jobs, and once again we come to the floor of the House with a major distraction that ''ain't going nowhere'' in order to cater to an extreme agenda of the Republican majority.

The American people want us to take up jobs. They want us to take up the American Jobs Act, which three-quarters of the American people say they want us to consider. It would create nearly 2 million jobs. Or we could vote on the China currency legislation which would save 1 million jobs and has the support of the majority of the Members, including 61 cosponsors from the Republican side of the aisle. But again, instead, we are pursuing the Republicans' ideological agenda, forcing us to relitigate a very divisive issue.

Every woman in America should be very concerned about this assault on women's health. Let us begin the debate with a very clear understanding of the facts. The Federal funding of abortion is already, and has been for a long time, prohibited under the Hyde amendment, except in cases of rape, incest, or to save the life of the mother.

Furthermore, the Affordable Care Act prohibits the use of U.S. taxpayer dollars to fund abortions. That is why the Catholic Health Association said: ''We are confident that health care reform does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike.'' I repeat, the Catholic Health Association said: ''We are confident that health care reform does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike.''

This bill is a radical departure from existing law. It represents an unprecedented and radical assault on a woman's access to the full range of health care services. For the first time, this bill places restrictions on how a woman with private insurance can spend her own private dollars in purchasing health insurance. As a result of this bill, millions of women using health insurance exchanges are likely to no longer have access to insurance policies that cover all reproductive services.

Furthermore, supporters of this bill falsely claim that this bill is simply a restatement of the Stupak amendment considered by the House in 2009. It is not. This bill is very different from the Stupak amendment. It appears that health care providers could withhold care for women with life-threatening conditions. In other words, a woman could be dying on the floor of the hospital and, when you vote for this bill, you will be saying that caregivers would not allow medical professionals to treat that woman and keep her from dying.

The Obama administration has come out strongly against this legislation, rightly saying it intrudes on women's reproductive freedom and access to health care and unnecessarily restricts the private insurance choices that women and their families have today.

So just a few points again:

Public funding of abortion is prohibited under the Hyde amendment except in cases of rape, incest, and life of the mother;

The Catholic Health Association says: We are confident the Affordable

Care Act ''does not allow Federal funding of abortion and that it keeps in place important conscience protections for caregivers and institutions alike''; and

Third, it is not the Stupak amendment.

This legislation is bad public policy. It's the wrong priority for Congress. It's an assault on women's health, and women should know that. It prevents them from using their own dollars to buy their own private insurance should they be part of an exchange.

I urge my colleagues to vote ''no'' and implore the Republican majority to turn their attention to what this country needs, and that is jobs, jobs, jobs, and more jobs.

Ms. FOXX. Madam Speaker, I want to remind my colleagues across the aisle that they are entitled to form their own opinions, but they are not entitled to form their own facts which are in opposition to what is true.

Our colleagues across the aisle know that the Hyde amendment applies only to discretionary spending, has to be introduced every year into the appropriations bill, and has never applied to mandatory spending.

The Affordable Care Act is mandatory spending, and if the protection for life were in the Affordable Care Act, then why did President Obama issue his Executive order saying that he was clarifying the issue?

Ms. DEGETTE. Will the gentlelady yield?

Ms. FOXX. I will not yield.

I think it is very important that we get the facts out here again. Several of my colleagues have pointed those out.

The gentlewoman has time on her side and she will be able to make her points.

I now would like to yield 3 minutes to my colleague from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the gentlelady from North Carolina for yielding.

Madam Speaker, I rise in support of H.R. 358, the Protect Life Act, which would prohibit Federal funding for abortions and would end abortion coverage under President Obama's health care law.

As a member of the Mississippi State Senate, I introduced similar legislation that would have prevented hard-earned tax dollars of Mississippians for paying for abortions under ObamaCare. That legislation specifically allowed Mississippi to opt out of using the State tax money to pay for abortions in the State health care exchange. And I'm proud to say that in May of 2010, our Governor, Haley Barbour, signed that legislation into law and Mississippi became the third State in the Nation to approve the abortion subsidy opt-out.

For 16 years, it was my privilege to stand up for life on the floor of the Mississippi Senate. And I'm proud to say that as a result of that effort, Mississippi is now one of the safest States in the Nation for unborn children and one of the strongest pro-life States in the Nation. Today, I'm proud to take that voice to the floor of the House of Representatives in our Nation's Capitol.

ObamaCare should not have served as a vehicle for abandoning or weakening Federal policies on abortion funding. Health care is about saving and nurturing, not about taking human life. Even though President Obama signed an Executive order to address abortion funding concerns in the health care bill, an Executive order is not law. The Protect Life Act would strengthen long-standing Federal policies on abortions; and, more importantly, would codify the principles of the President's Executive order.

As I stand here today, I have the privilege of serving the First District of Mississippi in the United States House of Representatives, and I will continue to fight to protect the lives of the innocent and to serve as a voice for those who cannot speak for themselves. Americans recognize the value of life.

As a cosponsor of this legislation, I urge my colleagues in the House of Representatives to support this bill as we work to defend the morals of our taxpayers and give the needed protections to the unborn.

Mr. HASTINGS of Florida. Madam Speaker, I yield to the gentleman from California (Mr. THOMPSON) for a unanimous consent request.

Mr. THOMPSON of California. Madam Speaker, I ask unanimous consent to place my statement in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, at this time I am very pleased to yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

□ 1310

Mrs. DAVIS of California. Since my colleague on the other side of the aisle did not yield to my colleague from Colorado, I want to yield to her.

Ms. DEGETTE. I thank the gentlelady for yielding.

I just wanted to point out that while the gentlelady on the other side is correct that the Hyde amendment is in the annual appropriations bills, if she would look at section 1303(b) of the Affordable Health Care Act, the provisions that say no Federal funding shall be used to pay for abortion are extended to that Act and to the exchanges. So in fact, the Democratic leader is correct. Under the Affordable Health Care Act there are no Federal funds used under that Act to pay for abortions, period, end of story.

I thank the gentlelady for yielding.

Mrs. DAVIS of California. I thank my colleague for clarifying that.

Madam Speaker, we have had this discussion many times on the floor. That's why my colleagues and I want to get back to the issues at hand today, which is jobs and enhancing and supporting the middle class in this country.

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

Mr. HASTINGS of Florida. I yield the gentlelady an additional 15 seconds.

Mrs. DAVIS of California. But I want remind us all that what we were talking about here is denying millions of women from purchasing comprehensive coverage with their own private funds. This would upend the promise of health care reform for many, many women across this country. We need to put a stop to these attacks on women's health. I urge my colleagues to join me as well in strong opposition.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. How much time is remaining again, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Florida has 15¾ minutes remaining, and the gentlewoman from North Carolina has 10 minutes remaining.

Mr. HASTINGS of Florida. At this time I am very pleased to yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, when you ask Americans what Congress' focus should be, guess what they don't say? They don't say, Forget about jobs. What this country really needs is a divisive assault on women's privacy and primary care.

This bill tells women, Madam Speaker, that if they use their own money, using their own money they can't purchase insurance that includes abortion coverage. Isn't it the majority party that is constantly saying that they trust people with their own money? I guess that applies if you're a CEO but not if you're a woman making a wrenching decision about your reproductive health.

This bill has no chance of becoming law. It is a dog-and-pony show designed to please the far-right fringe. I say: Do it on your own time, Republicans, and not on the American people's time.

I ask us to vote ''no'' now and get to the job at hand, which is to put America back to work.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman, my good friend from Florida (Mr. DEUTCH).

Mr. DEUTCH. Madam Speaker, it's not news that the majority refuses to address our jobs crisis. But passing time by attacking women's health is appalling.

Despite Americans' overwhelming support for the American Jobs Act, today we have before us H.R. 358, a cruel attack on women's health. We could help jobless workers feed their families today. Instead, this bill grants hospitals the right to deny abortions even in life-and-death cases. We could cut taxes for small businesses today. Instead, this bill forbids Americans

from using their own dollars to buy private health insurance that includes abortion coverage. We could put teachers back to work today. Instead, this bill denies abortion even for the thousands of women each year who develop breast cancer while pregnant and need an abortion to start chemotherapy to save their lives and retain the hope of childbirth.

Americans don't want a war on women. They want a war on joblessness. They want us to work so that they can work. They want us, Madam Speaker, to take up the American Jobs Act. Oppose this rule so that we can get to work on their behalf.

Ms. FOXX. I yield myself 1 minute.

Madam Speaker, our colleague across the aisle I think was not here earlier when we talked about the fact that the jobs bill, which he says has overwhelming support by the American people, was introduced by request and has not a single cosponsor. I'm curious as to why he is not a cosponsor if he thinks we should be bringing up that bill.

I would also like to point out again that this bill, this rule, is not a war on women. And if this is such a cruel act, I want to point out that this is a bipartisan bill, and that the support for not giving taxpayer funding for abortions has always been nonpartisan or bipartisan in this House.

This is not purely a Republican issue. I thank God every day for our colleagues on the other side of the aisle who are pro-life.

Mr. DEUTCH. Will the gentlelady yield?

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

Mr. HASTINGS of Florida. Madam Speaker, I yield to the distinguished woman from Maryland (Ms. EDWARDS) for a unanimous consent request.

Ms. EDWARDS. I ask unanimous consent to revise and extend my remarks in opposition to this bill that doesn't create jobs but strips women of appropriate reproductive health care services.

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

There was no objection.

Ms. EDWARDS. Madam Speaker, with 21 legislative days remaining on the calendar, I urge my colleagues in the Majority to finally bring to the floor a jobs bill that puts Americans back to work rather than work to restrict a woman's right to receive affordable and comprehensive care. Bills like the falsely named Protect Life Act only serve as cover for the Republicans' unwillingness to bring forth a real jobs plan and restore the economy.

This Republican package is wrapped in a label that says, ''I care'', but contains nothing more than an empty promise. Let me be clear—this bill jeopardizes the health and wellness of women throughout this country and is a clear assault on women's choice. I have heard from women throughout Maryland and across the 4th Congressional District who value access to and information on abortion services. I have heard from women who have had planned and wanted pregnancies, but suffered unexpected and costly complications. I have heard from women like Mary who, after undergoing years of fertility treatment, had finally been pregnant with her son David, but found out that due to atrophy of his lungs and kidneys there was virtually no chance of his survival beyond a few hours. I have heard from women who are faced with difficult, personal, and emotional choices about their health and that of their children.

These are the women who need access to health care when they face unexpected health complications. H.R. 358 would allow hospitals to deny care to patients whose lives are in peril, while also denying many Americans, not just women, access to safe, affordable, and comprehensive care when they need it most.

It is simply unfair, unwise, and irresponsible for this Chamber to decide what health care options women and families are able to explore. I urge my colleagues to oppose both this unfair rule that does not allow any amendments and the underlying, mean-spirited legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished lady from California (Ms. CHU).

Ms. CHU. H.R. 358 would stop abortion coverage for millions of women. It allows doctors and hospitals to refuse treatment even if women will die without their help. This bill is so extreme that it prohibits a pregnant woman with cancer from getting an abortion so radiation can save her life. For those women, every day and every week of treatment could be the difference between life and death.

If this bill passes, we will see thousands more women abandoned by their doctors—women like Stephanie, who was pregnant at 19 weeks. She came to the hospital with a 108-degree fever. The whites of her eyes were filled with blood. She was dying before her doctor's eyes. But the hospital considered the life of the fetus more important than the life of the mother and refused treatment until the fetus died. Because they delayed, Stephanie almost lost her life.

This bill should really be called the ''Don't Protect the Life of the Mother Act.''

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. Much has been said on the floor about perhaps taking time out from a jobs agenda to pass the bill. The fact of the matter is this bill corrects a problem with the bill that shouldn't have been discussed by the last Congress; they should have spent time dealing with the jobs issue instead of leaving it to this Congress. So we do need to make a correction.

Madam Speaker, this one very important correction is the conscience protection in this bill. And I know as someone who's worked in a hospital where abortions are done—but they never forced me to do it because we have conscience protections in the State of Maryland. We need those conscience protections for everyone in the country, so that if you don't believe in abortion, you don't have to participate in it. That's a basic freedom, a basic religious freedom, we should protect for every single American health care provider.

Madam Speaker, I would like to introduce into the RECORD four letters from obstetricians who work in facilities who point out that the conscience clause is not going to harm anyone's health in this bill. There's no evidence that it will.

Madam Speaker, in conclusion, the conscience protection clause is needed. It's a correction for the work of the last Congress. We should pass this bill.

VIRGINIA COMMONWEALTH
UNIVERSITY HEALTH SYSTEM,
Richmond, VA, October 12, 2011.

Hon. JOE PITTS,
Hon. DAN LIPINSKI,
Hon. ERIC CANTOR.

DEAR REPRESENTATIVES PITTS, LIPINSKI, AND CANTOR: I understand that the House of Representatives may soon consider H.R. 358, the Protect Life Act. As a physician I am especially interested in this bill's section reaffirming federal protection for health care providers' conscience rights on abortion. I have heard there may be an effort in the House to insert an exception into this law, so governmental bodies can discriminate against providers who decline to provide abortions in ''emergency'' cases.

As a physician who has worked in emergency rooms for over 30 years, I am well versed in the federal Emergency Medical Treatment and Active Labor Act (EMTALA) and similar policies. I continue to practice emergency medicine, and to teach it at Virginia Commonwealth University. Based on then decades of experience, I see absolutely no merit in the claim that conscience laws on abortion pose any risk of allowing pregnant women to die in emergency rooms. Current federal laws as well a Virginia state law respect conscientious objection to abortion in all circumstances and I have never seen or heard of a case in which these laws created any conflict with women's safety or with legal obligations to stabilize patients' conditions in emergencies.

Your provision on conscience protection is warranted and I do not think it should be weakened in any way.

Sincerely,
EDWARD J. READ Jr., MD, FACEP.

UNIVERSITY OF NORTH CAROLINA
SCHOOL OF MEDICINE,
Chapel Hill, NC, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics and Gynecology with a sub-specialty certification in Maternal-Fetal Medicine. I have over twenty-seven years of experience in practice, teaching and research at a major academic health center. During my career I have cared for numerous women and babies with complications that increase the risk of maternal death. In some of these situations, both a mother and her baby have lost their lives. I care deeply about the effects that public policy and legislation can have on both those of us who provide perinatal care and on our patients.

My personal conscience directs me to provide the best of care to pregnant women and their unborn children and I am able to do so without performing abortions, as are several

of my colleagues and a proportion of the residents we train each year. I have not seen a situation where an emergent or even urgent abortion was needed to prevent a maternal death. I am aware of, and have read, sections 2(a)(6) and 2(a)(7) of H.R. 358 and I am writing to provide my opinion that I support the formalization of these protections. No woman at UNC hospitals has ever been denied care due to her conscience or beliefs; nor does any physician ever feel obliged to direct or change the standard of care for any woman due to race, ethnicity, religion, or conscience. I see no need for any exceptions or amendments to the law as written.

I am available for question or comment or for further discussion on this matter. You may reach me at thorp@med.unc.edu or by calling my office (919) 843–7851.

Sincerely,

JOHN THORP, MD.

ROBERT C. BYRD HEALTH SCIENCES CENTER OF WEST VIRGINIA UNIVERSITY,

Charleston, WV, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am writing in support of Sections 2(a)(6) and 2(a)(7) of H.R. 358 that provide federal legal protection of conscience regarding abortion for those who care for pregnant women. My experience includes 20 plus years of clinical care, research, and instruction as a Board certified Obstetrician & Gynecologist and Maternal-Fetal medicine. I daily provide care for women and babies who have medically complicated, life-threatening, and uncommon pregnancy complications. Further, as the originator of ''perinatal hospice'', I have cared for (and still do) dozens of women with babies who have terminal prenatal diagnoses who will die shortly after birth.

No one in my entire 20 plus years of clinical experience has ever been denied appropriate care because of the exercise of rights of conscience in the provision of abortion. Women and babies may die in spite of our best efforts, but this is not related to abortion availability or provision.

In my understanding of this new federal statute, conscience will now be formally and legally protected. There is no need for additional exceptions or amendments to this law as it is written.

I am more than happy to discuss this issue with either of you or with one of your colleagues. I may be contacted by email at byron.calhoun@camc.org or directly on my cell phone at (304) 741–4031.

Sincerely,

BYRON G. CALHOUN, M.D., FACOG.

UNIVERSITY OF MINNESOTA,

Minneapolis, MN, October 13, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics/Gynecology and Maternal/Fetal Medicine with 31 years of experience in practice, teaching and research. During that time I have cared for hundreds of women and babies with life-threatening, complicated, and rare pregnancy conditions. In some of those situations mothers and babies have lost their lives despite undergoing the best available treatment including induced delivery at the margins of viability. I care deeply about the effects that public policy and legislation can have on the care of mothers and babies.

During my years of practice I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. I have read Sections 2 (a) (6) and 2 (a) (7) or H.R. 358 and I agree with the federal formalization of these protections. In my years of practice I have never seen a woman denied appropriate care because of the exercise of rights of conscience in this regard. There is no need for additional exceptions or amendments to this law as it is written.

I am happy to discuss this with either of you or with one of your colleagues. I can be reached by email at calvis@umn.edu or on my cell phone at 612–868–9199

Sincerely,

STEVE CALVIN, MD.

Mr. HASTINGS of Florida. I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, this bill seeks to undo women's constitutional rights under the guise of being about government funding for abortion. The law, unfortunately, already forbids Federal funds from paying for abortions except in the case of rape, incest, or where the woman's life is in danger. This bill goes well beyond that. It would make it virtually impossible for any of the health plans offered through the health exchanges set up as part of the Affordable Care Act to cover abortions.

As the authors plainly intend, it would make it virtually impossible for most women to buy insurance coverage for abortions with their own money. The bill would also allow a doctor or hospital to refuse to provide an abortion to a woman whose life is in imminent peril. They could let that woman die right there in the emergency room, and the government would be powerless to do anything.

□ 1320

Madam Speaker, I remember a time not that long ago when women had no options for legal abortions and had to resort to illegal back alley abortionists. Women were butchered, many died, others became sterile, all because the medical care they desperately sought and the compassion they desperately needed was denied to them. No woman should be treated with this contempt.

The real purpose of this bill—which denies women the right to purchase insurance coverage for legal abortions, even with their own money—is to make it impossible for women to exercise their constitutional right to choose for themselves.

This bill is an abomination. I urge my colleagues to vote ''no.''

Ms. FOXX. Madam Speaker, I would like to point out to my colleague across the aisle that if we have a constitutional right for taxpayer funding of abortions, then we should have a right to taxpayer funding of guns. The Second Amendment allows us to keep and bear arms.

I now would like to yield 3 minutes to our distinguished colleague from Louisiana, Dr. CASSIDY.

Mr. CASSIDY. Madam Speaker, if anyone is concerned about our jobs program, go to gop.gov.jobs. That's all the bills we've introduced so far that we have passed—most of the time you have not participated, but indeed it directly addresses the need for more jobs.

Secondly, I think we may have some common ground, it just may be that we have not read the same bill. For example, folks keep saying that this will not allow women to purchase coverage even with their own money. May I direct folks to page 6, line 8: Premiums for such coverage or plan—it goes on to say—may be used as long as it's not government money. It can be the individual's own money.

Third, there is this kind of myth that this will prevent women from having abortions. Medicaid currently does not pay for abortions; there are many Medicaid women who get abortions. The Federal Employees Health Benefits Program does not cover abortion. I suspect—although I don't know—that there are many women covered by the Federal Employees Health Benefits Program who indeed get abortions. Empirically, we know what's being asserted is not true.

Then there is the question of whether or not they're going to be denied life-saving health care. If you go to page 4, line 20: This does not apply in the case where a pregnant woman suffers from physical disorder, physical injury, or physical illness that would, as certified by a physician, place the female in danger of death unless an abortion is performed.

So I think we have common ground.

The leader on the other side's next point said that this is a dramatic departure from current law, but that's kind of a curious term or phrase, because we know that current law is the President's health care plan. It is current law that has turned upside down the equilibrium that had been reached between freedom of faith for the provider to practice versus the dicta of State as to what to provide. So she is right; it dramatically overturns current law—that's the point—because the Affordable Care Act dramatically overturned that delicate balance.

Lastly, I want to point out something else. I'm a physician. I work in a hospital for the uninsured, and I teach medical students. I was there last Monday teaching medical students. You know, over 50 percent of the residents, probably 60 percent of the residents doing OB/GYN are women, and many of them are concerned about issues like this.

As we speak about women, let's not also forget the woman's right to practice her faith. And if she chooses to practice her faith in a way which preserves life, she should not be coerced by the dictates of an overreaching State.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished lady from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this rule and this bill. Instead of focusing on jobs, Republicans are continuing to wage their war on women with this dangerous legislation today.

This bill forces comprehensive coverage for women to be dropped from the State exchanges, cutting off millions of women from affordable, comprehensive health care. And you know that Federal funds have not been allowed for abortion since 1976—to my dismay—and nothing has changed.

This bill makes it virtually impossible for any health care plan to offer abortion coverage and allows hospitals to refuse—mind you, refuse—to provide lifesaving care to a woman who needs an abortion to protect her own life. This is unprecedented and should be rejected.

We cannot and must not allow the Republicans to turn the clock back on women, on choice, and on our access to health care. I remember the days of back alley abortions—women died, women were injured for life. Let's not go back there.

I urge my colleagues to reject this unnecessary and harmful legislation. Health care decisions should be made by women and their health care providers, not Republicans and the House of Representatives who want to impose their own ideological agenda on women. We should be creating jobs, not interfering with women's reproductive rights.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 1 minute to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I rise today in strong opposition to this so-called Protect Life Act. This bill is another egregious, over-the-top assault on America's women, their health and their autonomy over their bodies. Instead of doing what we've been sent here to do, focus on jobs, once again we are talking about this extreme Republican right-wing agenda against women.

What we're essentially talking about is going back to the dark ages here. We started this Congress by talking about ending Federal support for birth control, a debate that women in my district thought ended a generation ago. And now we're going so far as to say that women can't even have access to information about the full extent of choices with respect to their health care.

This is a war on women. This is a distraction from job creation. We should reject this bill; we should end this assault on women's health care; and we should get back to the work that we were sent here to do, to fix this economy for everyone in this country, women and men, together.

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

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Madam Speaker, I rise in opposition.

I'm not surprised by this bill. In March, they tried to close down the Federal Government over a woman's right to go to Planned Parenthood for health care, and today they are trying to close down a woman's right to lifesaving treatment in our hospitals.

They call this ''protecting life.'' It is the opposite of protecting life, Madam Speaker. This allows hospitals to deny lifesaving treatment to women. It limits essential health care services to women. It denies preventive health care to women. It even hurts the victims of rape and sexual assault who have been hurt enough.

Madam Speaker, the American people want a Republican majority that will help create a climate for small businesses to create jobs, not create a climate of war against women's health care. They want a war on unemployment; they do not want a war on women. They want more jobs and less extremism. This bill is about extremism, and it ought to be defeated.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my friend.

Madam Speaker, how much floor time do we have to spend on redundant legislation that will surely die in the Senate and has already been threatened with a veto?

We've had this debate. We know what the final result will be. Federal funding of abortion is already illegal except in cases of incest, rape, and life-threatening situations. We accept that. But while millions of Americans are losing their jobs and seeing their life savings evaporate, the Republican majority insists on wasting our time on publicly demagoguing a deeply personal issue.

This bill also contains a refusal clause that would allow emergency room health professionals to deny lifesaving care to a pregnant woman because of their personal beliefs. Evidence shows that barriers to abortion services increase the risk of maternal injury and death, and that the best way to reduce the number of abortions is with accurate sexual education and the widespread availability of contraception. Yet the same people who oppose abortions also oppose appropriate sex education and family planning services.

The Supreme Court has ruled abortion is legal. Federal funds don't pay for abortion. Those policies are in place. Let's move on with help for the millions of unemployed individuals who need a good job and leave the women of America alone to control their own body and their own lives.

Ms. FOXX. I yield 1½ minutes to my distinguished colleague from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Speaker, health care is a necessary element to a good and orderly and compassionate society. We all support health, but abortion is not health care.

□ 1330

The vast majority of Americans do not support using their dollars in support of the abortion industry, and Americans should not be forced by the strong arm of the government to subsidize the abortion industry.

Here's the problem. The health care law passed in 2010 contains some serious flaws in this regard. Namely, now the Federal Government will subsidize insurance policies that cover abortion on demand.

The health care law also forces enrollees in health care plans that cover abortion to pay for abortions obtained by others. The health care law also gives license to Federal agencies to mandate abortion coverage.

We have just seen that the Secretary of Health and Human Services, Kathleen Sebelius, under the guise of preventative care, has now promulgated rules that will force everyone to pay for abortifacient drugs and not to mention sterilization. And this also tramples on the conscience rights of health care entities that do not perform or promote abortion.

Madam Speaker, I believe this: The Protect Life Act is in the interest of the right type of health care for America.

Mr. HASTINGS of Florida. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. It's unfortunate that we have to come to the floor of the House to discuss the personal decisions that a woman has to make. And I can assure you that the question of choice, the question of abortion, the question of what a woman does to her body is not one that a woman takes lightly. On many occasions, there is the necessity for a doctor and his female patient to make decisions to save the life or health of the mother.

Just as the federal courts have ruled unconstitutional and rejected the Texas law that requires a doctor to talk first to a woman seeking an abortion and to allow or force them both to listen to sounds that might discourage this needed action, this is going to be held unconstitutional. This is not a law that can pass. You can not tell a woman her insurance company can not provide her all the benefits of that coverage. It goes way beyond the pale.

I would ask my colleagues to vote against this rule and protect the right of a woman to choose and the dignity of all people in this Nation to make their own decisions over their lives, through consultation with her family, faith leader and doctor. I am saddened that we're here today discussing such an issue. Please vote no on this rule and for a woman's right to choose.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. We all know that the ObamaCare bill allows for both the implicit and explicit taxpayer funding of abortion, and we all know that the Executive order signed by the President is not worth the paper that it was written on. It repeats the accounting gimmick that allows for Federal subsidies to go to insurance plans that cover abortion. And that's why we need to pass the Protect Life Act, which would apply the principles of the Hyde amendment to every component of ObamaCare. The Protect Life Act eliminates that accounting gimmick and ensures that Americans are not forced to pay an abortion surcharge, if you will, in order to get a health care plan. It ensures State laws are not preempted by Federal law.

This is the right move, the right bill. Americans deserve to have this assurance.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Madam Speaker, this is nothing more or less than an attack on poor women.

I stood beside the bed of a couple of women in the Buffalo General Hospital in 1963 and watched them die because of back alley abortions.

I was in the State legislature in 1970 when we, in the State of Washington, granted, by referendum, a vote of all the people, the right of women to have an abortion. Now the question is how to get it paid for.

Well, when I came to Seattle, if you wanted an abortion, what you did was you went down and bought a ticket to Japan; you flew to Japan, had an abortion, had a day of shopping in Tokyo while you made sure that you were okay medically; and then you came home. Rich women never had any problem, but the women that I stood next to as they died and left 12 kids without mothers were poor. And that's what this is really all about. It is an attack by the right wing who consider that they wrap themselves in theological raiment and then attack poor women. Christ wouldn't have done that.

Mr. HASTINGS of Florida. Madam Speaker, I have no further speakers, and I would ask the gentlelady if she is prepared to close.

Ms. FOXX. I am.

Mr. HASTINGS of Florida. Thank you very much.

Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Florida has 5½ minutes remaining, and the gentlewoman from North Carolina has 2 minutes remaining.

Mr. HASTINGS of Florida. I won't take all of that time, Madam Speaker, but I do wish to assert into this debate, it's been said often on the other side, and my distinguished friend from the Rules Committee made the point, that people came here and said that jobs were more important than life. I didn't hear anybody say that, and I don't believe anybody believes that.

But what I do believe that most of us understand is that this is not going to become the law and, therefore, what we are doing, in the final analysis, is a waste of time, and we could have been trying to do as we have not done in this session of Congress, address the subject of jobs.

Madam Speaker, what we have before us is an extremely flawed bill; and, contrary to their self-professed commitment to an open process, this particular provision being considered is under a closed rule.

Furthermore, I would also like to call into question how it's possible for us to consider this bill on the House floor when its sponsor, Mr. PITTS of Pennsylvania, failed to provide a statement citing Congress's constitutional authority to enact it. Mr. PITTS's statement of constitutional authority for the Protect Life Act cites no provision of the Constitution or any amendment to the Constitution.

Therefore, I would like to request of him or Members on the other side to share with us the basis for this bill which violates the fundamental right to privacy upheld by the Supreme Court. It restricts women's access to health care and imposes further regulations on health insurance coverage. It's clear that the Protect Life Act lacks both constitutional and moral integrity.

Let me insert additionally some feelings that have been expressed in public, and I take the prerogative of using them here on the floor.

H.R. 358 comes on top of votes by the Republican-led House to eliminate all Federal funding for title X, the National Family Planning Program, to eliminate funding for all other reproductive health programs offering breast and cervical cancer exams or well-woman and primary health care and family planning to prevent unintended pregnancies and to reduce the need for abortion.

They've led measures that eliminate requirements in health care reform covering maternal health care, mammograms, breastfeeding support, and other essential health services.

In addition, they've made it impossible for women to speak to their doctors about abortion using Internet-based telemedicine.

□ 1340

Now, these are just a few examples. The Republicans are full of fuzzy facts. I start my day almost every day, Madam Speaker, by reading the cartoon, after other parts of the newspaper, ''Get Fuzzy.'' And the cat in that particular cartoon constantly comes up with fuzzy facts. If you put all the fuzzy facts together and all the things that the Republican majority has done, they include Tea Party-led efforts to gut Environmental Protection Agency rules that keep the air we breathe, the water we drink, and the environment in which we live safe. They have done efforts to virtually eliminate child nutrition. And I can't believe that 20 years I'm here, and I hear Republicans talk about cutting out the Head Start program, the one documented program that has benefited American society over and above what was thought.

They have done things to eliminate programs to help the unemployed to survive, to slash Medicaid and Medicare, to effectively abrogate any social contract and tear to shreds any social safety net.

I have to ask, exactly whose lives are we protecting here?

I yield back the balance of my time.

Ms. FOXX. I yield myself the balance of my time.

Madam Speaker, our position on taxpayer funding for elective abortion is bipartisan, bicameral, and supported by the majority of the American people. We all know that.

I'd like to point out to my colleagues across the aisle when they keep saying we need to be talking about jobs, when the Democrats took control of the Congress in 2007, the unemployment rate was 4.6 percent. Between then and the time that Republicans regained control of the House this January, the unemployment rate rose to over 9 percent—6.9 million more Americans became unemployed during that period of time. I'd also like to point out to my colleague that the constitutional authority for H.R. 358 is in the CONGRESSIONAL RECORD. He knows it's required when the bill is introduced.

Madam Speaker, the American people are probably a little confused by listening to this debate because they hear two very conflicting stories. I would like to urge them to go to thomas.gov. H.R. 358 is only nine pages long. It's very simple to read. It's not like what they call the Affordable Care Act, which we had to get passed before we would know what was in it.

There is nothing more important, Madam Speaker, than protecting voiceless, unborn children and their families from the travesty of abortion. Therefore, I urge my colleagues to put aside all this rhetoric that has been spoken of in this debate today and vote for life by voting in favor of this rule and the underlying bill.

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

The previous question was ordered.

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

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

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 173, not voting 12, as follows:

[Roll No. 786]

YEAS—248

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

NAYS—173

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

NOT VOTING—12

Bachmann
Broun (GA)
Cardoza
Giffords
Herrera Beutler
Hoyer
Langevin
Lewis (GA)
Paul
Polis
Slaughter
Wilson (FL)

□ 1407

Ms. ESHOO and Mr. DICKS changed their vote from ''yea'' to ''nay.''

Messrs. FRANKS of Arizona, FLEMING, STIVERS, Mrs. BIGGERT, and Mr. CAMP changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HERRERA BEUTLER. Mr. Speaker, on rollcall No. 786 I was unavoidably detained. Had I been present, I would have voted ''Yes.''

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. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. FORTENBERRY). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) 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, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, October 12, 2011, a request for a recorded vote on amendment No. 22 printed in the CONGRESSIONAL RECORD by the gentleman from Tennessee (Mr. COHEN) had been postponed.

AMENDMENT NO. 22 OFFERED BY MR. COHEN

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 787]

AYES—174

Ackerman
Andrews
Baca
Bachus
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)

Johnson, E. B.	Murphy (CT)	Schrader
Kaptur	Nadler	Schwartz
Keating	Napolitano	Scott (VA)
Kildee	Neal	Scott, David
Kucinich	Olver	Serrano
Langevin	Pallone	Sewell
Larsen (WA)	Pascrell	Sherman
Larson (CT)	Pastor (AZ)	Shuler
Lee (CA)	Payne	Sires
Levin	Pelosi	Smith (WA)
Lewis (GA)	Perlmutter	Speier
Lipinski	Peters	Stark
Loebsack	Pingree (ME)	Sutton
Lofgren, Zoe	Price (NC)	Thompson (CA)
Lowey	Quigley	Thompson (MS)
Luján	Rangel	Tierney
Lynch	Reichert	Tonko
Maloney	Reyes	Towns
Markey	Richardson	Tsongas
Matsui	Richmond	Van Hollen
McCarthy (NY)	Rothman (NJ)	Velázquez
McCollum	Roybal-Allard	Visclosky
McDermott	Ruppersberger	Walz (MN)
McGovern	Rush	Wasserman Schultz
McIntyre	Ryan (OH)	Waters
McNerney	Sánchez, Linda T.	Watt
Meeks	Sanchez, Loretta	Waxman
Miller (NC)	Sarbanes	Welch
Miller, George	Schakowsky	Woolsey
Moore	Schiff	Yarmuth
Moran		

NOES—250

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

NOT VOTING—9

Bachmann	Giffords	Polis
Cardoza	Hoyer	Slaughter
DeGette	Paul	Wilson (FL)

□ 1425

Mr. STUTZMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) 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, and, pursuant to House Resolution 419, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2250 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Lee Myung-bak, President of the Republic of Korea, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, October 11, 2011, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1550

JOINT MEETING TO HEAR AN ADDRESS BY HIS EXCELLENCY LEE MYUNG-BAK, PRESIDENT OF THE REPUBLIC OF KOREA

During the recess, the House was called to order by the Speaker at 3 o'clock and 50 minutes p.m.

The Deputy Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The joint meeting will come to order.

The Chair appoints as members of the committee on the part of the House to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from California (Mr. DREIER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Michigan (Mr. CAMP);

The gentleman from California (Mr. MCKEON);

The gentleman from Illinois (Mr. MANZULLO);

The gentleman from California (Mr. ROYCE);

The gentleman from Texas (Mr. BRADY);

The gentlewoman from Texas (Ms. GRANGER);

The gentleman from Washington (Mr. REICHERT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from Maryland (Mr. VAN HOLLEN);

The gentleman from New York (Mr. RANGEL);

The gentleman from Michigan (Mr. CONYERS);

The gentleman from New York (Mr. ACKERMAN);

The gentlewoman from California (Ms. LORETTA SANCHEZ);

The gentlewoman from Pennsylvania (Ms. SCHWARTZ);

The gentleman from Michigan (Mr. LEVIN); and

The gentlewoman from California (Ms. MATSUI).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the House Chamber:

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. THUNE);

The Senator from Texas (Mr. CORNYN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Ohio (Mr. PORTMAN);

The Senator from Nevada (Mr. REID);

The Senator from Alaska (Mr. BEGICH);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Virginia (Mr. WEBB).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Her Excellency Chan Heng Chee, Ambassador of the Republic of Singapore to the U.S.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 5 minutes p.m., the Deputy Sergeant at Arms announced His Excellency Lee Myung-bak, President of the Republic of Korea.

The President of the Republic of Korea, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Lee Myung-bak, President of the Republic of Korea.

(Applause, the Members rising.)

President LEE. Will you please allow me to speak in Korean.

[In Korean]

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, ladies and gentlemen, it is a great privilege to speak to you from this podium, in this great institution representing democracy and freedom. And I am particularly grateful to the leadership of both parties and to all the esteemed Members of Congress for their support in ratifying the Korea-U.S. trade agreement last night in a swift manner, in a swift manner which, I am told, was quite unprecedented.

I flew halfway around the world to be here today among friends, thinking about and deeply grateful for the friendship between our two countries.

For Korea, America is not a distant land. America is our neighbor and our friend. America is our ally and our partner.

There is a Korean expression that describes our 60-year partnership: ''katchi kapshida.'' In English, it means ''We go together.'' Indeed. We have been going together for 60 years.

For the last 60 years, remarkable changes took place in both of our countries. For the United States, it has been a journey to new frontiers—on this planet and beyond. It has been a journey of achieving fantastic breakthroughs in science and technology which led to the advent of the information age. It was a journey of developing new cures and making advances in machinery. And throughout this journey, you served as the greatest inspiration for peace and prosperity the world has ever known.

For the Republic of Korea, the last 60 years has been an incredible time of transformation and renewal. It was an epic journey from poverty to prosperity; from dictatorship to a thriving democracy; from a hermit nation to a global Korea. Korea's story is your story, too. And that fact is clear in our capital city of Seoul.

During the Korean War, Seoul was almost completely destroyed. Today, however, Seoul is reborn. Where there was once rubble now stands the Seoul Tower, looking out over a thriving modern metropolis. In the streets where women and children searched the wreckage for fuel, soon vehicles powered by magnetic strips will roam the streets. Seoul is also the most wired city on the planet.

Seoul is also one of the most dynamic and cosmopolitan cities in the world. Last year, Seoul was host to the G20 Summit and next March it will host the second Nuclear Security Summit, which will be attended by more than 50 heads of state and government.

To mark the 60th anniversary of the Korean War, we invited American veterans back to see the land they helped liberate. And when they visited Korea, they found very few landmarks that they recognized from the war. Instead, they saw in Korea what you see here and experience in the United States today. The pace and the pulse of modern life. A creative entrepreneurial spirit that knows no bounds. A sense of self-confidence, optimism, and pride. And an unshakable faith in freedom, in free elections, a free press, and free markets. Oh, and yes, personally, our love for fried chicken.

Yes, ladies and gentlemen, these are the values that we share.

Your great President and statesman, Thomas Jefferson, said that the only safe place to locate ''the ultimate powers of the society'' is in the hands of the people themselves. These same values can be found in Korea, too.

One of Korea's greatest kings, King Sejong, said approximately 600 years ago that ''The people are heaven. The will of the people is the will of heaven. Revere the people as you would heaven.''

Here, an ocean away, in the people's House, these ancient words of our ancestors that call us to revere our people still ring true.

We also share a belief that political freedom and economic freedom must go hand in hand. During the 1960s, Koreans demanded democracy and freedom. As one of the student leaders who organized protests calling for democracy, I was caught and imprisoned, but this only strengthened my conviction that universal rights such as democracy, dignity of man, and human rights must never be compromised.

At the same time, the Korean people yearned for another kind of freedom—freedom from poverty. Back then, Korea's per capita GDP was less than $80. University graduates roamed the streets, unable to find a job. Opportunities were scarce. It was difficult for people to have hope for the future.

This is when I realized that even if we had political freedom and democracy, we would not be truly free without economic freedom. So, after I was released from prison for my political activities, I joined a small local company. This company, which had less than 100 employees at the time, later evolved into a global conglomerate with over 160,000 employees. And as one of its youngest-ever CEOs, I was privileged to be part of Korea's remarkable economic rise as Korea's economy grew into being near the global top 10. Along the way, I was able to escape poverty myself, but being able to contribute to my country's growth will always remain as one of my proudest moments.

As you can see, we have won the fight to win two very important freedoms—our political freedom and our economic freedom. Very few countries were successful in their quest to win freedom from poverty and freedom from oppression. And Koreans are proud of this.

And they also know that your friendship—and our alliance—has been indispensable throughout this remarkable journey of hope. And this is why all of

you here should be proud of what Korea and the Korean people have achieved.

Nevertheless, I still get asked by many foreign leaders, how did a country with no natural resources, no technology, no capital, and no experience manage to achieve so much in just one generation?

My answer to them is very simple: the power of education.

The Korean War, as I've said, completely destroyed my country. The people had nothing to eat and nothing to wear. For years, we relied on foreign aid. But the Korean people believed in one thing, and that was education. Even if parents had to work day and night and drink nothing but water to chase away their hunger, they spared nothing when it came to their children's education. My parents were the same. They were determined to give their children hope by giving them a chance to learn.

And I was determined to learn. I used to be a street vendor selling anything and everything during the day and attending night school. After night school, however, going on to college was but a dream. Yet I managed to get in through the help of many others around me. Although I had to wake up every day at 4 a.m. to haul garbage to pay my way through college, I knew that learning was the key. My parents, all Korean parents, believed that education was the best way to break that vicious cycle of poverty.

These children later became the lead actors in this great drama. Their sweat and their tears is what transformed Korea from being one of the poorest countries in the world to one of the most dynamic today.

Our desire for learning continues. Currently, there are more than 100,000 Korean students studying in your schools. These young students will become the leaders of tomorrow. They will become scientists, doctors, bankers, engineers, teachers, and artists. They will continue to contribute to making both of our countries stronger. And they will bring our two countries closer together.

Distinguished Members, today the United States and Korea have one of the closest, most important economic relationships in the world. For both countries it has brought untold benefits and opportunities. Our trade in goods, services, and mutual investments has grown dramatically. We invest in you and you invest in us because we are interdependent. When we trade together, we grow together. When we build together, we rise together. And when we work together, we win together.

We see this in the towns and cities and States this Congress represents. We see it in West Point, Georgia, where a new Kia automotive plant is expected to create 1,400 new businesses and more than 20,000 new jobs nearby. We see it in Midland, Michigan, as well, where Dow Chemical, a distinctly American company, and Kokam Engineering, a distinctly Korean company, have joined together to make some of the world's most advanced batteries—the building blocks for a new era of electric vehicles. I understand that Vice President BIDEN has been to the opening ceremony of this plant. And we have more than 10,000 Korean companies, including global conglomerates such as Samsung and LG, doing business and investing all across America.

And, of course, we see such cooperation in Korea as well. Just west of Seoul, a GM-Korea joint venture is manufacturing and selling Chevrolets to Korean consumers. Sales are up 27 percent in just the first 6 months since the brand was launched, and 55 percent of Koreans say they would consider buying one. And our cooperation is not just limited to automobiles. Many others, from microchips to biotech, provide similar examples of such cooperation. Our mutual investment is yet another good example.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, thanks to all of you in this Chamber, our economic ties are becoming even stronger. The Korea-U.S. free trade agreement was ratified by this Congress here last night. Here, where the Mutual Defense Treaty was signed by Korea and the United States in 1953, a new chapter in our relationship has opened. Our relationship has become stronger. This agreement is a major step toward future growth and job creation. It is a win for our corporations.

The Korea-U.S. free trade agreement will be able to ensure continued growth and also create jobs. And this is a win for our corporations, it is a win for our workers, a win for small businesses, and a win for all the innovators on both sides the Pacific.

Perhaps you have heard what the experts have said: America's economic output will grow more due to the Korea-U.S. free trade agreement than from America's last nine trade agreements combined, and that the tariff reductions and many of the fair labor provisions, rigorous environmental standards, and strong protections for intellectual property rights will be beneficial for all of us. These provisions will improve our business environments. These provisions will allow for us to widely share the benefits of trade more than ever. In this century much has changed, but not this basic truth: Open markets build strong economies. And in this 21st century I firmly believe economies must be green to grow.

Unfortunately, this was not always our way. For far too long in my country, growth came at a cost. Rapid economic growth cast a dark shadow in our environment, in the air that we breathed, and the water that we drank. This is why when I was mayor of Seoul, I considered it my calling to restore Seoul's Cheonggyecheon Stream, which was neglected for decades. The restored stream revitalized the surrounding landscape, it revived commercial activity, and enriched the lives of the people in countless ways.

As President, I announced a new national vision—one of low-carbon green growth. And it is our goal to become the world's seventh-largest green economy by 2020. The benefits of green growth are real. This is why we are investing heavily in the research and development of next-generation power technologies such as the smart grids. This is why we are trying to become the leader in renewable energy sources. This is why we've required our biggest carbon-emitting companies to set greenhouse gas targets this year. And they will, of course, work to deliver on this promise.

I am aware that the U.S. is also taking measures to ensure a sustainable future. Some of those steps we are taking together. For example, in 2009, our governments signed a statement of intention to work together on renewable energy, energy efficiency, and power technologies. The Chicago Smart Building Initiative is a good example of our cooperation between our two countries.

And during my visit this time, our two governments signed a statement of intent on the Joint Research Project on Clean Energy. Joint investments and cooperation will only increase. Our work will lead to tangible results that will benefit mankind. As our countries move down this path, we will be moving even closer together, and we will move forward together.

Distinguished Members, ladies and gentlemen, the strength of a country is not measured in dollars alone. Our mutual defense keeps us strong and it keeps us safe. Ours is an alliance forged in blood. That is how we Koreans describe our Mutual Defense Treaty.

Fifty-eight years ago today in October 1953, here in Washington, D.C., the Republic of Korea and the United States signed the Mutual Defense Treaty. In the words of that treaty, we pledged our common determination to defend ourselves against external armed attack so that no potential aggressor could be under the illusion that either of us stands alone in the Pacific area. But we know that defending freedom is never easy; it is never free of cost or free of risk. For this, I want to thank you. I thank you on behalf of the Korean people for standing by us.

We also want to thank the 28,500 American men and women in uniform who serve today in Korea. We want to thank each and every one of you for keeping faith with the generation of your parents and grandparents, defending freedom on the Korean Peninsula. We thank you for your service.

Today, I would also like to thank the Korean War veterans who are here with us today. They are Representatives JOHN CONYERS, CHARLES RANGEL, SAM JOHNSON, and HOWARD COBLE. We thank these gentlemen for their service. To these gentleman and to millions of others, the Korean War or the peninsula are not abstract concepts, and they're

not concepts for me either. My older sister and younger brother, both just children, were killed in that war. I will never forget them. I will never forget how my mother tried so hard to keep them alive. With the war raging all around us, there were no doctors, and we couldn't afford to buy medicine. All my mother could do was stay up all night and pray to God. Many Koreans still live with such pain.

I recognize the reality that Korea has been split in two, but I will never accept it as a permanent condition. The two Koreas share the same language, history, and customs. We are one people. In both Koreas, there are families who have never spoken to their loved ones for more than half a century. And my hope is that these people and all 70 million Koreans will enjoy real happiness and real peace. And for this, we must first lay the foundation for peace on the Korean Peninsula. And upon this foundation, we must strengthen cooperation between the two Koreas. We must seek the path that will lead us towards mutual prosperity. And we must achieve peaceful unification.

A unified Korea will be a friend to all and a threat to none. A unified Korea will contribute to peace and prosperity, not only in northeast Asia, but far beyond. We therefore must achieve the denuclearization of the Korean Peninsula, and North Korea must give up their nuclear ambitions.

Korea and the United States stand united. We are in full agreement that the Six Party Talks is an effective way to achieve tangible progress. We are in full agreement that we must also pursue dialogue with North Korea. However, we must also maintain our principled approach. A North Korea policy that is firmly rooted upon such principles is the key that will allow us to ultimately and fundamentally resolve this issue.

North Korea's development is in our collective interest, and this is what we want. However, this depends on its willingness to end all provocations and make genuine peace. We will work with you and the international community so that North Korea makes the right choice.

Our Mutual Defense Treaty has ensured stability and prosperity to flourish not only on the Korean Peninsula, but across northeast Asia. Northeast Asia today is a more dynamic region than ever. And economic change in this region brings geopolitical change, and it brings shifts in the balance of power that has long prevailed.

The United States, as a key player of the Asia-Pacific region and as a global leader, has vital interests in northeast Asia. For northeast Asia to play a more constructive rule in global affairs, there must be peace and stability in the region.

And your leadership that has ensured peace and stability of northeast Asia and beyond in the 20th century must remain supreme in the 21st century. The ideals that you represent and the leadership that allows for such ideals to become true must continue.

There remain many challenges in the world today, and your leadership is vital. Terrorism, proliferation of WMD, climate change, energy, poverty, and disease; these are just a few of the challenges that require your leadership.

Our free trade agreement has significance because it will be a force for stability, because lasting stability, again, depends on economic opportunity being open and robust. Our relationship can be the catalyst that generates growth and stability all along the Pacific Rim. And, in doing so, it will make clear how fully our fates are connected.

More than ever, Korea is looking beyond the horizon. It will willingly embrace its international responsibilities. It will work to resolve global challenges.

Since becoming President of Korea, my vision for Korea in the coming decades is for a global Korea.

Global Korea has joined United Nations peacekeeping operations in East Timor, Lebanon, and Haiti. Korea was the third-largest contributor of troops to the coalition forces in Iraq. We have sent reconstruction teams to rebuild Afghanistan. Our naval vessels support the United States and EU in fighting against piracy off the coast of Somalia.

We will take part in the international effort in bringing democracy to Libya and rebuilding its shattered economy. And we have pledged to double our overseas development assistance by 2015. And next month the High Level Forum on Aid Effectiveness will be held in Busan, Korea's second-largest city.

In these and countless other ways, Korea will carry out its duties as a responsible member of the international community. As we face the many global challenges that lie ahead, we will promote universal values.

In 2009, when President Obama and I signed the Joint Vision for the Future of the Alliance, we agreed to work closely together in resolving regional and international issues, based on shared values and mutual trust. And during our summit today we renewed this commitment. We also reaffirmed our commitment to face the challenges of today for the generation of tomorrow.

Our alliance will grow, and it will continue to evolve. And it will prevail.

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, before I part, I want to thank you again for the honor of addressing this Congress. I would also like to thank President Obama and Mrs. Obama for their invitation.

I also take this opportunity to pay tribute to the 1.5 million Korean-Americans who have been contributing to this great country. As President of Korea, I am proud that they are giving back to the country that gave them so much. I am also deeply grateful to you and the American people for giving them the chance to make their dreams come true.

Your ideals and aspirations have been ours, as they have been for much of the world.

Half a century ago, young Americans served in the Korean War ''for duty beyond the seas.'' And today, our peoples hear the same call. It may not always be active combat, not always to brave the rugged mountains or bitter winters, but it is an important duty nonetheless, a charge to help create a more peaceful, more prosperous world.

In the 21st century, duty and destiny calls us once again. As before, let us rise to meet these challenges. Let us go together. Together and forward.

Thank you.

[Applause, the Members rising.]

At 4 o'clock and 48 minutes p.m., His Excellency Lee Myung-bak, President of the Republic of Korea, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 54 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1719

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. ROBY) at 5 o'clock and 19 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PITTS. Madam Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

PROTECT LIFE ACT

Mr. PITTS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 358 and to insert extraneous material on the bill.

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

There was no objection.

Mr. PITTS. Madam Speaker, pursuant to House Resolution 430, I call up the bill (H.R. 358) to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 430, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 358

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 ''Protect Life Act''.

SEC. 2. MODIFYING SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT TO CONFORM TO LONG-STANDING FEDERAL POLICY.

(a) IN GENERAL.—Section 1303 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10104(c) of such Act, is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(2) by redesignating paragraph (4) of subsection (b) as subsection (d) and transferring such subsection (d) after the subsection (c) inserted by paragraph (4) of this subsection with appropriate indentation (and conforming the style of the heading to a subsection heading);

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

''(b) SPECIAL RULES RELATING TO TRAINING IN AND COVERAGE OF ABORTION SERVICES.—Nothing in this Act (or any amendment made by this Act) shall be construed to require any health plan to provide coverage of or access to abortion services or to allow the Secretary or any other Federal or non-Federal person or entity in implementing this Act (or amendment) to require coverage of, access to, or training in abortion services.'';

(4) by inserting after subsection (b) the following new subsection:

''(c) LIMITATION ON ABORTION FUNDING.—

''(1) IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act), including credits applied toward qualified health plans under section 36B of the Internal Revenue Code of 1986 or cost-sharing reductions under section 1402 of this Act, may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except—

''(A) if the pregnancy is the result of an act of rape or incest; or

''(B) in the case where a pregnant female suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the female in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''(2) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

''(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

''(B) such coverage or plan is not purchased using—

''(i) individual premium payments required for a qualified health plan offered through an Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

''(ii) other non-Federal funds required to receive a Federal payment, including a State's or locality's contribution of Medicaid matching funds.

''(3) OPTION TO OFFER COVERAGE OR PLAN.—Nothing in this subsection or section 1311(d)(2)(B)(i) shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

''(A) premiums for such separate coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

''(B) administrative costs and all services offered through such coverage or plan are paid for using only premiums collected for such coverage or plan; and

''(C) any such non-Federal health insurance issuer that offers a qualified health plan through an Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.'';

(5) in subsection (e), as redesignated by paragraph (1)—

(A) in the heading, by striking ''REGARDING ABORTION'';

(B) in the heading of each of paragraphs (1) and (2), by striking each place it appears ''REGARDING ABORTION'';

(C) in paragraph (1), by striking ''regarding the prohibition of (or requirement of) coverage, funding, or'' and inserting ''protecting conscience rights, restricting or prohibiting abortion or coverage or funding of abortion, or establishing''; and

(D) in paragraph (2)(A), by striking ''Nothing'' and inserting ''Subject to subsection (g), nothing'';

(6) in subsection (f), as redesignated by paragraph (1), by striking ''Nothing'' and inserting ''Subject to subsection (g), nothing''; and

(7) by adding at the end the following new subsection:

''(g) NONDISCRIMINATION ON ABORTION.—

''(1) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not subject any institutional or individual health care entity to discrimination, or require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any institutional or individual health care entity to discrimination, on the basis that the health care entity refuses to—

''(A) undergo training in the performance of induced abortions;

''(B) require or provide such training;

''(C) perform, participate in, provide coverage of, or pay for induced abortions; or

''(D) provide referrals for such training or such abortions.

''(2) DEFINITION.—In this subsection, the term 'health care entity' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

''(3) REMEDIES.—

''(A) IN GENERAL.—The courts of the United States shall have jurisdiction to prevent and redress actual or threatened violations of this section by issuing any form of legal or equitable relief, including—

''(i) injunctions prohibiting conduct that violates this subsection; and

''(ii) orders preventing the disbursement of all or a portion of Federal financial assistance to a State or local government, or to a specific offending agency or program of a State or local government, until such time as the conduct prohibited by this subsection has ceased.

''(B) COMMENCEMENT OF ACTION.—An action under this subsection may be instituted by—

''(i) any health care entity that has standing to complain of an actual or threatened violation of this subsection; or

''(ii) the Attorney General of the United States.

''(4) ADMINISTRATION.—The Secretary shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

''(A) to receive complaints alleging a violation of this subsection; and

''(B) to pursue investigation of such complaints in coordination with the Attorney General.''.

(b) CONFORMING AMENDMENT.—Section 1334(a)(6) of such Act is amended to read as follows:

''(6) COVERAGE CONSISTENT WITH FEDERAL POLICY.—In entering into contracts under this subsection, the Director shall ensure that no multi-State qualified health plan offered in an Exchange provides coverage for abortions for which funding is prohibited under section 1303(c) of this Act.''.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Madam Speaker, I am humbled to stand in this Chamber and engage in debate over such a critical matter as this. Like the civil rights movement, the pro-life cause has always been about one of securing rights for those who cannot speak for themselves and who cannot on their own obtain them. The fight goes all the way back to our Nation's beginning.

What more could our Founding Fathers have envisioned when they drafted the Declaration of Independence, proclaiming to all that America would ''hold these truths would be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness''? There it is.

The first unalienable right designated by the Declaration of Independence is our right to life. Our Founding Fathers must have deemed this an indispensable right, for its placement signifies it was not an afterthought.

From the start of our great Nation until now, countless men and women have fought and even sacrificed their own lives to protect that right for others. Yet, in 1973, the U.S. Supreme Court issued a decision that has

changed the course of history in this country. A right that had been protected for nearly 200 years was tossed aside by a court decision to legalize abortion. Up until that point, an unwanted pregnancy was likely to lead to an adoption, a process that placed an unwanted child in a caring home.

The legacy of the late Steve Jobs reminds us of the impact an adoption can have on the entire world. Fortunately for us, Jobs was born 18 years before Roe v. Wade. Shortly after his birth to a single mother, Jobs was adopted by a married couple in central California. He would go on to be the founder of a tech company that has literally changed the world. His was the route of many unexpected children before 1973.

Maya Angelou, Babe Ruth, and Eleanor Roosevelt are just a few of the many adoptees that have transformed the world we live in today.

Unfortunately, since Roe v. Wade, more and more women are being persuaded that abortion is nothing more than a simple medical procedure that will help them move on with their lives. This could not be further from the truth.

A study of Medi-Cal patients in California revealed that women who had had an abortion were 160 percent more likely to be admitted for psychiatric treatment than those who had carried the child to term and delivery. These women who chose to terminate their pregnancies then had to deal with the psychological devastation that is often associated with such a decision. Adding harm upon harm, abortion is a procedure that brings mental trauma to the mother and irreparable damage to the unborn.

Because of this, the policy of the Federal Government for the last 35 years has been to ban funding for such a procedure. Studies have shown that when the government subsidizes abortion, their number increases. The President, a supporter of abortion rights, has stated his commitment to reducing the amount of abortions in this country. Restoring the policy of prohibiting Federal funds for abortion would be a good first step. The American people, to a large degree, agree with this policy. In fact, as recently as last year, a survey revealed that 67 percent of Americans support a ban on abortion funding. But the Patient Protection and Affordable Care Act failed to include this prohibition, and that is why we are here today.

President Obama indicated his support for upholding the ban on Federal funding for abortion in health reform, and that is exactly what the Protect Life Act does. The issue of prohibiting taxpayer funds for abortion is important to the American people. And so it should be important to Congress as well. Protecting the unalienable right to life is important to the American people. It should be to the Congress as well.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Hon. FRED UPTON,
Chairman, House Committee on Energy & Commerce, Washington, DC.

DEAR CHAIRMAN UPTON, as you know, I requested a referral on H.R. 358, the ''Protect Life Act,'' because it has provisions that fall within the Rule X jurisdiction of the Judiciary Committee. We are able to agree to waive seeking a formal referral of the bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by forgoing consideration of H.R. 358 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMMERCE,
Washington, DC, October 12, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 358, the ''Protect Life Act.'' As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forgo action on H.R. 358. I agree that your decision should not prejudice the Committee on the Judiciary with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 358 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 14, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON, I am writing concerning H.R. 358, the ''Protect Life Act,'' which was favorably reported out of your Committee on February 15, 2011.

As you know, the Committee on Ways and Means has jurisdiction over revenue measures generally, including federal tax laws and the Internal Revenue Code of 1986, as amended (IRC). Section 2(a)(4) of H.R. 358 amends section 1303 of the Patient Protection and Affordable Care Act (P.L. 111–148), as amended by section 10104(c) of such Act, by limiting the purposes for which taxpayers may claim tax credits under section 36B of the IRC. I wanted to notify you the Committee will forgo action on H.R. 358. 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.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 358, 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 ENERGY AND COMMERCE,
Washington, DC, September 15, 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. 358, the ''Protect Life Act.'' As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Ways and Means.

I appreciate your willingness to forgo action on H.R. 358. I agree that your decision should not prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 358 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

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

I rise in strong opposition to H.R. 358, legislation that infringes upon a woman's right to choose. This bill is unnecessary, divisive, and extreme. And it saddens me that the Republican leadership has chosen to bring this bill to the House floor when Americans are struggling.

The American people want us to work together to address their top priority: creating jobs. As such, we should be focusing on putting Americans back to work, not dividing Congress on ideological issues. And we certainly shouldn't be considering legislation that rolls back women's reproductive rights 38 years.

Supporters of this bill claim it is amending the Affordable Care Act to ensure U.S. tax dollars are not used to fund abortions. However, the Affordable Care Act already prohibits the use of Federal dollars to fund abortions. Instead, H.R. 358 will eliminate access to abortion care for many women by banning insurance plans regulated by the Affordable Care Act from offering abortion-inclusive coverage if they take even one federally subsidized customer. So if a plan takes one subsidized customer, then they can't provide abortion coverage insurance to anyone else in the plan.

What's even more concerning is that this legislation could place many women who need reproductive health care in dangerous, potentially life-threatening situations by expanding a lopsided policy that allows health workers and hospitals the ability to refuse to provide and refer for abortion care and even deny emergency abortion care.

So that's why I was so appalled, truly appalled yesterday by comments that

were made at the Rules Committee, and I want to set the record straight. This bill is not simply the Stupak-Pitts amendment that was debated and supported during the health reform consideration. During the Rules Committee, I heard that over and over again from the Republican side—this is just the Stupak bill all over again. That is simply not true.

Madam Speaker, H.R. 358 goes significantly beyond the Stupak amendment. The Stupak amendment limited its reach only to qualified health plans and had no effect on completely private plans. But H.R. 358 affects any health plan.

The Stupak amendment limited its reach only to Federal funding and insurance coverage of abortion. H.R. 358 includes access to abortion services, a much broader term with far-reaching effects.

And the Stupak amendment limited its reach only to State conscience protection laws that deal with abortion. But H.R. 358 expands that protection to those covering health and medical services outside of abortion.

The Stupak amendment did not create any exception to the obligation of hospitals to comply with EMTALA. Instead, it left that obligation intact.

So, as my colleagues will see, no one should be fooled by the argument that this is simply Stupak because it's simply not. I want to emphasize, the effect of this amendment would mean that, effectively, women would not be able to get any kind of health insurance for abortion coverage either because they wouldn't be able to get a comprehensive plan on the exchange or because they would be forced to try to buy one outside the exchange just for abortion services, which isn't going to be available.

So, practically speaking, what the Pitts amendment does is make it impossible for a woman to exercise her right under the Constitution if she chooses to have an abortion because she won't be able to get insurance coverage for it at all.

Madam Speaker, H.R. 358 is a massive overreach of women's health. It extensively restricts women's access to reproductive health services and life-saving care. It is a step towards eliminating a choice that our Supreme Court has deemed legal and remains legal to this day.

Now, if you want to overturn Roe v. Wade, and I know that there are Members on the other side of the aisle who feel that way, then they can try to do that. But don't do it in a sneaky way by denying women insurance and effectively saying that they can't exercise what the Supreme Court says is their right under the Constitution.

□ 1730

Women need and are entitled to safe, affordable health care options. This bill only serves to create health and financial challenges that I think are going to be impossible to overcome. It's dangerous to women's health.

I urge my colleagues to vote ''nay'' on the legislation.

I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Louisiana, Dr. JOHN FLEMING.

Mr. FLEMING. I thank the gentleman from Pennsylvania for his work on this bill and his lifelong career in protecting life.

Madam Speaker, the bill before us today, H.R. 358, the Protect Life Act, would accomplish two important things: It would remove funding for abortion and abortion coverage under the Patient Protection and Affordable Care Act, and it would extend the conscience protections to pro-life doctors, nurses, hospitals, and other health care facilities who object to destroying the lives of unborn children.

Madam Speaker, I've been a doctor for 36 years, father of four, grandfather of two, and I can tell you that the taking of innocent life is not health care. It is not health care. Having said that, this country is still divided on whether or not a woman should have the right to take an unborn infant. However, the country is not divided on the issue for who should pay for it—and that issue is taxpayers. Two to one, Americans say taxpayers should not be footing the bill. And that's what this is about, as well as the conscience clause.

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

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

Mr. FLEMING. This protection is critical for pro-life and religious health care providers and entities. EMTALA, which is part of the discussion here, requires that health care providers such as myself must take care of women and must take care of their infants, unborn or otherwise.

And so I say to you, Madam Speaker, today, this bill protects life and it does not require taxpayers to foot the bill for those who choose to take innocent life.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to our distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. I thank the gentleman from New Jersey for yielding, and I thank him for his leadership.

I rise in opposition to this bill, the so-called Protect Life Act.

First of all, over and over again we repeat the premise that somehow we're using government funds through the Affordable Care Act for abortion. We are not. No matter how many times you say it, the fact is that we specifically precluded that from happening.

What this bill does goes much further. It threatens to make it harder for women across the country to receive health care that they need. I understand the doctor who just said that the termination of a pregnancy is not health care. I understand his premise. But I also understand that we in America have adopted the premise that if a woman comes to the hospital and has at great risk to her life a pregnancy which is causing her health to be at great risk and her life as well, what this bill does is say you don't have to intervene under those circumstances. I don't think that's protecting life, I say to my friend. In fact, I think it is ignoring the protection of life.

Moreover, it does nothing to create jobs, which is what Congress should be focusing on during this time when so many Americans are out of work. Very frankly, you have criticized the President of the United States for submitting a jobs bill to this Congress that doesn't have a chance of passage. I have heard that over and over again. All of you know this has no chance of passage. It may pass this House—I hope not; I urge its defeat—but it won't pass. It won't become law.

So while millions of Americans' quality of life is put at risk because of the lack of jobs and opportunity that they have, we consider what I believe is simply legislation to speak to a particular interest group in our parties. I understand that.

Republicans come to this floor and speak all the time about keeping government out of people's lives, but this bill does exactly the opposite. What it says is that women won't be able to spend their own money on comprehensive reform for reproductive coverage under a new health exchange. You don't want us to tell people they have to have insurance, but you want to tell them what they can't have in an insurance—with their own money. I'm not sure I get the distinction there. Maybe you can come up with a distinction, but it certainly is a very nuanced one, if it exists at all.

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

Mr. PALLONE. I yield the gentleman 1 additional minute.

Mr. HOYER. Even more unbelievably, the bill will allow a hospital to refuse women emergency care of this kind even when necessary to save their lives. I don't think that's what you intend. I certainly hope it's not. But it is the interpretation that many of us have put on the language of your bill.

So, ladies and gentlemen of this House, this issue has been debated over and over again. We adopted a Hyde amendment. The premise of the Hyde amendment was that we shouldn't take taxpayers' money and spend it on abortion.

Very frankly, I represent 60,000 Federal employees. We precluded them from using the salary that they receive to buy insurance that has abortion coverage. It's their money. I hear that all the time: It's their money. But you don't allow them to use their money for that purpose. Now you are saying to the private sector women: You can't use your money.

You can't have it both ways. Either it's their money for services they constitutionally can receive or it's not.

Defeat this bill. This is a difficult issue. Let us let women, doctors, and their faith deal with it.

Mr. PITTS. Madam Speaker, before I yield to the next speaker, I have a copy here of the PPACA law. On page 65, I'll just read one title of a paragraph: Abortions for which public funding is allowed.

At this time I yield 1 minute to the gentleman from Louisiana, STEVE SCALISE.

Mr. SCALISE. I want to thank the gentleman from Pennsylvania for yielding and especially for his leadership in bringing the Protect Life Act to the floor of the House of Representatives.

When we look at a time right now when our country is going broke, it's offensive to most Americans that taxpayer money can still be used to subsidize abortion in this country. We had this debate during the President's health care law. We've tried to put real language that would protect that from happening. Unfortunately, we weren't able to get that protection. For those of us that want to repeal the President's health care law completely, we've already passed that bill and sent it to the Senate and they've taken no action.

But we're here today to address specifically this problem and say there should be no taxpayer money that is allowed to be used to subsidize abortion. And if you look in the bill, there are employers out there who are providing good health care to their employees today; yet under the law that the President passed and signed into law, Federal officials can tell those private employers that they have to provide abortion services in their policy, and so they'll just drop the policy. This prevents that from happening as well. It gives conscience protections so that if there's a medical professional that doesn't want to participate in abortion, they don't have to.

These are all commonsense proposals that should pass and have bipartisan support, and they should also pass the Senate.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to our ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker and Members of the Congress of the United States, this bill is an absolute disgrace. With all the problems we have in this country—economic crisis, poverty levels at the highest we've seen in a generation, urgent needs for our schools, Americans still too dependent on foreign oil and imported energy—what does the Republican leadership bring up for us to debate? Yet another bill to limit women's access to reproductive health services.

□ 1740

Now, I say another bill because the House has already adopted H.R. 3, and that bill codified into law that no Federal dollars would be used to pay for abortion services, whether it's under Medicaid, the traditional Hyde amendment, or the D.C. appropriations, or for Federal employees, or women who serve in the military, or those who get subsidies under the Affordable Care Act.

What this bill seeks to do, pure and simple, is to destroy one of the most hard-fought but delicately balanced sections of the Affordable Care Act, and that was on abortion. This section came about as a result of a lot of hard work by many Members in the House and the Senate—particularly Senator NELSON, whose pro-life record speaks for itself, clearly and unequivocally.

The law prohibits the use of Federal funds for abortion. It keeps State and Federal abortion-related laws in place. It ensures that those whose conscience dictates against abortion are protected and not discriminated against. And it went further. The language in the Affordable Care Act said you cannot use any subsidies to pay for your abortion insurance coverage; you had to use only private personal dollars. Well, this bill would restrict insurance plans' flexibility regarding abortion coverage, and I think it will result in a virtual shutdown of private coverage for this service for everyone.

This legislation also takes away the Affordable Care Act's limited anti-discrimination protection for those providers whose conscience dictates that women should have access to abortion. It's a legal and, in many cases, an appropriate medical service.

Among the most disturbing features of the Pitts bill is it would say that health care providers would no longer be required to provide emergency services as required under the Emergency Medical Treatment and Active Labor Act, commonly known as EMTALA.

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

Mr. PALLONE. I yield the gentleman 1 additional minute.

Mr. WAXMAN. In other words, a woman who may die from her pregnancy, if she is in for emergency services, the doctor can refuse to give her emergency services if his conscience would prohibit performing an abortion.

Taken as a whole, this bill is a full-throttled assault on women's health and a woman's right to choose. It's not what the American people voted for last November. We should be focusing our attention on jobs, economic growth, and the numerous pressing and important challenges we face as a Nation.

This is a shameless, just a shameless bill. I urge a ''no'' vote on H.R. 358.

Mr. PITTS. I yield 1 minute to the distinguished vice chairman of the Health Subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman. I won't take the full minute. I just simply wanted to respond to what we just heard here on the floor of the House.

H.R. 358 does not change current law or any standard related to section 1867 of the Social Security Act, commonly referred to as EMTALA. The section states that a hospital must provide such treatment to stabilize the medical condition. Paragraph (e) of section 1867 defines an emergency medical condition as a medical condition of sufficient severity such that the absence of immediate medical attention could be reasonably expected to place the life and health of a pregnant woman or her unborn child in serious jeopardy.

EMTALA currently recognizes both lives. Therefore, the Protect Life Act provides conscience protection that is consistent with the emergency treatment requirements of current law under EMTALA.

Mr. PALLONE. I yield 2 minutes to a member of the Health Subcommittee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise today in strong opposition—and I must say honest bafflement—to this so-called ''Protect Life Act.'' I'm baffled because it truly stretches the limits of the rational mind to imagine why the Republican majority—a group of people who supposedly say they make it their mission to limit government involvement in every way possible—why they continue to insert themselves—and the government—into the personal health care decisions of Americans across the country.

What's even more baffling is that for 30 years Federal law has prohibited funding of abortions. It's one thing to say the government won't pay for abortions, but quite another, as we're doing here, to say that women can't use their own dollars to pay for abortion coverage.

Here we are with this absurd song and dance that has no basis in reality, is entirely about scoring political points with the Republican base once again while, as my colleagues have said, doing nothing to help employment and create jobs in this country. If this bill stopped at being absurd, it would be one thing. But more than absurd, this cruel legislation would actually allow hospitals to refuse to provide a woman abortion care even if she would die without it.

Now, my colleagues who claim they want smaller government and say they want to get the government out of people's lives, this is a hell of a way to do it or to prove it.

I urge my colleagues to fight for common sense, to protect women from this harsh attack, and to vote ''no'' on H.R. 358.

The gentleman before was talking about public funding being used for abortions. What is that—using taxpayers' money for incest, or to save the life of a woman, or for rape? Would we deny women the right to have an abortion if they were raped or if it would save their lives? I think not. I think the American people can see through this one. This is nothing more than

playing to the base. It's bad policy for this country.

Let's get the government out of people's lives. Vote ''no'' on this bill.

Mr. PITTS. Madam Speaker, I yield 1 minute to another distinguished member of the Health Subcommittee, the gentleman from Georgia, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman from Pennsylvania for yielding, and I commend him for his great work on this bill.

As a practicing OB/GYN for nearly 30 years, I believe that all life is sacred. Having delivered more than 5,000 babies into this world, I have a deep appreciation for how wonderful life is.

The issue of abortion is a very personal matter for me, as it is for many in this country and on both sides of the aisle of this issue. However, the decades-old debate on the issue of abortion in this country, that's not why we're on the floor today. We're here today to answer one question: Should taxpayer dollars be used to fund abortions? And when an elective procedure—a choice—can decide between life and death, I would suggest that it is an important question to answer. The Protect Life Act is a piece of legislation that seeks to answer that question and set right what the Congress got wrong.

Speaking as a grandfather, a father, a son, and an OB/GYN physician, I will be voting to ensure that our government does not put taxpayer dollars behind any person who seeks an elective abortion.

Mr. PALLONE. Madam Speaker, may I ask how much time remains on both sides of the aisle?

The SPEAKER pro tempore. The gentleman from New Jersey has 16 minutes. The gentleman from Pennsylvania has 20¾ minutes.

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

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentlelady from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. I thank my dear colleague here for yielding.

Madam Speaker, I rise in support of the Protect Life Act, which will ensure that taxpayer dollars are not used to pay for abortions through last year's health care bill. It is right and proper that we should do so.

Every life deserves to be born and is worthy of life. Every life has a purpose and a plan. King David reminds us of the value of life in our Creator's eyes when he penned the following: ''For You created my inmost being; You knit me together in my mother's womb. I praise You because I am fearfully and wonderfully made; Your works are wonderful, I know that full well. My frame was not hidden from You when I was made in the secret place. When I was woven together in the depths of the Earth, Your eyes saw my unformed body. All the days ordained for me were written in Your Book before one of them came to be.''

I'm thankful that our Declaration of Independence recognizes that we are endowed by our Creator with inalienable rights, including the right to life.

□ 1750

Our Founding Fathers laid out the principle of life, and today we have an opportunity to affirm and carry on that mantle by passing the Protect Life Act.

Mr. PALLONE. I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Madam Speaker, I rise in strong opposition to this dangerous legislation, the so-called Protect Life Act, which will, in fact, endanger the lives of women.

With only 23 legislative days remaining in this session before the end of the year, I'm stunned by the decision to waste precious time debating this bill, this unprecedented attack on women's health and the right of women to access reproductive health care.

We should, instead, be spending this time debating ways to grow our economy, ways to help small businesses create jobs, and ways to rebuild our roads and schools so that we can put people back to work and improve our competitiveness in the global marketplace.

But instead of talking about how we create jobs, we're debating merits of a bill intended to continue the war on women being waged by my Republican colleagues. This bill would effectively limit, for the first time, how women can spend their own private dollars to purchase health insurance. This is outrageous.

I am certain Members of this body would never dare to enact legislation limiting the ability of men to access health care.

I urge my colleagues to vote ''no'' on this bill, to end the attack on women's rights and women's health, and to focus, instead, on job creation.

Mr. PITTS. Madam Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. I thank the gentleman from Pennsylvania for yielding.

For over 30 years, the Hyde amendment, in conjunction with a patchwork of other policies, has regulated the Federal funding of abortions under programs such as Medicaid; and together, these various policies ensure the American taxpayer is not involved in funding the destruction of innocent human life.

And despite the assurances from President Obama, the Patient Protection and Affordability Care Act will allow Federal funds to subsidize abortions for the first time since 1976 through State high-risk pools and community health centers.

While the President's Executive order was an attempt to reassure Congress after the Stupak amendment did not make it into the bill's final version, the fact of the matter is that the Executive order is not law and it can change all too easily.

This bill will prohibit funding for abortions and abortion coverage under the Patient Protection and Affordability Act. This legislation also protects the conscience rights for health care workers such as myself by providing that Federal agencies and State and local governments funding by PPACA may not discriminate against health care entities that refuse to be involved in abortion.

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

Mr. PITTS. I yield the gentlelady an additional 15 seconds.

Mrs. BLACK. Madam Speaker, this bill is not about a mother's right to choose, as the President and the congressional Democrats would lead us to believe. Rather, this is about ensuring that the proper restrictions are in place in order to assure that taxpayer funds are not used to fund abortion or abortion coverage under the Patient Protection and Affordable Care Act.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this bill. A new poll today suggests that the 9–9–9 campaign theme of the new Republican Presidential front-runner is starting to gain traction. And it appears that the majority has taken a page from the Cain playbook with their 10–10–10 program, because this is the 10th month without a jobs bill on the floor, the 10th time we've put polarizing social issues and attacks on women's health before job creation and economic security, and the 10th attempt at repealing parts or all of the Affordable Care Act.

This bill creates no jobs, it doesn't help the economy, and it inserts the government smack in the middle of people's health care decisions.

I urge a ''no'' vote on this bill and urge the majority to get to work helping the economy and creating jobs.

Mr. PITTS. Madam Speaker, I am pleased to yield 1 minute to another leader on the life issue, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Pennsylvania for his leadership on this issue, and I'm privileged to be on the floor with a lot of pro-life activists.

I rise in support of the Protect Life Act, and I think we should talk about what is really going on behind those dollars that would go into abortion clinics.

It's been called cruel legislation. Think about how cruel it is to take a pair of forceps and pull a baby apart piece by piece in dilation and extraction, or D&E. Fourteen to 24 weeks, a fully formed, perfect, perfectly formed and perfectly innocent baby pulled apart piece by piece, put into a pan and added up to see if all the pieces are there. It is ghastly, it's gruesome, it's ghoulish, and it's grotesque, and we should never compel taxpayers to pay for something that we couldn't bear the sight of. And you'll never see a video of it for that reason.

It is a process that degrades our entire culture. And to argue that women can't spend their own dollars to get an abortion just simply isn't true. There is a side piece in this that still prevails, and there's always that cash right up to the Planned Parenthood.

So, Madam Speaker, I urge support for the Protect Life Act, and I congratulate the people that have stood for innocent, unborn human life so many times on the floor of the House of Representatives.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. I thank the gentleman for yielding.

At a time when the American people are crying out for action on jobs, we are debating legislation that will instead trample on a woman's fundamental reproductive rights. The fact of the matter is that the Affordable Care Act prohibits any taxpayers' dollars from paying for abortions. That's the law of the land.

The legislation before the House goes far beyond that, restricting, for the first time, how women with private insurance can spend their own private dollars in purchasing insurance. For women, this bill constitutes nothing less than a full-fledged assault on their right to choose.

Madam Speaker, with 8 million people unemployed in this country, with wages going down, poverty is on the rise, and this is all that the Republicans have to offer. This is why people are literally in the streets demanding solutions to the job crisis, seeking greater opportunity and an end to economic inequality.

The American people do not want ideological posturing. They want real solutions that create real jobs. Vote down this legislation.

Mr. PITTS. Madam Speaker, I am pleased to yield 1 minute to another eloquent voice for the unborn, the chair of the Pro-Life Women's Caucus, the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. I'm actually one of the folks that read the bill before we passed it, and there are passages in the bill that do allow for Federal funding of abortion. What this bill does is it seeks to correct that language.

The Hyde amendment clearly states that no Federal tax dollars can be used for abortion. At the time that the Hyde amendment was created, we really only had Medicaid to worry about; but with the vast changes in our lifestyles, other avenues have come forward for Federal funding of abortion to occur if we are not careful in the way we construct laws in this awesome body.

Time and time again, the American public has said we're conflicted on the issue of abortion, but we're not conflicted about not using Federal funds to pay for it. Just in April of this year, 61 percent of respondents on a CNN poll said no Federal funding of abortion.

What this bill does is what we should have done in March of 2010—not allow any Federal funds to be used to pay for abortion any time, any place in this health care bill.

I urge my colleagues to pass this and correct the language that should have been done a year ago.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to another outstanding voice for the unborn, the gentleman from Indiana (Mr. PENCE).

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

□ 1800

Mr. PENCE. Madam Speaker, I rise in support of the Protect Life Act with a grateful heart for Chairman JOE PITTS and Congressman DAN LIPINSKI for their bipartisan leadership in bringing this legislation to the floor. I believe that ending an innocent human life is morally wrong. But I also believe that it's morally wrong to take the taxpayer dollars of millions of pro-life Americans and use them to subsidize abortion or abortion coverage in this country. As it stands today, ObamaCare requires millions of pro-life taxpayers to pay for abortions and subsidize health care plans that cover abortions. This legislation will correct that profound flaw.

Now, I know President Obama issued an Executive order during the heat of the legislative battle over ObamaCare, but we all know Executive orders do not carry the force of law. They can be overturned by the courts and are superseded by statutes.

ObamaCare should be repealed. But in the meantime, let's take this moment to say ''yes'' to life, to say ''yes'' to respecting the values of tens of millions of Americans and make right that which was wrong in ObamaCare itself. Let's pass the Protect Life Act, and let's protect taxpayers of pro-life values all across this country and do it now.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin, who is also a member of the Health Subcommittee, Ms. BALDWIN.

Ms. BALDWIN. Notably absent from the Republican agenda this year are the issues that the American people really care about—creating jobs and growing our economy. Just when we should be pulling together to work on these issues, instead, Republicans have put forth divisive and extreme legislation that takes away women's ability to make their own important life decisions about their reproductive health.

This extremist legislation is an unprecedented display of lack of respect for American women and our safety. The effect of this bill would be to cut off millions of women from the private care they already have and limit the ability of a woman to get the care she needs, even if the result is a serious permanent health condition that could shorten her life.

So we now know the Republicans' real agenda: to roll back women's health and rights. They have shown their true colors by trying to weaken the rape and incest exceptions for abortions. It's hard to believe, but a majority of the Republican House Members cosponsored legislation to give insurance companies new authority to decide if a woman had been raped and to deny care to incest victims. Thanks to the American women who spoke out, this dangerous provision was dropped. But I think it raises an important question: If Republicans are willing to redefine what constitutes rape and incest, what are they going to try next?

Enough is enough. It is time for the Republican majority to respect women's important life decisions, and it is time that they start to stand and start to refocus on the priorities of this country right now—jobs and growing the economy. I urge my colleagues to oppose this extreme and intrusive legislation.

Mr. PITTS. Madam Speaker, before I yield to the next gentleman, in response to the gentlelady, the House has passed 12 different jobs bills already. I believe the gentlelady has voted against every one. They're sitting in the Senate waiting for action.

I would like to yield 1 minute to the gentleman from Arizona, another leader in the pro-life movement, Mr. FRANKS.

Mr. FRANKS of Arizona. I certainly thank the gentleman.

Madam Speaker, when ObamaCare was being unceremoniously rammed through this Congress against the will of the American people, Democrats tried to assure everyone that it was all about compassion.

But, Madam Speaker, nothing so completely destroys the notion that ObamaCare was ever about compassion more than the tragic determination on the part of the Democratic leadership to include the killing of little children by abortion in its provisions.

Now, Madam Speaker, as we face a debt that grows by $4 billion under the strain of Mr. Obama's record-setting spending every day, maybe we should all ask ourselves a question, and that is, is setting aside millions of taxpayer dollars to pay for the killing of innocent unborn children really one of our financial priorities?

And if it is, we should ask another question, and that is, what in God's name has become of all of us?

Mr. PALLONE. Madam Speaker, may I ask about the time again?

The SPEAKER pro tempore. The gentleman from New Jersey has 11 minutes remaining. The gentleman from Pennsylvania has 14¼ minutes remaining.

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

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the gentleman from Pennsylvania for his hard

work on this bill. As a member of the Congressional Pro-Life Caucus and original cosponsor of this bill, I strongly support the Protect Life Act.

We heard during the health care reform debate that tax dollars would not be used to fund abortions. However, this important language was stripped from the final bill and replaced with accounting gimmicks and an Executive order that can be reversed at any time by this President or future administrations.

This opens the door for federally funded abortions in the future and goes against the majority of Americans who believe that the government should not be in the business of paying for abortions. Congress must act now to protect the lives of our unborn children and to fully ensure that no tax dollars from ObamaCare are used to fund abortions.

The Protect Life Act also ensures that medical providers and workers are not discriminated against for refusing to perform abortions. These protections are crucial for health care providers around the Nation whose core values include a deeply held belief that we must protect all human life. I urge my colleagues to vote for the Protect Life Act.

Mr. PALLONE. I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, the Republican majority is at it again. With no real jobs plan, we've seen this majority attempt to thrust on the American people bills that strip them of their rights instead of putting them back to work. Make no mistake: Those proposing this know this extreme bill will not pass the Senate and it will not be signed into law by the President.

This bill, at its core, is an attack on women, especially poor women. Its extreme provisions will jeopardize a woman's access to lifesaving care. It is outrageous that this Republican majority continues to focus on protecting subsidies for Big Oil, tax cuts for billionaires, and targeting women and their access to health care.

Instead of working to help create jobs and empower women to improve their lives, the Republican majority is, instead, trying to pass this bill to allow hospitals to refuse to provide critical, lifesaving care. That means women in rural areas who may only have access to one hospital could be left to die.

This isn't the time to be putting America's women at risk. This is the time to be putting them and all Americans back to work. I encourage my colleagues to vote ''no'' on this extreme bill.

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of H.R. 358, the Protect Life Act, of which I'm a cosponsor. It's been the practice of this House for decades to ensure that federal funds are not used for abortion except in rare cases of rape, incest, or to save the life of the mother. This is typically done by attaching language to appropriation bills that go through this House. Unfortunately, we don't always have regular order.

Appropriation bills this year are likely to see a minibus or an omnibus or a vehicle that might not lend itself to attachment of this language. So I think it is prudent what the House is doing today to ensure that this language goes into legislation to make sure that federal funds are not used for abortion services and to carry on the will of this body. For that, I urge support of the bill.

Mr. PALLONE. I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), who is a member of the Health Subcommittee.

Mrs. CAPPS. Madam Speaker, I rise in opposition to this misguided legislation.

While the House leadership claims that this week's agenda is all about jobs, the discussion of this bill on the House floor shows their true colors. Just like when they almost shut down the government over Planned Parenthood, today we, once again, witness how ideological campaign promises trump needed actions on jobs and the economy.

It's been said before, and I'll say it again, H.R. 358 does not create a single job—not one. Instead, it's an unprecedented assault on the rights of women and families everywhere to make important life decisions.

□ 1810

This bill does a lot. It limits the choices of women and families to purchase health insurance with their own dollars; it removes vital protections to ensure that a pregnant woman with a life-threatening condition can get lifesaving care; and it circumvents State laws that ensure that women have access to preventive services, like screenings and birth control.

But what this bill doesn't do is trust our Nation's women and families to make their own health care choices.

This is unacceptable.

Some have claimed that the Affordable Care Act has led to taxpayer-funded abortions. That is false. Others have claimed that this bill is nothing but the Stupak language that divided our Chamber last year. I was involved in every debate over the Stupak amendment in the House. Madam Speaker, I can tell you this is way beyond that misguided amendment.

So I urge my colleagues to abandon this divisive effort, to put the brakes on this extreme legislation, and to let us turn our focus to the issue of job creation to help the American people.

Mr. PITTS. Madam Speaker, just to correct the gentlelady, there were three Stupak-Pitts amendments. Two were adopted in committee and one on the floor, which got the most publicity. When they went to the Senate, they were all taken out. We're going back to the original Stupak-Pitts amendments.

With that, I yield 1 minute to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I appreciate the leadership of my friend from Pennsylvania, who has been stalwart on this issue.

Really, what we're seeing, folks, is a sleight of hand. They want to talk about jobs, and they want to talk about Big Oil because they don't want to talk about the preciousness of life and how this procedure takes the life of an innocent. It has been labeled an ''extreme'' bill when, actually, this is a reasonable step that codifies what this President says is his own position.

I have a brother-in-law who is a doctor down in Cincinnati. A little earlier today, I called him to talk to him about what he went through in his training and what he had to deal with as to this particular issue.

When I described to him what we were trying to do about allowing him and any other med student and any other person who is going through that to conscientiously object from putting forward a procedure that they don't agree with, he said, Of course, that makes sense.

When I started talking to him about some of the rhetoric and about some of the demagoguery that's surrounding this, he sarcastically said, Boy, that doesn't sound political, does it?

That's exactly what it is.

The American people who are watching this right now need to understand that this is about life and protecting that life and making sure that our health care providers have the ability to say ''no'' to a procedure that they don't want to do.

Mr. PALLONE. I yield 30 seconds to the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Madam Speaker, let me be very clear. The only ''no'' that is being said is ''no'' to the vulnerable women who are traveling in emergency ambulances to the hospital, desiring emergency treatment, dying, and not being able to be treated, needing to correct a problem that has, in fact, damaged their health and not being able to be treated.

Not only is this bill unconstitutional, but the Affordable Care Act does not promote abortion. Frankly, Federal funds are not being utilized for abortion as it will complicate the insurance process for all women in America.

All you can hear is the siren going around and around and around—that woman lying on a gurney—and that hospital being able to say ''no'' and ''yes.'' The only ''no'' is that she will not live because this bill is passed.

I ask my colleagues to vote against this bill. Vote for life. Vote against this bill.

Madam Speaker, I rise today in strong opposition to H.R. 358, The Protect Life Act. This bill will have a detrimental impact on women's

health, and moreover, attacks a woman's constitutionally protected right to choose. It will restrict Access to health care services. It would effectively shut down the private insurance market for allowing women to get complete health care coverage. Once again instead of focusing on JOBS we are again focusing on issues that will not help to feed American families.

As a strong advocate for women's health, I cannot stand by and watch as those who do not support the rights of women to determine their health care options find different and often insidious ways to take away their ability to have full health care coverage.

We are asking women to give up their right to privacy. These decisions need to be between a woman and her doctor. She has the right to determine who, if anyone else she would like to inform of her health care choices. In addition to rendering it nearly impossible for women to get insurance coverage for abortion care in the new state health exchanges, H.R. 358 allows public hospitals to refuse to provide emergency abortion care, even in situations when the procedure is necessary to save a woman's life.

This has been a long and hard fight. Thirty-eight years ago, the American people learned of the Supreme Court's momentous ruling in Roe versus Wade—the case which established constitutional restrictions on the State's ability to regulate or restrict a woman's decision to have an abortion. In the year 1973, the Supreme Court asserted that the 14th amendment protects a woman's right to choose for herself whether to have an abortion.

Many women in 1973 must have viewed the Supreme Court's ruling in Roe versus Wade as an encouraging turning point in the way our courts recognize the rights of women under the Constitution. The Roe versus Wade decision at last offered a choice to many women who had been victims of rape or incest, but had been denied abortion as a legal option. Roe versus Wade offered a choice to many women whose lives would have been threatened by going through childbirth, but had been denied abortion as a legal option. And Roe versus Wade offered a choice to women who, for a variety of personal reasons, would prefer not to carry a pregnancy to term, but had earlier been denied abortion as a legal option.

Indeed, it is my hope that the Supreme Court will continue to protect women against any State erosion of a woman's individual rights. Let us not undermine the breakthrough made for women by the Supreme Court in 1973. Let us not jeopardize the right of a woman to choose whether she will bear children. Let us not place a woman's right to personal privacy at risk. Instead, let us reaffirm those rights and give consistent support not only to those who choose to have children, but also to those who do not.

Since Roe v. Wade, a woman's right to choose has been systematically eroded by anti-choice legislators. In fact, more than 450 anti-choice measures have been enacted in the states since 1995, essentially rolling back this fundamental right for many women. Women in 19 states could face sweeping bans on abortion if the Supreme Court reverses Roe and allows states to re-criminalize abortion, menacing doctors and their patients with the threat of criminal investigation, prosecution, and even imprisonment.

The argument has been over and over that tax payer dollars should not be used to fund abortions. This argument is an extreme overreach. The Affordable Care Act already includes a provision that prohibits any U.S. taxpayer dollars from funding abortions. As this is the case the purpose of this bill seems to only be to rattle people's cages by attacking women and failing to address the job crisis in this country. We should focus on creating jobs. This bill seems to be a red herring. Instead of focusing on jobs, the economy, rebuilding America, we are instead focusing on an issue that everyone knows is divisive.

Women would no longer be able to have full health care coverage without disclosing very personal information. They must predict in advance whether or not they are going to use a service that is legal in this country. It is the law, and the law should be upheld. Women would be required to buy separate coverage specifically for abortions. There is no such policy for any health procedure that a man may be required to undergo. This is an issue of privacy, this is an issue of fairness, and this is an issue of gender equality. A woman like a man has the right to make private, personal choices about her health. She should not be punished by not having access to adequate health care. This is about a constitutional right!

Mr. PITTS. Madam Speaker, I yield 1 minute to another outstanding voice for the unborn, one of our freshmen from Oklahoma (Mr. LANKFORD).

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

Mr. LANKFORD. We are a Nation that values all life.

When a bridge is under construction and a migratory bird's nest with eggs is discovered, the Fish and Wildlife Migratory Bird Treaty Act forces the delay of construction until the birds have hatched and flown away.

Why? Because life is important to us.

When a baby is born prematurely, we spend hundreds of thousands of dollars to save that child because each life is important to us. We have one glaring and obvious exception to this passion for life: abortion.

For some reason, we see the life of a duck and its egg as more valuable than an infant in the womb. For some reason, we think that a baby born 5 weeks early is worthy of hundreds of thousands of dollars of medical technology to save; but if that same mother wanted to hire a doctor to reach in the womb and kill that child with scissors 5 weeks before delivery, some would demand her choice must be protected.

What our Founding Fathers considered a self-evident truth is that we have been endowed by our Creator with certain rights, beginning with ''life,'' which is now a topic open for discussion in our modern day ethic.

I still believe in the value of the instructions given to leaders thousands of years ago in Proverbs 31: ''Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly.''

Mr. PALLONE. Madam Speaker, I believe there is still more time on the other side; so I would reserve at this time.

Mr. PITTS. At this time I yield 1 minute to the distinguished gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman for yielding, and I thank him for his tireless work for the unborn.

I think it's a little interesting. I came down here tonight to talk about life, and my colleagues across the aisle are talking about the jobs bill that their President introduced. Unfortunately, the last time I checked, zero Democrats had cosigned that bill.

Really, what I want to talk about tonight, Madam Speaker, are the rights of the unborn.

We were told when we did this health care bill, Don't worry about it. We'll do the Executive order because we're going to take the Stupak-Pitts amendment out.

The truth of the matter is, if we were going to do the Executive order, why didn't we go ahead and pass the Stupak-Pitts amendment? The reason is that we know, inside that bill, in several paragraphs and in several areas, is the ability for taxpayer money to be used for abortion.

In fact, according to Douglas Johnson, the Federal legislative director of the National Right to Life Committee, ''ObamaCare contains multiple provisions that provide authorizations for subsidies for abortion, both implicit and explicit, and also multiple provisions which may be used as bases for abortion-expanding administrative actions.''

Let's vote for life.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

We are running out of legislative days before the end of the year, and instead of focusing on jobs or the economy, the House leadership has decided once again to consider legislation that endangers and attacks the rights of women.

H.R. 358 is extreme legislation that puts the lives of women in danger. This legislation undermines the guarantee of emergency care under the Emergency Medical Treatment and Active Labor Act, EMTALA.

H.R. 358 strips EMTALA of its power to ensure that women receive abortion care in emergency situations at hospitals by making their right to health care secondary to a hospital's ability to refuse to provide abortion care.

Abortion care is necessary in some circumstances to save a woman's life. During the hearing on H.R. 358 in the Energy and Commerce Committee, some witnesses wrongly claimed that this was not the case. In response to those claims, Dr. Cassing Hammond, director of Northwestern University's Center for Family Planning and Contraception wrote a letter, based on his 20 years of experience in obstetric and complex abortion care, to the committee to set the record straight.

In his letter, Dr. Hammond states:

''Most patients are healthy women having healthy babies, but I am frequently asked to provide abortions for

women confronting severely troubled pregnancies or their own life-endangering health issues. Physicians who provide health care to women cannot choose to ignore the more tragic consequences of human pregnancy—and neither should Congress.''

This legislation is an extreme and mean-spirited way to roll back women's health and rights. It is too extreme for women, too extreme for America, and we must reject it.

Mr. PITTS. Madam Speaker, I am pleased to yield 2 minutes to one of the outstanding pro-life leaders in this House, a pro-life Democrat, my cosponsor of the Protect Life Act, the gentleman from Illinois, DAN LIPINSKI.

□ 1820

Mr. LIPINSKI. I thank the gentleman for yielding and for his leadership on this issue.

Madam Speaker, I rise today in strong support of the Protect Life Act, a bill which will apply the decades-old Hyde amendment policy prohibiting taxpayer funding of elective abortion to the Affordable Care Act.

While the discussion in our Nation continues concerning laws governing abortions, there has been a general consensus to prohibit the use of taxpayer money to pay for elective abortion or insurance coverage of abortion. This has long been embodied in the Hyde amendment that annually has been included in an appropriations bill which most of us on both sides of the aisle have voted for.

The Protect Life Act simply applies the Hyde amendment to the Affordable Care Act, just as the House did in 2009 with the Stupak-Pitts amendment during our initial consideration of the Affordable Care Act. At that time, 63 of my Democratic colleagues joined me in voting for that amendment. However, the final bill that became law did not include that language, and the President's Executive order does not implement the Hyde amendment.

The order does not include Hyde prohibitions on taxpayer funding for insurance coverage of abortion, and it can be struck down by courts or overturned by any administration at any time. In addition, what happened last year with State high-risk health plans covering abortion demonstrates the vulnerability that the Executive order has and the need for clarity.

Madam Speaker, today we have the opportunity to provide that clarity and do what a large majority of Americans want and what Congress has done for more than three decades; that is, prohibit the use of taxpayer dollars for abortion. So today I urge my colleagues to support the Protect Life Act.

Mr. PALLONE. Madam Speaker, let me just ask about the time again. I have two more speakers.

The SPEAKER pro tempore. The gentleman from New Jersey has 6 minutes remaining, and the gentleman from Pennsylvania has 7 minutes remaining.

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

Mr. PITTS. Madam Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Pennsylvania.

In the United States, if you destroy an eagle egg you are subject to 5 years in jail and a $250,000 fine. If you destroy a human egg, it's not only legal, but it's taxpayer funded. That's what we're here to talk about.

You would hear our friends say that we've taken too much time today, that we can't give 2 hours out of the endless lunches, out of the fundraisers, out of the rubbing elbows with the powerful to talk for the unborn and the innocents.

I would tell you that even in economic times we cannot suspend our voices against injustice. We cannot suspend our voices for the weak, the powerless. It is our sacred duty to be a voice in the Republic for those who have no standing. The unborn have no standing and no voice.

Let us allow our voices to be heard for these 2 hours.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

What I'm hearing from the people in my area, I think most Members are hearing this, is the American people want the divisiveness to stop and the jobs to start.

This bill tonight does the opposite. It's the most divisive issue we could really put before this House and this country.

There was a carefully balanced compromise that's been the law of the land—and is the law of the land—for a very long time that says that taxpayer money should not pay for abortion, but that a woman who chooses to have an abortion with her own money has that right.

This bill upsets that balance but, more importantly than that, I think this bill ignores the opportunity for us to come together and stop the divisiveness and start working on the problem the country wants us to work on, which is the creation of jobs.

Tomorrow will be yet another Friday without a paycheck for millions of Americans. It might be the day that a small businessman or businesswoman closes their shop for the last time. It might be the day that the mortgage foreclosure is executed and someone loses their home.

This country is in crisis. There is an emergency around this country that needs to be dealt with right now.

People feel very, very deeply about the issue of abortion on both sides. I respect both sides. The law respects both sides with the compromise that we have.

What we ought to collectively respect is the urgent demands of the American public to come together and get to work to put the country back to work. That should be the agenda of the Congress, not this bill. Let us work our will, and whatever it is tonight, I'll be voting ''no.'' But can't we work our will on a plan to work together and put the country back to work?

Mr. PITTS. I yield 1 minute to the distinguished gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, this is not a divisive issue; this is a bipartisan issue. The language in H.R. 358 was in the Stupak-Pitts amendment passed in the Democrat-led House last Congress.

If they supported it then, why would they not support it now? Because of Executive order? Absolutely not.

ObamaCare created a fund specifically reserved for abortion coverage. So what in the world makes one think this money will not support abortion coverage? We all remember, ''We have to pass this bill before we find out what's in it.''

Unfortunately, they passed the bill, and we found no language to ensure taxpayers won't have to pay for something the majority of Americans don't support.

Madam Speaker, if my colleagues on the other side of the aisle insisted the health care law prohibits taxpayer funding for abortion, then they should support the bipartisan H.R. 358 to ensure that it is, indeed, the case.

Mr. PALLONE. I have one speaker left; so I reserve the balance of my time.

Mr. PITTS. Madam Speaker, at this time I yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP).

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

Mr. HUELSKAMP. Madam Speaker, I rise today, as the father of four adopted children, to offer my strong support for the Protect Life Act.

Opponents of this bill allege it is unconstitutional, and that is simply not true. While the Supreme Court has wrongfully decided abortion is a constitutional right, they have also clearly upheld the constitutionality of the Hyde amendment and the language in this bill.

Madam Speaker, this is not revolutionary, earth-shaking legislation we are considering. I would like to see Congress go much further in protecting life.

We should not be funding the abortions in the District. We should be protecting conscience rights for health care providers. We should stop giving money to organizations like Planned Parenthood. We should be ending the practice of abortion in America.

This bill is an important step, but more certainly needs to be done. I urge my colleagues to protect life and support this bill in honor of all adopted children, their birth families, and their adoptive families.

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

Mr. PITTS. Madam Speaker, I yield 1 minute to the distinguished chairman of the Pro-Life Caucus, the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Madam Speaker, abortion not only dismembers and chemically poisons unborn children to death, and my friend from New Jersey (Mr. PALLONE) used to know that. He used to be very pro-life, as some other Members who have reversed themselves.

But it also hurts women's health and puts future children subsequently born to women who aborted at significant risk. At least 102 studies show significant psychological harm, major depression, and elevated suicide risk in women who abort.

Published just last month in the British Journal of Psychiatry, a meta-analysis comprised of 22 studies and over 887,000 participants, the largest quantitative estimate of mental health risk associated with abortion in world literature ever, revealed that women who have undergone an abortion experience an 81 percent increased risk of mental health problems. You never hear that from the abortion side.

The Times of London has also found the clear link that women had twice the level of psychological problems and three times the level of depression, and subsequent risk to children born to women who have had a previous abortion.

This is all about no taxpayer funding for abortion.

Nothing less than a comprehensive prohibition on public funding, promotion and facilitation of elective abortion in any federal health program, satisfies the demands of social justice.

The Protect Life Act, authored by Chairman JOE PITTS and DAN LIPINSKI, ensures that all the elements of the Hyde amendment applies to all the programs that are both authorized and appropriated in Obamacare.

By now, I trust that all members fully understand that because programs in Obamacare are both authorized and appropriated in the law, the actual Hyde Amendment has no legal affect whatsoever. Hyde only affects Labor HHS programs not this massive expansion of government funded health care.

Thus Obamacare when phased in fully in 2014 will open up the floodgates of public funding for abortion in a myriad of programs resulting in more dead babies and wounded moms than would otherwise have been the case.

Because abortion methods dismember, decapitate, crush, poison, starve to death and induce premature labor, pro-life Members of Congress, and according to every reputable poll, significant majorities of Americans want no complicity whatsoever in this evil. Obamacare forces us to be complicit.

Despite breathtaking advances in recent years in respecting and treating the unborn child as a patient—in need of diagnosis and treatment for any number of diseases or conditions, just like any other patient—far too many people dismiss the baby in the womb as persona non grata.

I respectfully but firmly asked how violence against children by abortion—dismemberment, chemical poisoning, lethal pills euphemistically marketed as medical abortion—can be construed as benign or compassionate or caring.

The dangerous myth of ''safe abortion'' must be exposed.

So-called ''safe abortion'' is the ultimate oxymoron, an Orwellian manipulation of language, designed to convey bogus respectability to a lethal act. Abortion is never safe for the child and is antithetical to UN Development Goal 4—which rallies the world to reduce child mortality. Abortion is, by any reasonable definition, child mortality. It sole purpose is to kill a baby.

Arrogant and presumptuous talk that brands any child as an ''unwanted child'' reduces that child to a mere object, bereft of inherent dignity or value.

Abortion, not only dismembers and chemically poisons unborn children to death, but hurts women's health and puts future children subsequently born to women who, aborted at significant risk. At least 102 studies show significant psychological harm, major depression and elevated suicide risk in women who abort.

Published last month in the British Journal of Psychiatry, a meta analysis, comprised of 22 studies and 887,181 participants, the largest quantitative estimate of mental health risks associated with abortion in world literature revealed ''women who had undergone an abortion experienced an 81% increased risk of mental health problems.''

Recently, the Times of London reported ''that women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant . . .''

Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Another study shows the risk increases 9 times after a woman has had three abortions.

What does this mean for her children? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering from chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments and behavior problems. Low birth weight is similarly associated with neonatal mortality and morbidity.

Obamacare authorizes health care plans and policies funded with tax credits to pay for abortion, so long as the issuer of the federally subsided plan collects a new congressionally mandated fee from every enrollee in that plan to pay for other peoples abortions. Requiring the segregation of funds into allocation accounts—a mere bookkeeping exercise touted by some as an improvement to the new pro-abortion funding scheme—does absolutely nothing to protect any victims—baby or mother—from publically funded abortion.

Also billions for new Community Health Centers are outside the scope of the Hyde amendment as well.

Obamacare also contains a little known provision that creates a devastating loophole for conscience rights. Section 1303(d) allows any state or federal law involving emergency services to override any conscience protections added to PPACA. Contrary to the claims of H.R. 358 opponents, Section 1303(d) is NOT uniquely about the 1986 Emergency Medical Treatment and Active Labor Act (EMTALA). The section references EMTALA but the operative language is much broader, giving authority to override conscience laws to any federal or state law that employs the term emergency services.

The ''Nondiscrimination on Abortion'' (new subsection 1303 (g)) portion of H.R. 358, the Protect Life Act applies to Obamacare the language of the Hyde/Weldon amendment, which has been in the annual Labor/HHS appropriations bills every year since 2004 without any effort to change or remove it. This subsection is needed because Obamacare creates many new funding streams that bypass the Labor/HHS appropriations act, and therefore bypass the protections of the Hyde/Weldon amendment in that act.

Also, Obamacare creates a huge new program administered by OPM that would manage two or more new multi-state or national health plans. The new law stipulates that at least one plan not pay for abortion. Which only begs to question: what about the other new multi-state plans administered by OPM? Why can those federally administered plans include funding abortion on demand? This represents a radical departure from current policy.

Additionally, other appropriated funds under Obamacare that have no Hyde-type protections include billions for a temporary high risk health insurance pools and billions in grants and loans for health care co-ops.

In testimony before the Energy and Commerce Committee on February, 9, 2011, Douglas Johnson, Federal Legislative Director for the National Right to Life Committee said:

The first major component of the PPACA to be implemented, the Pre-Existing Condition Insurance Plan (PCIP) program, a 100% federally funded program, provided a graphic demonstration of the problem: The Department of Health and Human Services approved plans from multiple states that would have covered elective abortions. NRLC documented this and blew the whistle in July, 2010, which produced a public outcry, after which DHHS announced a discretionary decision that the PCIP plans would not cover elective abortions. Commentators on all sides of the issue were in agreement about one thing: Coverage of elective abortions within this new, 100% federally funded program was not impeded by any provision of the PPACA, and was not even addressed in Executive Order 13535.

On the same day that DHHS issued its decision to exclude abortion from this program—July 29, 2010—the head of the White House Office of Health Reform, Nancy-Ann DeParle, issued a statement on the White House blog explaining that the discretionary decision to exclude abortion from the PCIP ''is not a precedent for other programs or policies [under the PPACA] given the unique, temporary nature of the program . . .'' Laura Murphy, director of the Washington Legislative Office of the American Civil Liberties Union, said, ''The White House has decided to voluntarily impose the ban for all women in the newly-created high risk insurance pools. . . . What is disappointing is that there is nothing in the law that requires the Obama Administration to impose this broad and highly restrictive abortion ban.'' (''ACLU steps into healthcare reform fray over abortion,'' The Hill, July 17, 2010.)''

Then there's the Mikulski Amendment, Sec. 2713, which empowers the HHS Secretary

with broad new authority to force private health care plans in America to cover ''preventable'' services. When Senator BEN NELSON suggested that abortion not be included in the so-called preventative services mandate, Ms. MIKULSKI said no—raising a serious red flag that abortion is being postured as ''preventable abortion service in the future''—after all, abortion prevents a live birth, by exterminating the child.

Killing unborn children and calling it preventative health care isn't new.

And as far back as 1976, Dr. Willard Cates, Jr. and Dr. David Grimes then with CDC presented a paper to a Planned Parenthood meeting, entitled: Abortion as a Treatment for Unintended Pregnancy: The Number Two Sexually Transmitted ''Disease''. To designate pregnancy a sexually transmitted disease; and call abortion a treatment or a means of prevention for this ''disease'' is barbaric.

Abortion isn't health care—preventative or otherwise.

Madam Speaker, we live in an age of ultrasound imaging—the ultimate window to the womb and it's occupant. We are in the midst of a fetal health care revolution, an explosion of benign innovative interventions designed to diagnose, treat and cure disease or illness any unborn child may be suffering.

Unborn children are society's youngest and most vulnerable patients. Obamacare should do them no harm. Tragically, it does the worst harm of all. It kills them.

□ 1830

Mr. PALLONE. Madam Speaker, is the gentleman prepared to close?

Mr. PITTS. We have two additional speakers.

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

Mr. PITTS. At this time I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I rise in strong support of this legislation, the Protect Life Act. I do want to thank the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Illinois (Mr. LIPINSKI) for this bipartisan legislation.

As we have heard during this debate, the health care legislation that was signed into law back in 2010 simply did not protect the unborn. It in no way included clear or direct provisions that would prohibit Federal funding of abortion, and the President's Executive order on this issue is totally inadequate. Executive orders can simply be rescinded at any time and cannot be relied upon to clarify such an issue at any time.

There are some people who have said the legislation that's before us today will stop women from buying health insurance coverage that includes abortion, even if they want to from their own money. According to the bill that's before us, the bill sets out and articulates that an individual may purchase plans that cover abortion with their own money. On top of that, the bill also allows a supplemental abortion policy for those who use a government subsidy to buy insurance.

So I wanted to point that out to my colleagues here this evening, and I would ask for support for this legislation.

Mr. PALLONE. Madam Speaker, I yield the balance of my time to the gentlewoman from Colorado (Ms. DEGETTE), who is really the most knowledgeable on this issue.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 4 minutes.

Ms. DEGETTE. Thank you, Madam Speaker.

Madam Speaker, there are some days in this Congress I feel like I'm in Alice in Wonderland where logic is turned on its head and all of us have fallen down the rabbit hole. Today is certainly one of those days.

Here we stand on the 282nd day of this Congress, and the House majority has not yet passed a jobs plan. Instead, we have spent all day long once again attacking women's health with a bill that will never become law. A similar bill already passed the House and died in the Senate, and the President has issued a veto threat on this bill even if it did somehow become law.

With only 20 legislative days left this year, the leadership of this body has somehow decided that we should spend the day advancing legislation which would severely compromise women's health.

Madam Speaker, despite the claims from my colleagues across the aisle, this bill does not simply say that there won't be any public funds for abortion. It goes far, far beyond. In fact, the Hyde amendment, which is the law of the land, says that there will be no Federal funds for abortions except in cases of rape, incest, or the life of the woman, period.

Let me say that again. There is no Federal funding of abortion anywhere in Federal law.

Let me say that again. The Federal law, not the Federal employees health care plan, not Medicaid, not the military, not the Affordable Health Care Act, nowhere in the law is there Federal funding for abortion, period. In the Affordable Health Care Act, in section 1303, it specifically says there will be no Federal funding for abortion.

Now, this bill, contrary to the claims of its proponents, goes far beyond current law, and here's how. It says women who purchase health care insurance in the exchanges cannot use their own money to buy private insurance plans that have a full range of reproductive coverage. Under current law, women can use their own money to buy insurance that covers that full range of reproductive health care. And, Madam Speaker, that is not changed by the Affordable Health Care Act. But under this law, what would happen would be women purchasing private insurance plans in the exchanges with their own private money would not be able to purchase a plan that had a full range of reproductive care. That would take away the rights of women to exercise their own constitutional rights to have a full range of health care.

In addition, Madam Speaker, this bill also includes such broad refusal language it could override core patient protections contained in the Emergency Medical Treatment and Active Labor Act, allowing hospitals to refuse lifesaving treatment to women on religious or moral grounds, thus causing their death inside the hospital despite their treatable condition.

Now listen, when I listen to this debate, it's really clear to me that the proponents of this bill, their main concern is not Federal funding of abortion. Their main concern is they want abortion to be illegal, and so here's my view. Having debated this now for 15 years in this body, here's my view. If the majority wants to pass a bill banning abortion, pass a bill banning abortion and we'll fight it out in the courts. Don't make claims that there is somehow Federal funding for abortion when in fact there is none to confuse the issues and to try to confuse the American public because I'm going to tell you something. The public will not be confused. They know what this bill does. They know they want jobs, and they know that's our agenda.

Vote ''no'' on this ill-conceived piece of legislation.

Mr. PITTS. Madam Speaker, I yield the balance of my time to the gentleman from Texas, Dr. BURGESS.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 2 minutes.

Mr. BURGESS. I thank the gentleman for the recognition.

Let's be clear about the Affordable Care Act. The EMTALA provision of the underlying law, the Affordable Care Act, is not actually the EMTALA provision because it puts in a great big loophole. The loophole is in the language of the law, and it said providing emergency services as required by State or Federal law, which may be changed; and therein is the problem.

Most of us remember the night before the Affordable Care Act passed. We remember the drama of Bart Stupak going down to the White House. We remember the drama of the Executive order. So what Mr. PITTS is providing us today is the ability to put the language of the Executive order into legislative language and make it law so that it may not be arbitrarily changed by this President or some other President at a future time.

Now, I want to take just a few moments and read into the RECORD from doctors who have written to our committee, doctors who provide emergency services, obstetric services, who tell us over and over again that they have never been required to do something that was against their conscience and put someone's life in danger.

A doctor from the University of Minnesota writes in: During my years of practice, I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. In my

years of practice, I have never seen a woman denied appropriate care because of the exercise of the rights of conscience in this regard.

Another letter, from a Virginia hospital: As a physician who has worked in emergency rooms for over 30 years, I am well-versed in the Federal Emergency Medical Treatment and Active Labor Act and similar policies. I continue to practice emergency medicine. I teach it. Based on three decades of experience, I see absolutely no merit in the claim that conscience laws on abortion pose any risk of allowing pregnant women to die in emergency rooms.

Another letter, from the University of North Carolina: My personal conscience directs me to provide the best of care to pregnant women and their unborn children, and I am able to do so without performing abortions, as are several of my colleagues, and a proportion of the residents we train each year. I have not seen a situation where an emergent event or urgent abortion was needed. No one in my entire 20 years of clinical practice has ever been denied appropriate care because of the exercise of my rights of conscience.

Our committee receives these letters all of the time. I submit them for the RECORD, and I urge an ''aye'' vote on the Pitts bill.

ROBERT C. BYRD HEALTH SCIENCES CENTER OF WEST VIRGINIA UNIVERSITY,
Charleston, WV, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am writing in support of Sections 2(a)(6) and 2(a)(7) of H.R. 358 that provide federal legal protection of conscience regarding abortion for those who care for pregnant women. My experience includes 20 plus years of clinical care, research, and instruction as a Board certified Obstetrician & Gynecologist and Maternal-Fetal medicine. I daily provide care for women and babies who have medically complicated, life-threatening, and uncommon pregnancy complications. Further, as the originator of ''perinatal hospice'', I have cared for (and still do) dozens of women with babies who have terminal prenatal diagnoses who will die shortly after birth.

No one in my entire 20 plus years of clinical experience has ever been denied appropriate care because of the exercise of rights of conscience in the provision of abortion. Women and babies may die in spite of our best efforts, but this is not related to abortion availability or provision.

In my understanding of this new federal statute, conscience will now be formally and legally protected. There is no need for additional exceptions or amendments to this law as it is written.

I am more than happy to discuss this issue with either of you or with one of your colleagues. I may be contacted by email at byron.calhoun@camc.org or directly on my cell phone at (304) 741–4031.

Sincerely,

BYRON C. CALHOUN, M.D., FACOG,
Professor and Vice Chairman of Maternal-Fetal Medicine, Department of Obstetrics and Gynecology, West Virginia University School of Medicine, Charleston Division, Charleston, WV.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF MEDICINE,
Chapel Hill, NC, October 12, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am board certified specialist in Obstetrics and Gynecology with a sub-specialty certification in Maternal-Fetal Medicine. I have over twenty-seven years of experience in practice, teaching and research at a major academic health center. During my career I have cared for numerous women and babies with complications that increase the risk of maternal death. In some of these situations, both a mother and her baby have lost their lives. I care deeply about the effects that public policy and legislation can have on both those of us who provide perinatal care and on our patients.

My personal conscience directs me to provide the best of care to pregnant women and their unborn children and I am able to do so without performing abortions, as are several of my colleagues and a proportion of the residents we train each year. I have not seen a situation where an emergent or even urgent abortion was needed to prevent a maternal death. I am aware of, and have read, sections 2(a)(6) and 2 (a)(7) of H.R. 358 and I am writing to provide my opinion that I support the formalization of these protections. No woman at UNC hospitals has ever been denied care due to her conscience or beliefs; nor does any physician ever feel obliged to direct or change the standard of care for any woman due to race, ethnicity, religion, or conscience. I see no need for any exceptions or amendments to the law as written.

I am available for question or comment or for further discussion on this matter. You may reach me at thorp@med.unc.edu or by calling my office (919) 843–7851.

Sincerely,

JOHN THORP, MD
Hugh McAllister Distinguished Professor of Obstetrics and Gynecology, Professor, Maternal & Child Health, School of Public Health, Director, Women's Primary Healthcare.

VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM,
Richmond, VA, October 12, 2011.

Hon. JOE PITTS,
Hon. DAN LIPINSKI,
Hon. ERIC CANTOR.

DEAR REPS. PITTS, LIPINSKI AND CANTOR: I understand that the House of Representatives may soon consider HR 358, the Protect Life Act. As a physician I am especially interested in this bill's section reaffirming federal protection for health care providers' conscience rights on abortion. I have heard there may be an effort in the House to insert an exception into this law, so governmental bodies can discriminate against providers who decline to provide abortions in ''emergency'' cases.

As a physician who has worked in emergency rooms for over 30 years, I am well versed in the federal Emergency Medical Treatment and Active Labor Act (EMTALA) and similar policies. I continue to practice emergency medicine, and to teach it at Virginia Commonwealth University. Based on these decades of experience, I see absolutely no merit in the claim that conscience laws on abortion pose any risk of allowing pregnant women to die in emergency rooms. Current federal laws as well as Virginia state law respect conscientious objection to abortion in all circumstances; and I have never seen or heard of a case in which these laws created any conflict with women's safety or with legal obligations to stabilize patients' conditions in emergencies.

Your provision on conscience protection is warranted and I do not think it should be weakened in any way.

Sincerely,

EDWARD J. READ, Jr., MD, FACEP,
Attending Physician, Emergency Medicine, Hunter Holmes McGuire VA Medical Center Assistant Professor, Department of Emergency Medicine, Virginia Commonwealth University, Richmond, Virginia.

UNIVERSITY OF MINNESOTA, SCHOOL OF PUBLIC HEALTH,
Minneapolis, MN, October 13, 2011.

Representatives JOE PITTS and DAN LIPINSKI,
House of Representatives,
Washington DC.

DEAR REPRESENTATIVES PITTS AND LIPINSKI: I am a board certified specialist in Obstetrics/Gynecology and Maternal/Fetal Medicine with 31 years of experience in practice, teaching and research. During that time I have cared for hundreds of women and babies with life-threatening, complicated, and rare pregnancy conditions. In some of those situations mothers and babies have lost their lives despite undergoing the best available treatment including induced delivery at the margins of viability. I care deeply about the effects that public policy and legislation can have on the care of mothers and babies.

During my years of practice I have worked under informal and formal conscience rights protections that permit me to provide the best pregnancy care without being forced to perform abortions. I have read Sections 2 (a)(6) and 2 (a)(7) or H.R. 358 and I agree with the federal formalization of these protections. In my years of practice I have never seen a woman denied appropriate care because of the exercise of rights of conscience in this regard. There is no need for additional exceptions or amendments to this law as it is written.

I am happy to discuss this with either of you or with one of your colleagues. I can be reached by email at calvis@umn.edu or on my cell phone at 612–868–9199.

Sincerely,

STEVE CALVIN, MD,
Clinical Associate Professor of Obstetrics/Gynecology and Women's Health, Co-chair Program in Human Rights and Health, University of Minnesota, Minneapolis, MN.

Ms. HIRONO. Madam Speaker, I rise today in opposition to H.R. 358, a bill restricting women's access to reproductive health services.

It's odd to me that we are choosing to take up this bill now, when just last week, we saw that our country only created 103,000 jobs.

This is not what people in Hawaii or our nation want us working on.

Debating divisive social issues isn't going to create one single job.

Instead, this bill puts a fundamental freedom—our right to choose—under direct attack.

Those supporting this bill say it's necessary to prevent federal funding for abortion. They're wrong.

Longstanding federal policy prohibits federal funding of abortion, a provision preserved in The Affordable Care Act. President Obama even issued an executive order reaffirming this prohibition in March 2010.

So what's the real reason behind this bill?

The real reason is to make abortion as unavailable as possible because making abortion illegal is still not possible under Roe v. Wade. This is yet another bill taking a shot at restricting women's access to reproductive health services.

It starts with restricting how women purchase private health insurance with their own money.

The practical result of this bill would be to restrict, for the first time, how women with private insurance can spend their own private dollars in purchasing health insurance.

It says that women who receive a federal subsidy to make coverage affordable in the health insurance exchanges would be unable to purchase a comprehensive health plan.

These women could not even use their own money to pay for the portion of the plan providing abortion coverage. These aren't federal dollars going to purchase that coverage—these are the women's own dollars.

So what happens? It's the ripple effect.

Since many women would be prevented from purchasing insurance with abortion coverage in the exchange, the insurers will probably stop offering it.

Then, no woman will be able to buy health insurance in the exchange with abortion coverage.

And their access to a legal medical procedure just got a lot smaller.

Let's be clear: The goal of this bill is not to maintain the status quo.

Rather, its true goal is to make abortion as unavailable as possible.

For these reasons, it should be rejected.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong opposition to H.R. 358 and the on-going Republican war against women's health in America. This bill continues Congressional Republicans' extreme social agenda that jeopardizes women's health care.

This Congress has already debated similar legislation to prevent women from accessing their legal health care. H.R. 358 does nothing to create jobs, reduce our federal deficits, or make America safer. Instead, this legislation furthers a divisive agenda to impose unprecedented restrictions on a woman's ability to access and purchase health care for a legal medical procedure.

Contrary to what my colleagues have said today, H.R. 358 is not needed to ensure federal funding does not pay for abortions. Current federal law, including provisions included in the Affordable Care Act, already prohibits federal money from being used to pay for abortion services, except in the cases of rape, incest, or to save the life of the mother. Instead this bill is another attempt by the Republican majority to legislatively intimidate women with respect to their constitutional right to abortion services.

The unprecedented restrictions included in this bill would effectively end coverage of abortion-related services. Beginning in 2014, women and their families receiving federal subsidies would be prohibited from purchasing a health plan that includes abortion coverage within the Health Exchanges. This provision would leave millions of women without affordable health care options that meet all their health care needs.

Even more concerning is that this bill could jeopardize a woman's ability to receive emergency medical care as required under Emergency Medicare Treatment and Active Labor Act (EMTALA; P.L. 99–272). This bill could allow a hospital to deny a woman abortion-care even when this legal medical procedure would save her life. H.R. 358 does not protect life; rather it endangers the lives of American women.

Instead of this radical agenda, we should be focusing on policies that will improve the lives of women and girls, put Americans back to work, and advance our nation's economy. I encourage my colleagues to vote against this bill and keep safe, comprehensive reproductive care accessible to all Americans.

Ms. MATSUI. Madam Speaker, I rise today to voice my strong opposition to the bill before us today.

This bill would impose crippling restrictions on a woman's ability to seek abortion services—services that are legal in this country and upheld by the Supreme Court.

The so-called ''Protect Life Act'' would effectively ban private insurance companies from offering abortion services.

I was shocked to learn that under this bill, a woman's life could be in danger in the event she needs emergency care—even if the emergency circumstances require an abortion—and that procedure is recommended by a doctor. This change in the current law would amount to an extreme and regressive policy.

Unfortunately, the bill before us is part of a larger attack on women's health, specifically on programs like Title X and organizations like Planned Parenthood.

Madam Speaker, let me tell you why it is so important that we maintain women's access to the full range of legal health care options.

Recently, I heard from Cathy, who has been a health educator for the past 13 years.

Cathy explained to me how the House Republican attacks on women's health would, ''Cut millions of American women off from birth control, cancer screenings, HIV tests, and other lifesaving care;'' that without the information and preventative services that these programs provide we are, ''Bound to accrue more expenses in reactive versus pro-active measures.''

These outrageous attacks would have a devastating impact on the women, men, and teens in our community.

At a time when we, as Members of Congress, should be debating and passing job legislation, we are instead debating whether or not to roll-back a woman's access to legal health services.

I urge my colleagues to reject this harmful bill.

Ms. BORDALLO. Madam Speaker, I rise today in support of H.R. 358, a resolution which seeks to enhance current law to modify special rules relating to abortion services and provides protections for those who object to abortion. As a staunch supporter of pro-life principles, I strongly urge this House to pass H.R. 358 the Protect Life Act.

It is important for Congress to remember that our work in pursuing healthcare reform is to move our society toward accessible medical coverage across the nation, especially for the poor and marginalized. H.R. 358 builds off these tenets and enhances the compromise language that was developed by former Congressman Bart Stupak of Michigan, and other pro-life members of Congress, to restrict federal funds from being used for abortion coverage under the health reform Act passed in the last Congress. Although the Stupak language upheld the key tenets of the Hyde Amendment, H.R. 358 provides further clarification on that matter. The Protect Life Act provides clearer conscience protection for institutions and individual health care providers.

I commend the gentlemen from Pennsylvania, Mr. JOE PITTS, for his work on this bill and for his persistence in seeing this through our legislative process. I urge members of the House of Representatives to vote yes on H.R. 358 and to continue to work toward a society that upholds the total respect of the human person and the commitment to the right to life.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong opposition to H.R. 358, the misleadingly titled the ''Protect Life Act''.

Let me be clear. The Affordable Care Act already prohibits the use of federal funds to pay for abortions, except in cases of rape, incest, or where the woman's life is endangered. We included extensive mechanisms to ensure that no federal subsidies in the health insurance exchanges would go to pay for abortions.

The bill on the Floor today takes the unprecedented step of preventing a woman from using her own private funds to purchase a full, comprehensive health care plan through the exchanges established in the Affordable Care Act. That is simply another way of denying a woman the right to choose.

I urge House Republicans to stop playing ideological games and to pursue an agenda to help create jobs, strengthen the economy, and move our country forward.

Ms. SCHAKOWSKY. Madam Speaker, I rise in opposition to H.R. 358, the Protect Life Act.

The American people want us to work together to create jobs to bolster the economy. Instead, we are here, once again, to consider legislation that endangers and attacks the right of women and is far out of the mainstream of American priorities.

H.R. 358 is extreme legislation. It is another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health.

This legislation revives a debate that has already been settled—there is no federal funding for abortion in the health care reform law. Legal experts have said it. Independent fact check organizations have said it. Yet, Republicans continue to insist that the possibility of funding remains.

Federal funds are already prohibited from being used for abortions under the Hyde Amendment—at the expense of poor women, federal employees, women in the District of Columbia and women in the military. But this bill goes way beyond that law.

It would take away a woman's right to make her own decisions about her reproductive health—even with her own money.

It could expand the existing conscience objection to avoid providing contraception.

And, it would allow public hospitals to deny emergency abortion care to women in life-threatening situations.

H.R. 358 undermines the guarantee of emergency care under the Emergency Medical

Treatment and Active Labor Act (EMTALA). EMTALA creates a legal safety net that guarantees that anyone in need of emergency health care, including those unable to pay for health care, cannot be denied such care at hospitals.

H.R. 358 would strip EMTALA of its power to ensure that women receive abortion care in emergency situations at hospitals by making their right to health care secondary to the hospital's ability to refuse to provide abortion care.

Abortion care is necessary in some circumstances to save a woman's life. During the hearing on H.R. 358 in the Energy and Commerce Committee, some witnesses wrongly claimed that this was not the case.

In response to those claims, Dr. Cassing Hammond, Director of Northwestern University's Center for Family Planning and Contraception as well as its academic Section of Family Planning, wrote a letter to the Committee to set the record straight. Dr. Hammond has twenty years of experience in obstetric and complex abortion care.

In his letter, Dr. Hammond states:

Most patients are healthy women having healthy babies, but I am frequently asked to provide abortions for women confronting severely troubled pregnancies or their own life endangering health issues. Physicians who provide health care to women cannot choose to ignore the more tragic consequences of human pregnancy—and neither should Congress.

Dr. Hammond then proceeds to give several examples from his own experience of women who required abortion care in life-saving circumstances. The following examples illustrate just a few of those instances:

One of my own obstetric patients carrying a desired pregnancy recently experienced rupture of the amniotic sac at 20 weeks gestation. The patient had a complete placenta previa, a condition where the afterbirth covers the opening of the uterus. Although the patient hoped the pregnancy might continue, she began contracting and suddenly hemorrhaged, losing nearly a liter of blood into her bed in a single gush. Had we not quickly intervened to terminate the pregnancy, she would have bled to death, just as women do in countries with limited access to obstetric services.

My service often receives consults regarding patients with serious medical issues complicating pregnancy. We recently had a 44–year-old patient whose pregnancy had been complicated by a variety of non-specific symptoms. A CT scan obtained at 23 weeks gestation revealed that the patient had lung cancer that had metastasized to her brain, liver, and other organs. Her family confronted the difficult choice of terminating a desired pregnancy or continuing the pregnancy knowing that the physiological burden of pregnancy and cancer might worsen her already poor prognosis. The family chose to proceed with the pregnancy termination.

My service frequently sees patients with early pre-eclampsia, often referred to by the term ''toxemia.'' Pre-eclampsia usually complicates later gestation, but occasionally complicates pregnancy as early as 18 to 20 weeks, well before the fetus is viable. The only treatment for severe pre-eclampsia is delivery. Otherwise, the condition will worsen, exposing the mother to kidney failure, liver failure, stroke and death. One Christmas morning I had to leave my own family so that I could provide a pregnancy termination for a remarkably sick, pre-eclamptic teenager.

These are women suffering from the most serious of health conditions. If H.R. 358 were in place, they could be denied the emergency care they need.

The attention Republicans are focusing on the private lives of women—what American family do with their own money—makes it clear that their real goal is to ban all abortions and end access to birth control and contraceptives.

Republicans don't want government to protect the water we drink, the air we breathe, or the food we eat—but they do want to intrude in a women's right to choose.

We are now at 280 days in this Congress without passing a jobs plan—yet the Republican majority has consistently managed to pass extreme and divisive legislation targeted at women's health.

The Administration strongly opposes H.R. 358, and this bill has no chance of becoming law.

We are running out of legislative days left before the end of the year. When is the Republican majority going to focus on jobs and the economy?

Now is the time to work on the issues that are most important to Americans—creating jobs and improving the economy—rather than restricting reproductive choice and access to family planning.

This legislation is an extreme and mean-spirited way to roll back women's health and rights. It is too extreme for women, too extreme for America, and we must reject it.

Mr. BACHUS. Madam Speaker, never in my life will I forget the Sunday afternoon when this House, under the previous majority, passed a health care law that permitted taxpayer funding of abortions.

It remains as inconceivable to me now, as it was then, that the very first act by our government on an innocent and defenseless life could be to end it. We all remember the assurances we heard that the bill would respect the Hyde Amendment, which has enjoyed bipartisan support in this House for decades. Many of us knew better.

The ink had barely dried on the legislation before instances came up of taxpayer money potentially being used, in one form or another, for abortion services. This House needs to state without equivocation that the Hyde Amendment fully applies to the new health care law, for however long the act may continue to be in effect. There should be no possible wiggle room for abortion providers like Planned Parenthood.

The law also put health care providers and hospitals in the unconscionable dilemma of having to perform abortions against their own beliefs and principles. The government should not have the power to do that. This bill protects the exercise of individual conscience.

In my view, the health care law—Obamacare, as many of us call it—is so flawed that the best approach is to repeal it altogether, but we will not get that with this President. Until that day, we must stand in support of life and innocent babies and we can do that by passing The Protect Life Act.

Ms. ZOE LOFGREN of California. The American people want us to work together to address their top priority: creating jobs. We're now 280 days into this Congress, and we haven't passed a jobs plan.

With only 22 legislative days left this Congress, instead of addressing jobs, Republicans are continuing to propose legislation targeting women's health.

This bill disregards the compromise on abortion reached during last year's debate on the Affordable Care Act (ACA). The ACA is consistent with long-standing federal law by prohibiting the use of federal funds to pay for abortions (except in cases of rape or incest, or when the life of the woman would be endangered). The Act requires two separate premium payments for women and families receiving federal subsidies that choose health plans that include abortion coverage. The language is clear—no portion of federal subsidies may be used to pay for the portion of coverage that is purchased in state exchanges that relates to abortions. While I don't agree with the ban on federal funding, Members decided last year to call a truce and preserve the status quo. This bill would go further.

This bill restricts how women with private insurance can spend their own private dollars in purchasing health insurance. The Protect Life Act would prohibit all individuals who receive federal subsidies from purchasing a plan that includes abortion coverage (even if they are using their own private dollars to purchase the portion of coverage relating to abortions), and would also prohibit insurance plans from offering abortion services if they accept even one individual who receives a subsidy. Health care plans will likely be deterred from covering abortion, and since most insurance plans currently cover abortion, the Protect Life Act would result in millions of women losing the coverage they currently have.

I urge my colleagues to oppose the Republican assault on women's health and to oppose the Protect Life Act.

Mr. FARR. Madam Speaker, I rise in strong opposition to H.R. 358, the Protect Life Act. This legislation intrudes on women's reproductive freedom and access to health care and unnecessarily restricts the private insurance choices that women and their families have today. Proponents say that it would simply ban federal funding of abortion. However, as we all know, current law prohibits federal funding of abortion.

The American people want us to work together to address their top priority: creating jobs. We are now at 280 days in this Congress without passing a jobs plan. Yet the Republican Majority continues to bring legislation to the floor that restricts women's reproductive health care.

H.R. 358 is another attempt by the Majority to pass an anti-abortion policy that already failed during the health care reform debate.

Current law allows policy holders to buy abortion coverage by making separate payments, but H.R. 358 would prohibit any insurance plan from offering abortion coverage if they have even one enrollee that receives federal subsidies. Thus, it effectively forces plans to choose between not offering abortion care to the entire population of a state and offering a plan to only a small number of enrollees—which choice makes more economic sense? What do you think insurance companies will choose?

H.R. 358 also supersedes current law by expanding the current definition of health care providers to include any employee of a health care entity that provides abortion services, whether they actually provide patient care or not. Make no mistake: these newly designated health care entities can refuse to provide or refer a woman for abortion care, even when a woman's life is in critical danger.

Madam Speaker, H.R. 358 makes it clear to the American people that the Republican Majority is much more interested in dismantling

health reform and playing politics with divisive social issues than creating jobs and fixing our broken economy.

Ms. ESHOO. Madam Speaker, I rise in opposition to H.R. 358, the Protect Life Act.

We've worked so hard over the last few decades to advance women's health and the Protect Life Act just steamrolls right over that progress.

This bill would bar anyone getting federal health subsidies from purchasing private insurance policies that include abortion coverage. This makes it unlikely that ANY health plan would cover abortion, alienating all American women from truly comprehensive health plans.

It allows hospitals to refuse to provide life-saving abortions to women who face imminent threat of death.

And it gives states the ability to attack coverage of non-abortion related services, such as contraception.

I support a woman's legal right to opt for, or against, an abortion. The decision is private. It's a matter of faith and it's a matter of conscience, and our Constitution recognizes this.

The Protect Life Act is a shameful attempt to impose a radical political agenda on women. It strips away their individual liberties and puts their health at serious risk. This bill is wrong, this bill is dangerous, and this House should reject it.

Mrs. CHRISTENSEN. Madam Speaker, today I rise in strong opposition to H.R. 358: a bill that is completely unnecessary; a bill that denies women the freedom of choice; a bill that re-opens an abortion debate that was settled in 2010; and a bill that will have a detrimental impact on the health and health care of women across the United States and in the U.S. Territories.

Contrary to the very false claims of my colleagues on the other side of the aisle, not only is the Hyde Amendment fully in effect and fully enforced, but the Affordable Care Act includes several strong provisions that explicitly prohibit the use of U.S. taxpayer dollars to fund abortions. In fact, those provisions were endorsed by the Catholic Health Association. Additionally, there have been numerous audits—including by the Government Accounting Office and the Inspector General—as well as congressional hearings, they all concluded that the law is being followed.

The sad irony here is that this bill is named the ''Protect Life Act.'' However, despite its name, this bill does very little to protect and improve the lives of women. What this bill would do, however, is to restrict—for the first time in history—how millions of women with private health insurance can spend their own private health insurance dollars. It also will undermine the success we achieved in expanding access to affordable, quality health care for women because it will force health plans participating in the health insurance Exchanges—which will begin in 2014 and which are expected to lift tens of millions of Americans out of the ranks of the uninsured—to drop comprehensive coverage. And, if those aspects of this bill are not bad enough, consider this: H.R. 358 also eliminates the existing protections for women who seek abortion care in emergency circumstances and in situations that would literally save the woman's life. How, I must ask, does such a provision protect a woman's life?

Today, millions of Americans are suffering the consequences of very real hardships—so many of which sometimes seem insurmountable. In times like these, we should be working together to create jobs by passing the American Jobs Act and we should be working together to move this nation forward building upon—and not trying to dismantle—the many successes we achieved with the historical health reform law. The problems we are facing today are very serious and require serious people to develop serious solutions instead of pursuing an ideological agenda that divides the nation. As a physician, I fully support legislation that would actually protect and improve lives, not only in title, but in reality. This bill, however, is not such a bill. I, therefore, strongly oppose H.R. 358 and urge my colleagues to do the same.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise in strong opposition to H.R. 358, the Protect Life Act. Instead of focusing on creating jobs, the House majority has decided instead to continue their relentless assault on women's rights and limit access to fair and adequate health care.

Despite its name, this bill is not about protecting life. In fact, it is far from it. One provision in this bill would put women's lives in danger by allowing hospitals to refuse to provide life-saving abortion care even when a woman's life is in critical danger.

This bill would also allow states to ostensibly deny critical non-abortion services to women. The Protect Life Act has the potential to undermine laws guaranteeing health care services well beyond those in the reproductive-health area. This could result in the denial of mental health care, HIV counseling, and other vital services.

Current law is clear: Federal funding of abortion is forbidden except under very limited circumstances. This bill would impose unprecedented limitations on abortion coverage and restrict access to abortion services and contraceptives for all women. I urge my colleagues to reject this dangerous assault on women and I urge the majority to work on legislation that will put Americans back to work.

Mr. TOWNS. Madam Speaker, I rise in strong opposition to the underlying bill. At a time when Americans' top priority is job creation—when Americans are desperately calling on us to work together to turn our economy around—some are instead launching the most comprehensive and radical assault on women's health in our lifetime. This shameful attack on women's ability to obtain complete health information and services does a disservice to women, families, and all Americans.

To begin with, according to the stated purpose of the bill, which is to prevent federal funds from being used to cover abortion services, the bill is already gratuitous. Recent legal challenges to the Affordable Care Act have revealed that it contains ''strict safeguards at multiple levels to prevent federal funds from being used to pay for abortion services beyond those in the case of rape or incest or where the life of the woman is endangered,'' rendering this legislation unnecessary. This type of extreme and redundant legislation will prove insightful to jobless Americans wondering why they have yet to see meaningful economic turnaround.

H.R. 358 would effectively prevent women from obtaining private insurance coverage for abortion services. By banning coverage of abortion in health exchanges, the bill will ensure that no one will be able to purchase abortion coverage—including women who do not receive federal assistance. The bookkeeping burden that would be required for insurers to offer separate policies, with and without abortion coverage, is simply too high. Insurance providers are surely not interested in providing both, when most women cannot afford to pay for the abortion coverage option out-of-pocket anyway. Proponents of the legislation suggest that insurance companies could simply offer an ''abortion rider.'' Women would have to plan for an unplanned pregnancy by purchasing supplemental insurance. This is unlikely, considering that most cannot afford to purchase even a single insurance policy. Furthermore, history has shown that insurers are reluctant to offer ''riders'' even when given the option to do so. As health exchanges grow as they are expected to, these restrictions will only affect more and more women looking for affordable and adequate health insurance.

Furthermore, the bill seeks to dramatically expand dangerous refusal provisions which contradict prevailing standards of care. Such expansion ignores the basic tenant of ethical health care, which requires that patients be presented with all of their medical options when making health care decisions. This bill would allow professionals with only a tangential connection to abortion services, such as a hospital receptionists or claims adjusters at insurance companies, to obstruct the medical process due to their beliefs. This would effectively tip the balance against patients seeking effective and comprehensive health care.

The 'non-discrimination' provision in fact discriminates against abortion providers, as it provides no protection for their beliefs. A one-sided non-discrimination provision is not non-discriminatory at all. We cannot allow this expansion, which would create a culture of refusal where anyone could obstruct access to abortion services for any reason.

Most disturbingly, a late addition to the Pitts bill would allow the expansive refusal provision to trump important patient protections guaranteed by the Emergency Medical Treatment and Active Labor Act, as well as similar protections in state laws requiring emergency care providers to save a woman's life. This would be an unprecedented expansion of the right to refusal. We simply cannot allow for the possibility that a pregnant woman suffering from a medical emergency would see her right to medical care overridden by health professionals' moral views, which do not always place her health and safety first. Unfortunately, we have already seen what happens when professionals place their views over the health of the patient. In one case several months ago, a woman almost died over an unviable fetus as medical professionals exercised their right of refusal and waited for the fetus to die, delaying treatment for the mother. We cannot allow women to unwittingly seek emergency treatment at medical facilities that do not value their safety first. We cannot override existing EMTALA patient protections.

Finally, language in the Pitts bill extends far beyond abortion, and could allow insurers to refuse to provide other vital health services that are part of the minimum standards for health coverage set by the Affordable Care Act. This bill would open the door to refusal of effective reproductive services concerning contraception and infertility, for example. As we look to preventative services to avoid more

expensive future treatments, this bill could prevent access to screening for sexually transmitted diseases and cervical cancer. At a time when many Americans are struggling to make ends meet, put food on the table, and pay their mortgages, it is unfathomable that we could consider restricting access to these essential, safe, and effective health services.

To reiterate, the Affordable Care Act contains ample protection against federal funding for abortion. The Pitts bill, in addition to being discriminatory, would create undue hardship on women and families as they attempt to make private health care decisions. It is dangerous to the health of pregnant women, and all women. At a time of staggering unemployment and economic hardship, this bill, unnecessary and unfair as it is, is not the kind of leadership Americans are looking for from Congress. To vote Yes on this bill is to roll back the strides we have been making toward equitable and effective health care for all Americans, and that is unacceptable.

I urge my colleagues on both sides of the aisle to vote No on this Bill.

Mr. TERRY. Madam Speaker, today, I rise in support of H.R. 358, The Protect Life Act. This bill would amend the Patient Protection and Affordable Care Act (PPACA) to prevent federal funding for abortion or abortion coverage through any program authorized by the health care law.

Nebraskans feel strongly—federal dollars should never be used to pay for abortion coverage. Unfortunately, last year's misguided health care law contains loopholes and ambiguities, which opens the door to allow taxpayer subsidies for coverage that includes abortion. This bill also protects the right of conscience for health care professionals by ensuring private insurance companies are not mandated to cover abortion. This bill does allow for some exemptions, including if the pregnancy is the result of rape or incest, or if the life of the mother is endangered.

This bill specifically targets the abortion funding scheme created in PPACA. I have always been an ardent supporter of the unborn, and today's vote is a step towards protecting those that cannot protect themselves.

Mr. KILDEE. Madam Speaker, I rise today in opposition to H.R. 358. As a staunch pro-life member of Congress, I have always supported the Hyde Amendment. During the health care reform debate, I made it very clear on the House floor and reassured my pro-life colleagues that the Hyde Amendment was included in the Affordable Care Act. It has been the law since 1976 and it is still the law now. Not only is the Hyde Amendment included in the Affordable Care Act, but the President signed an executive order reinforcing that federal funding cannot be used for abortions. We cannot let people imply or infer that the Hyde Amendment is not already part of the Affordable Care Act. A vote in support of H.R. 358 would be an admission that the Hyde Amendment was not included in the Affordable Care Act.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 430, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1840

MOTION TO RECOMMIT

Mrs. CAPPS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPPS. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 358 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

In section 2(a)(7), in the amendment instruction adding the new subsection (g), strike ''subsection'' and insert ''subsections''.

Insert after the subsection (g) of section 1303 of the Patient Protection and Affordable Care Act, as proposed to be added by section 2(a)(7), the following:

''(h) PROTECTING THE LIFE OF THE MOTHER IN A MEDICAL EMERGENCY.—Nothing in this Act shall be construed to exempt any hospital or health care provider from Federal or State laws that require such hospital or provider to provide medical examination, treatment, referral, or transfer to prevent the death of a pregnant woman with an emergency medical condition.''.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, as the debate today has shown, this Chamber is deeply divided over this bill. But we should all be able to agree that when a pregnant woman is in a medical emergency, we must do all we can to save her, and that is what this final amendment affirms.

I want to be clear: The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will immediately be voted upon.

Madam Speaker, the underlying bill creates a loophole which would allow hospitals to circumvent the Emergency Medical Treatment and Active Labor Act, a law that has saved many lives. The law, called EMTALA for short, was established to ensure that when a patient arrives at a hospital in critical condition, particularly women in labor, the patient will at least be stabilized. It is truly the embodiment of the Hippocratic Oath to ''apply, for the benefit of the sick, all measures that are required.''

EMTALA has been law for over 25 years—and it works. However, the bill before us today could lead to a radical and uncalled for loophole to this law. It would allow providers to refuse emergency care for women even if their lives are endangered by their pregnancy. The hospitals could even refuse to give a referral.

I'm a nurse who's worked long shifts in the hospital setting, and I find it immoral to deny care to a woman with a life-threatening condition just because she's pregnant. This loophole is wrong, it's extreme, and it's cruel.

Unfortunately, there are some tragic complications that can occur during pregnancy for which a therapeutic abortion is necessary to save the life of a pregnant woman. I'm speaking about conditions like severe preeclampsia, where a pregnant woman's rapid rise in blood pressure can lead to seizure, stroke, multiple organ failure, and her death; or pulmonary hypertension, a condition that the American College of Cardiology guidelines explicitly states necessitates the termination of a pregnancy to avoid maternal death.

If you've never heard of these conditions, it might be easy to think they're not significant. But to the women whose lives are saved by these emergency abortion services—oftentimes mothers who very much want this pregnancy to be successful—this issue is more than politics. It's literally life or death. What if your wife or your daughter was rushed to the hospital, pregnant, with severe bleeding. You don't research or compare the policies of your local hospitals. You go to the one that's closest—the one you trust will save your loved one. But when the diagnosis is made and an emergency abortion is necessary to save her life, what would you do if that hospital refused to perform it to stabilize her or even provide a referral for her care elsewhere? Thanks to the protections provided by EMTALA, this cannot happen today. But if this bill before us becomes law without my amendment, it very well could.

Madam Speaker, my amendment is not just a debate between two sides of the abortion issue. It is about saving women's lives in the middle of very traumatic times for them and their families.

I would like to bring to your attention a letter sent to Chairman PITTS from the Catholic Health Association. CHA is clear in its religious affiliation and its opposition to abortion. So perhaps because of this perspective, CHA says this best. ''CHA member hospitals have been providing compassionate, quality care under both EMTALA and the Weldon amendment without conflict since the enactment of these provisions. Accordingly, the Catholic Health Association does not believe that there's a need for the provider nondiscrimination section to apply to EMTALA.''

CHA's statement is clear: EMTALA's treatment requirement and the current provider conscience laws work together hand in hand. There is no need for an unprecedented carveout or exception that would endanger women's lives.

As a nurse, I respect the conscience clause language a great deal. But I cannot ever imagine a situation where morally, ethically, and legally a medical professional could be allowed to stand by and let someone needlessly die. No pregnant woman or her family should be afraid that she would be denied the care she needs when she goes to a hospital in an emergency. We need to make sure that doesn't happen.

Today we have the opportunity to fix a problem created with this legislation

before tragedy strikes. So I urge you to protect women's lives and support this final amendment to this bill.

CATHOLIC HEALTH ASSOCIATION
OF THE UNITED STATES,
Washington, DC, February 9, 2011.

Hon. JOSEPH R. PITTS,
Chairman, House Energy and Commerce Subcommittee on Health, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Catholic Health Association of the United States (CHA) would like to express our continued support for the intent of your legislation, H.R. 358, the Protect Life Act, to further ensure protection of the unborn and of providers' conscience rights.

We have had the opportunity to review your revised version of H.R. 358 and would like to share our concern regarding one specific modification to your legislation. Section 1303(f) regarding emergency services laws, including Emergency Medical Treatment and Active Labor Act (EMTALA), now includes a reference to a new provision regarding provider nondiscrimination (Section 1303(g)). Your provider nondiscrimination language is similar to the conscience protections of the Weldon Amendment. CHA member hospitals have been providing compassionate, quality care under both EMTALA and the ''Weldon Amendment,'' without conflict since the enactment of these provisions. Accordingly, CHA does not believe that there is a need for the provider nondiscrimination section to apply to EMTALA.

As the national leadership organization of more than 2,000 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, the Catholic health ministry provides care throughout the nation to patients of all ages, races and religious beliefs. Catholic hospitals provide a higher percentage of public health and specialty services than other health care providers including state and local government, other not-for-profit, or investor-owned (for-profit) hospitals. These services include neonatal ICU, obstetrics, breast cancer screening and mammograms, children's wellness, child and adolescent psychiatric services, community outreach, dental services, crisis prevention, palliative care, pain management programs, nutrition programs, hospice, HIV/AIDS services, geriatric services, alcohol and drug abuse treatment, and trauma care. Many of these services are critical to our communities and we continue to provide them even though many of these services are not self-sustaining and must be subsidized by other hospital revenue.

Building upon our country's tradition of pluralism and the freedom to exercise our beliefs, CHA has long supported language within appropriations legislation to prohibit federal funding of abortions (Hyde amendment) and language to protect hospitals and other institutional and individual health care providers should they decline to provide, pay for, or refer for abortions (Weldon Amendment).

Again, while we continue to believe the current provisions of the Affordable Care Act (ACA) prevent federal funding of abortion, we support your efforts to further ensure permanent protection of the unborn and of provider's conscience rights and look forward to working with you.

Sincerely,

SR. CAROL KEEHAN, DC,
President and CEO.

I yield back the balance of my time.

Mr. PITTS. Madam Speaker, I claim time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Speaker, a vast majority of Americans, regardless of whether they support or oppose abortion being legal, believe that the Federal Government should not be subsidizing abortions. Some on the other side are bringing up a red herring in an attempt to continue to allow Federal funding of abortion.

To dispel the myths being disseminated by opponents of H.R. 358, every Member should understand that this bill would not change the Hyde amendment, the EMTALA statute, or the standard of care required of providers under the EMTALA law. Section 1867(e) of the Social Security Act, commonly known as EMTALA, calls on emergency personnel to respond to distress on the part of a pregnant woman or her unborn child by stabilizing the condition of both mother and the unborn child.

It is ironic that opponents of H.R. 358 claim it will establish an objectionable standard of care when that balanced standard has long been recognized under EMTALA.

My colleagues, the question before us today is simple: If you favor federally funded abortion coverage, then you should support the motion to recommit and oppose the bill. If you believe, like a majority of Americans, that the Federal Government should not be subsidizing abortion, then you should oppose the motion to recommit and support H.R. 358.

Vote ''no'' on the motion to recommit. Vote ''yes'' on this critical legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mrs. CAPPS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 173, nays 249, not voting 11, as follows:

[Roll No. 788]

YEAS—173

Ackerman	Butterfield	Cohen
Andrews	Capps	Connolly (VA)
Baca	Capuano	Conyers
Baldwin	Cardoza	Cooper
Barrow	Carnahan	Costa
Bass (CA)	Carney	Courtney
Becerra	Carson (IN)	Crowley
Berkley	Castor (FL)	Cummings
Berman	Chandler	Davis (CA)
Bishop (GA)	Chu	Davis (IL)
Bishop (NY)	Cicilline	DeFazio
Blumenauer	Clarke (MI)	DeGette
Boswell	Clarke (NY)	DeLauro
Brady (PA)	Clay	Deutch
Braley (IA)	Cleaver	Dicks
Brown (FL)	Clyburn	Dingell
Doggett	Larsen (WA)	Richmond
Donnelly (IN)	Larson (CT)	Rothman (NJ)
Doyle	Lee (CA)	Roybal-Allard
Edwards	Levin	Ruppersberger
Ellison	Lewis (GA)	Rush
Engel	Loebsack	Ryan (OH)
Eshoo	Lofgren, Zoe	Sánchez, Linda T.
Farr	Lowey	Sanchez, Loretta
Fattah	Luján	Sarbanes
Filner	Lynch	Schakowsky
Fudge	Maloney	Schiff
Garamendi	Markey	Schrader
Green, Al	Matheson	Schwartz
Green, Gene	Matsui	Scott (VA)
Grijalva	McCarthy (NY)	Scott, David
Gutierrez	McCollum	Serrano
Hahn	McDermott	Sewell
Hanabusa	McGovern	Sherman
Hastings (FL)	McNerney	Sires
Heinrich	Meeks	Smith (WA)
Higgins	Michaud	Speier
Himes	Miller (NC)	Stark
Hinchey	Miller, George	Sutton
Hinojosa	Moore	Thompson (CA)
Hirono	Moran	Thompson (MS)
Hochul	Murphy (CT)	Tierney
Holt	Nadler	Tonko
Honda	Napolitano	Towns
Hoyer	Neal	Tsongas
Inslee	Olver	Van Hollen
Israel	Owens	Velázquez
Jackson (IL)	Pallone	Visclosky
Jackson Lee (TX)	Pascrell	Walz (MN)
Johnson (GA)	Pastor (AZ)	Wasserman Schultz
Johnson, E. B.	Payne	Waters
Kaptur	Pelosi	Watt
Keating	Perlmutter	Waxman
Kildee	Peters	Welch
Kind	Pingree (ME)	Woolsey
Kissell	Price (NC)	Yarmuth
Kucinich	Quigley	
Langevin	Rangel	
	Richardson	

NAYS—249

Adams	Cuellar	Hastings (WA)
Aderholt	Culberson	Hayworth
Akin	Davis (KY)	Heck
Alexander	Denham	Hensarling
Altmire	Dent	Herger
Amash	DesJarlais	Herrera Beutler
Amodei	Diaz-Balart	Holden
Austria	Dold	Huelskamp
Bachus	Dreier	Huizenga (MI)
Barletta	Duffy	Hultgren
Bartlett	Duncan (SC)	Hunter
Barton (TX)	Duncan (TN)	Hurt
Bass (NH)	Ellmers	Issa
Benishek	Emerson	Jenkins
Berg	Farenthold	Johnson (IL)
Biggert	Fincher	Johnson (OH)
Bilbray	Fitzpatrick	Johnson, Sam
Bilirakis	Flake	Jones
Bishop (UT)	Fleischmann	Jordan
Black	Fleming	Kelly
Blackburn	Flores	King (IA)
Bonner	Forbes	King (NY)
Bono Mack	Fortenberry	Kingston
Boren	Foxx	Kinzinger (IL)
Boustany	Franks (AZ)	Kline
Brady (TX)	Frelinghuysen	Labrador
Brooks	Gallegly	Lamborn
Broun (GA)	Gardner	Lance
Buchanan	Garrett	Landry
Bucshon	Gerlach	Lankford
Buerkle	Gibbs	Latham
Burgess	Gibson	LaTourette
Burton (IN)	Gingrey (GA)	Latta
Calvert	Gohmert	Lewis (CA)
Campbell	Goodlatte	Lipinski
Canseco	Gosar	LoBiondo
Cantor	Gowdy	Long
Capito	Granger	Lucas
Cassidy	Graves (GA)	Luetkemeyer
Chabot	Graves (MO)	Lummis
Chaffetz	Griffin (AR)	Lungren, Daniel E.
Coble	Griffith (VA)	Mack
Coffman (CO)	Grimm	Manzullo
Cole	Guinta	Marchant
Conaway	Guthrie	Marino
Costello	Hall	McCarthy (CA)
Cravaack	Hanna	McCaul
Crawford	Harper	McClintock
Crenshaw	Harris	McCotter
Critz	Hartzler	

McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Camp
Carter
Frank (MA)
Giffords
Gonzalez
Paul
Polis
Reyes
Slaughter
Wilson (FL)

□ 1913

Messrs. PETERSON and CASSIDY changed their vote from ''yea'' to ''nay.''

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 251, noes 172, not voting 10, as follows:

[Roll No. 789]

AYES—251

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

NOES—172

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—10

Bachmann
Brown (FL)
Camp
Giffords
Gonzalez
Paul
Polis
Reyes
Slaughter
Wilson (FL)

□ 1920

Mr. LANDRY changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 2250) 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, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Ms. CASTOR of Florida. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Castor of Florida moves to recommit the bill H.R. 2250 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following sections:

SEC. 6. PROTECTION OF SENIORS FROM LIFE-THREATENING AIR POLLUTION.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rule identified in section 2(b)(3) of this Act to reduce air pollution from waste incinerators, as defined pursuant to this Act, where such waste incinerators are within 5 miles of any nursing home, assisted living facility, or hospital.

SEC. 7. NOTIFICATION TO COMMUNITIES.

With respect to each requirement for a major source facility to implement an air pollution control or emissions reduction that

is eliminated by this Act, such facility shall provide notice of such elimination to affected communities not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. CASTOR of Florida. Madam Speaker, the debate on the GOP pollution bills has been very heated at times. The debate has exposed very divergent views between the parties here in Congress on the importance of clean air and on the value of good health for all Americans.

Despite our differences on how we treat air pollution, my amendment offers us an opportunity to come together on a bipartisan basis, specifically to protect the health of our older neighbors—America's seniors.

The passage of my amendment will not prevent the passage of the underlying bill. If the amendment is adopted, it will be incorporated into the bill, and the bill will proceed to a vote. The amendment I offer today will ensure that we respect the health of our older neighbors, our parents, and our grandparents by protecting the quality of the air that they breathe.

Seniors are more susceptible than others to the harmful impacts of dirty air and pollution, and our neighbors need to understand what is in the air that they breathe, so my amendment proposes to do two things:

One, require waste incinerators located within 5 miles of a nursing home, an assisted living facility, or a hospital to simply use the most effective pollution control methods available. Two, require polluting boilers to notify surrounding communities of toxic emissions.

Without my amendment, the GOP bill will cause a dramatic increase in the emissions of mercury, dioxins, acid gases, and sulfur dioxide near populations that are particularly vulnerable to pollution.

Madam Speaker, the Clean Air Act protects us all from some of the most carcinogenic and dangerous pollutants. Mercury damages the developing brain and reduces IQ and the ability to learn. Sulfur dioxide is known to interfere with breathing, and as a result, is especially harmful to seniors.

Some seniors are so sensitive to dirty air and pollution they require oxygen tanks to aid their breathing, and a variety of health conditions afflicting seniors is aggravated by poor air quality. Any increase in hazardous air pollution will disproportionately harm our older neighbors at a time in their lives when they are the most vulnerable. We can save lives, and we can save money by requiring that these waste incinerators that are located near our older neighbors use the most effective pollution control methods available.

When it comes to the health and health care costs for older Americans, my colleagues, we've got to be smarter. It is not wise to aggravate the respiratory ailments of our older neighbors who likely are on Medicare, just as it is not wise for the GOP to advocate for ending Medicare as we know it. It doesn't save any money.

The nonpartisan CBO explained that the GOP plan to dismantle Medicare would simply shift costs to seniors without addressing the underlying issues. Actually, the GOP pollution bills here can be viewed as handing our parents, our grandparents, and our older neighbors higher medical bills tied to dirtier air.

So let's be smart. Let's ensure that waste incinerators located in areas where our seniors live use the most effective pollution controls. Other industries have done it, and this small industrial subset should not receive a special interest ''carve-out.''

Madam Speaker, while our older neighbors would be disproportionately affected by this GOP bill in its current form, they're not the only ones. Young people and pregnant women are also extremely vulnerable to an increase in the toxic emissions that this GOP bill promotes. This Congress has a duty to prevent such harm from happening when the evidence is so clear.

One sure way that we can help our families take adequate steps to protect themselves and their children is to ensure they're fully aware of the dangers that they face from specific pollution sources. So this amendment also requires large boilers to notify their local communities of emissions that are likely to increase because of this GOP bill. That way, families can take adequate steps to protect their children from mercury, dioxins, particulates, and sulfur dioxide. This information will also enable our local communities to make determinations on where to locate playgrounds and schools.

We must ensure that our families and communities have all the information they need to make the best decisions for the health of their children, and that they have a complete understanding of the location and scale of the threat posed by air pollution.

Madam Speaker, the GOP bill blocks critical health protections against air pollution. The EPA estimates that the GOP's anti-clean air bills together mean over 30,000 more premature deaths, over 19,000 additional heart attacks, and over 200,000 asthma attacks that otherwise would have been prevented.

We shouldn't let it happen.

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

Ms. CASTOR of Florida. Thank you, Madam Speaker.

I will close by asking, in the spirit of the original bipartisan adoption of the Clean Air Act 40 years ago, that we come together on a bipartisan basis to adopt this important amendment to protect the health of our seniors and children all across America.

Mr. WHITFIELD. Madam Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Back in 2004, the D.C. Federal Court of Appeals, in a court decision, invalidated the 2004 Boiler MACT rules promulgated by EPA. In that court decision, EPA came to the court and said, We need additional time to come out with new Boiler MACT rules. So, in that court decision, EPA made the argument that they needed additional time to come forth with a more balanced approach on a Boiler MACT rule.

Our legislation, H.R. 2250, does nothing that EPA did not ask the court to do as far as extending time. Our legislation is a balanced approach. Particularly at this time of a weakened economy and when our job unemployment rate is at 9.1 percent and when our economy continues to struggle, it is imperative that we have a balanced regulation that considers jobs—yes—but that also considers health care and the benefits of the regulation and the impact that that has on health care.

□ 1930

We've had extensive hearings on this legislation. We've had representatives from hospitals. We've had representatives from universities, representatives from manufacturers, industrial users and others, and all of them almost universally have asked that we pass H.R. 2250 to provide a more balanced approach in these regulations.

Testimony has shown that over 230,000 jobs are at risk if EPA moves forward with these regulations. So what we're proposing in our legislation is we give EPA 15 months to come forth with a new regulation. We then say that they need at least a minimum, that the industries and hospitals and schools need a minimum of 5 years to comply with those regulations. I will never forget the University of Notre Dame came and indicated that they had spent $20 million trying to comply with the old regulations, and now they're going to have to come forth with additional funds to comply with these new regulations.

So all we're doing is we're protecting jobs. We're protecting the health care of the American people. We give the EPA 15 months to come forth with new rules, 5 years at a minimum to comply. For that reason, I think it's imperative that we adopt our legislation, and I would urge every Member to oppose this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. CASTOR of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 246, not voting 17, as follows:

[Roll No. 790]

AYES—170

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—246

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

NOT VOTING—17

Bachmann
Camp
Cohen
Giffords
Gonzalez
Granger
Landry
Markey
Paul
Pelosi
Pence
Polis
Reyes
Sires
Slaughter
Wilson (FL)
Young (FL)

□ 1949

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. WELCH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 275, noes 142, not voting 16, as follows:

[Roll No. 791]

AYES—275

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—142

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay

Cleaver	Israel	Pingree (ME)
Cohen	Jackson (IL)	Price (NC)
Connolly (VA)	Jackson Lee (TX)	Quigley
Conyers	Johnson (GA)	Rangel
Cooper	Kaptur	Richardson
Courtney	Keating	Rothman (NJ)
Crowley	Kildee	Roybal-Allard
Cummings	Kucinich	Ruppersberger
Davis (CA)	Langevin	Rush
Davis (IL)	Larson (CT)	Ryan (OH)
DeGette	Lee (CA)	Sánchez, Linda T.
DeLauro	Levin	Sanchez, Loretta
Deutch	Lewis (GA)	Sarbanes
Dicks	Loebsack	Schakowsky
Dingell	Lofgren, Zoe	Schiff
Doggett	Lowey	Schwartz
Doyle	Luján	Scott (VA)
Edwards	Lynch	Serrano
Ellison	Maloney	Sherman
Engel	Markey	Smith (WA)
Eshoo	Matsui	Speier
Farr	McCarthy (NY)	Stark
Fattah	McCollum	Sutton
Filner	McDermott	Thompson (CA)
Frank (MA)	McGovern	Tierney
Fudge	McNerney	Tonko
Garamendi	Meeks	Towns
Green, Al	Miller (NC)	Tsongas
Grijalva	Miller, George	Van Hollen
Gutierrez	Moore	Velázquez
Hahn	Moran	Visclosky
Hastings (FL)	Murphy (CT)	Wasserman Schultz
Heinrich	Nadler	Waters
Higgins	Napolitano	Watt
Himes	Neal	Waxman
Hinchey	Olver	Welch
Hirono	Pallone	Woolsey
Hochul	Pascrell	Yarmuth
Holt	Pastor (AZ)	
Honda	Payne	
Hoyer	Peters	
Inslee		

NOT VOTING—16

Amodei	Granger	Sires
Bachmann	Paul	Slaughter
Camp	Pelosi	Wilson (FL)
Carnahan	Pence	Young (FL)
Giffords	Polis	
Gonzalez	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1956

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote numbers 786, 787, 788, 789, 790, and 791. Had I been present I would have voted "aye" on rollcall vote numbers 787, 788, and 790. I would have voted "no" on rollcall vote numbers 786, 789, and 791.

Bill, question, rollcall vote number, vote:

H. Res. 430, Final Passage, 786, no;

H.R. 2250, Cohen Amendment No. 22, 787, aye;

H.R. 358, Motion to Recommit, 788, aye;

H.R. 358, Final Passage, 789, no;

H.R. 2250, Motion to Recommit, 790, aye;

H.R. 2250, Final Passage, 791, no.

HONORING MAJOR THOMAS E. CLARK

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

Mr. THOMPSON of Pennsylvania. The motto inscribed on the Prisoners of War/Missing in Action flag reads, ''You are not forgotten.''

I rise today to Honor Major Thomas E. Clark, a U.S. soldier who served in Vietnam, an airman who gave his life defending this country.

Originally from Emporium, Pennsylvania, Major Clark studied at Penn State before being accepted into the Air Force Academy and graduating in 1963. In 1969, while flying an F–100 in a mission over Laos, Major Clark's aircraft was hit by enemy fire. The plane went crashing into the jungle canopy. The wreckage was not found and Major Clark went missing in action for 4 years when, in 1973, the Air Force determined Clark was ''killed in action; body not recovered.'' In 1991, some of the wreckage of the F–100 was found. Finally, in 2009, an investigation found the remains of Major Clark.

Next week, the Air Force will bring home Major Clark to Emporium, Pennsylvania, to have him properly laid to rest in his family's plot. I'm truly proud and honored to recognize his bravery and thank him for making the ultimate sacrifice for this country. He will not be forgotten.

Major Clark, may you rest in peace.

HONORING MILKEN AWARD WINNER SETH BROWN

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

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Wayzata West Middle School math teacher Seth Brown on winning the 2011 Milken Educator Award. Seth was honored by the Milken Family Foundation for his efforts to close the achievement gap and use creative technology in the classroom, particularly in using iPods as math aids.

This award is known as the ''Oscars of Teaching.'' The Milken Family Foundation gives these outstanding teachers a $25,000 award, with no strings attached. Seth plans to use this money to help pay his graduate school bills as well as donating some of the money to the local PTA, which was a strong supporter of his use of technology in the classroom.

Mr. Speaker, I want to congratulate Seth Brown on his achievement and for also being an outstanding teacher. And to Seth and all the other teachers out there, I want to thank you for doing what you do in educating and inspiring the next generation of American leaders.

□ 2000

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

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

I'm Congressman KEITH ELLISON. We're claiming this hour on behalf of the Progressive Caucus, which tonight is going to feature a number of critical issues, all focusing on the importance of the rights of women and the assault they have been under in this Congress.

To lead off our hour and to get started, I first want to introduce a good colleague from the great State of California—Oakland, California, who's going to lead off our hour.

Congresswoman BARBARA LEE has been a champion of the rights of all people. She has been a champion for peace and justice around the world. And she has been an unswerving champion for civil and human rights not only for women, but for all people around the world.

So let me first recognize, on behalf of this Special Order hour, Congresswoman BARBARA LEE.

Congresswoman LEE, I yield the floor to you.

Ms. LEE of California. Thank you very much. I want to thank our chair of the Congressional Progressive Caucus for yielding and for your amazing leadership on so many tough issues that we're dealing with.

Tonight we're joining with the Congressional Pro-Choice Caucus, of which I'm also a member. And so I'm very pleased to be down here with my colleagues to discuss this critical issue, a very sad day, quite frankly, for women in this country, and especially for poor women, for African American women, for women of color.

This bill which was passed today is really just the newest attack in what I have been calling from day one the Republican ''war on women.'' Today, instead of focusing on ways to find jobs for Americans, the Republicans are focusing on eliminating family planning programs, undercutting women's right to choose, and returning our country, unfortunately, to the days of back-alley abortions, which I remember very well.

H.R. 358, the Protect Life Act—can you believe that, ''Protect Life Act''—forces coverage for women to be dropped from State exchanges, which will cut off millions of women from affordable, comprehensive health care. In fact, this bill makes it virtually impossible for any health care plan to offer abortion coverage and allows hospitals to refuse to provide lifesaving care to a woman who needs an abortion to protect her own life. This is unprecedented, and it should have been rejected on this floor.

This legislation really though is part of a coordinated, nationwide war on women. Just last week, the Republican-controlled House Foreign Affairs Committee voted to defund the United Nations Population Fund, an organization that supports lifesaving activities for women and families in post-conflict and disaster situations. And before that, the very same committee voted

to reinstate the Global Gag Rule, which prevents health care providers from even discussing or offering comprehensive health services to women and girls. This affects women and girls in sub-Saharan Africa who bear the brunt of the global AIDS pandemic. And of course, as usual, the Republicans have targeted Planned Parenthood, putting increased requirements on how this nonprofit, which provides affordable health care to low-income women, black women, women of color, Latino women, Asian-Pacific American women—if Planned Parenthood wants to receive Federal funding, they have to stop, mind you, providing women reproductive health choices, which really is only a tiny percentage of what Planned Parenthood offers to women.

Sadly, it does not end there. It's nothing less than shocking that after holding the fiscal year 2011 budget hostage over their controversial policy proposals, the anti-choice leaders in the House seem eager to pick up some of the very same fights once again this year.

The Republican appropriations bill continued this attack on women's reproductive health by eliminating title X, the Nation's family planning program, defunding Planned Parenthood, cutting funding for science-based teenage pregnancy prevention initiatives—prevention, mind you—and redirecting those funds into failed abstinence-only programs. And the list goes on.

So let's just return to the battle, though, that took place today. In putting forward this very divisive bill, Republicans made the false claim that the Affordable Care Act needs to be amended to ensure that United States taxpayer dollars are not used to fund abortions. The fact of the matter is that it's very disingenuous, and it's just wrong. And it's really amazing that that argument could even be put out there because the fact is the Hyde amendment has been in effect for decades, since 1976, and the Affordable Care Act continues the Hyde amendment policy, despite my personal view that it should be overturned.

The Republicans continue to invent new ways to try and erode and deny women their constitutionally guaranteed rights purely on religious beliefs and on ideology. This is a democracy; this is not a theocracy. The religious views of some—and I am a woman of faith, but I have to tell you, the religious views, the personal religious views of some should not dictate public policy for all.

I'm also aware of the fact that sometimes we as a Nation really don't give young women and girls the right tools to prevent unintended pregnancies in the first place. But the fact of the matter is this Republican war on women and this bill will put more lives at risk, isolate us from women who have no money, who are poor—especially women of color, who have become really central targets of these efforts. Evidence of this is seen all over the country, and very recently in the form of very offensive billboards that denigrated African American women in my own district in Oakland, California—which we fought against and which were quickly taken down. Now, by using a combination or at least trying to use a combination of law and guilt, these efforts undermine really the basic health care rights of women, African American women, low-income women, women of color.

As SisterSong Women of Color Reproductive Justice Collective states, ''Black women make decisions every day about whether to parent or not, not just whether to give birth. Those who think they should dictate our choices won't be there when the child is born to help us fight for better education, increase childcare, keep our kids out of jail, send our children to college, or get affordable health care.''

This war on women must stop. We cannot and we must not allow the Republicans to turn back the clock on women, on choice, and on our access to health care. So I urge my colleagues to fight this war, fight against these unnecessary and these harmful initiatives that keep coming forward that continue to do damage to women and that continue to try to erode our basic health care and basic human rights. We need to create jobs rather than continue to deny health care to women.

Thank you, Mr. ELLISON, our cochair of the Progressive Caucus, for your leadership. Once again, I want to thank you for your leadership on our jobs initiative, on each and every effort that the Congressional Black Caucus has mounted. And thank you for joining with the Congressional Pro-Choice Caucus in our efforts to protect women and protect our basic rights.

Mr. ELLISON. Let me thank the gentlelady from California, BARBARA LEE, a fearless, unrelenting struggler for the rights of all people.

Tonight we're here with the Progressive Caucus. We're talking about the harm that H.R. 358 would do to women's rights. It would hurt the rights of women in three important ways. It would deprive women of comprehensive health insurance coverage, eliminate emergency lifesaving protections, and undermine health care benefits in the Affordable Care Act. For the first time, private health care insurance coverage for women will be restricted.

And so to carry the discussion further, and from a very important perspective, my good friend from New York—also a tireless fighter for the rights of all people, a leader in the area of choice and women's rights—let me yield the floor to CAROLYN MALONEY.

Mrs. MALONEY. Thank you, Congressman ELLISON, who is the chair of the Progressive Caucus. Thank you for your leadership on this and in so many other areas. And thank you for having this Special Order on this disturbing vote that took place today in the Congress.

There is no question and there can be no debating the fact that the bill that the Republicans put forward endangers women's health, puts their lives at risk, and intrudes on their constitutionally protected liberties.

The bill extends the reach of government more cynically and in a very profoundly disturbing way. And that is why President Obama put out a veto threat on Wednesday that he would veto any bill that would restrict insurers from paying for abortions, saying, in the President's words, ''it goes too far.'' And I'd like to quote from the President's statement on this.

''Longstanding Federal policy prohibits Federal funds from being used for abortions, except in cases of rape or incest, or when the life of the woman would be endangered.''

□ 2010

The Affordable Care Act preserved this prohibition and included policies to ensure that Federal funding is segregated from any private dollars used to fund abortions for which Federal funding is prohibited. So that's very, very clear, and I don't understand why the Republicans forced a vote on this, like the other anti-women, anti-choice, anti-respect of a woman's right to choose and her judgment have failed so far in the Senate.

So I feel that instead of looking at creating jobs, which is the priority, and the Republican majority has consistently said that jobs and job creation is their priority, but then they spend their time on debating a bill that even their own Members admit the President will veto and it is going nowhere in the Senate. So instead of creating jobs, they remain focused, Mr. ELLISON, on creating obstacles for women to access safe, legal, and badly needed health care.

This bill, H.R. 358, is an attack on women's access to reproductive health services and our fundamental right to lifesaving medical care. It is stunning in its scope, appalling in its indifference, and outrageous in its arrogance.

Americans want Congress to create jobs, strengthen the middle class, and find bipartisan consensus. So it's time to end this attack on women and get to work on our top priority, or what should be our top priority, creating jobs.

This bill is just another attempt to keep women down and back and not to protect their constitutional rights and access to the health care that they feel they deserve.

I thank the gentleman for organizing this and for yielding to me.

Mr. ELLISON. Congresswoman MALONEY, I wonder if you would yield for a question.

Mrs. MALONEY. Absolutely.

Mr. ELLISON. The American College of Obstetricians and Gynecologists wrote, in order for women to receive the best health care and disease prevention, they must have access to all medically appropriate, legal medical procedures, regardless of the ability to pay. The American College of Gynecologists and Obstetricians opposes

legislative proposals to limit women's access to any needed medical care. These proposals can jeopardize the health and safety of our patients and put government between a physician and a patient.

My question to you is: This bill, H.R. 358, the very deceptively titled Protect Life Act, does this bill have scientific and medical backing behind it as the opposition to this bill has? In other words, do they have trained medical professionals operating on the basis of science supporting their position?

I yield to the gentlelady.

Mrs. MALONEY. No, they do not. In fact, the scientists and the medical professions all support access to all medically appropriate legal medical procedures. There are some times when the fetus is not—could not live or has died and is in jeopardy of causing, literally, the destruction of organs or even death of the woman. So this is, I would say, a life-taking bill from the health and welfare. And this bill also allows hospitals to deny lifesaving care. This is a big change in our values and our procedures in this country.

And I want to point out very importantly, Mr. Chairman, that at the same time they are restricting reproductive choices, Republicans are limiting access to family planning and primary care by their efforts to defund Planned Parenthood, which is a primary care provider to most women for their basic health in this country. And these actions I would label just plain too extreme.

Mr. ELLISON. The gentlelady has been very eloquent about the assault on women's health. If you don't mind, given that you are a member of the Joint Economic Committee, which is a bicameral committee, bipartisan committee, I think, in the Congress, I wonder if you don't mind talking with me just a little while about the assault on women's economic prospects.

In your opinion, Congresswoman MALONEY, how will assaults and cuts to Medicare and Medicaid and Social Security impact women, given that women statistically live longer than men and have a greater representation for use of those important programs? Are we seeing not just the health but also the economic viability of women under threat, as well as seeing important programs that women rely on disproportionately cut into?

I yield to the gentlelady.

Mrs. MALONEY. It is true that women disproportionately rely on government programs and, regrettably, women are the largest segment, older women are the largest segment of people living in poverty. So the discrimination that has existed in pay, there is still, for over 30 years, an unexplained gap between men and women, the pay gap, well over 20 percent; and this then translates into your Social Security—less Social Security, less pension—and the need for Social Security, Medicaid, and Medicare to help women.

And also, a lot of women that are around the age of 55, when their spouses die and they've been stay-at-home-mothers and wives, they lose the coverage that their husbands have, and there is a gap that's not there until they reach Medicare age of 65. So they rely disproportionately on these safety net programs.

So any cuts—and I hear from my constituents, I know that you do, too, that say: I can't absorb another cut to my Medicare; I can't absorb a cut to my Social Security. And I believe that's one reason why Democrats have fought so hard to keep that safety net in place for working men and women in our country.

Mr. ELLISON. I appreciate the gentlelady shedding some light on this issue because the fact is that today we were looking at a bill that would restrict women's health care access.

But you know that we have been trying to fend off assaults on the viability of women's economic situation. We still know that women earn about 80 cents for every dollar men make. This is unexplained, or it is explained. It's explained by gender discrimination.

And I think it's important for even men to take account of this important fact, that if your wife or partner is being discriminated against in the workplace because she's a woman, then your total family income is being hurt because of sex discrimination in the workplace. It's important that men and women come together to fight these attacks on women's rights because, even though the direct victims of this kind of discrimination are women, this invariably hurts the entire family, and so this is everybody's business to stand up for the rights of all people.

I tell you, one of the things that really concerns me is this gap in pay between men and women. The median weekly—women earn about 81.2 percent of what men earn. In addition to that, they have assaults on their access to health care. When you add these things up, what does this mean in terms of the majority's commitment to women's rights? What does it all add up to?

I wonder if the gentlelady might offer her views on this subject.

I yield to the gentlelady.

Mrs. MALONEY. I think all of those efforts, whether it's the Pitts bill that passed today, I think it's a very dangerous bill that threatens women's ability to even purchase private health insurance that includes abortion coverage with their own money, and codifies broad and troubling conscience provisions. And it's another attempt to unravel the health care law while at the same time expanding anti-choice laws that will harm women's health.

□ 2020

That's an anti-woman agenda that just passed this great body. And when you talk about the assaults on programs that women disproportionately rely on, it is another step that will keep women down and back. And I'm proud of the Democrats for standing up for women, children, and families. You rightfully pointed out that when you discriminate against a woman, you discriminate against her husband and her children. And you and I know that it takes two working parents sometimes two jobs by each parent to pay the bills and keep the food on the table. So these are very serious concerns and ways that we need to fight back and stand up for the women of America.

Mr. ELLISON. Now, Congresswoman MALONEY, I know you might have to run, but I appreciate your standing here with me tonight because I think that the people of America, Mr. Speaker, need to hear from a person like yourself, Congresswoman MALONEY, who has been laboring in the vineyards of economic and civil rights, both, for a few years now. You know what you're talking about, you've been doing this work, you've served the community for many years, and I just want to see if I can get your views on another issue, and that is that one of the things that Republicans have been doing is having this program to cut, cut, cut government services, which, of course, has led to reductions in public employees.

So, for example, while the private sector has added about 1.7 million jobs over the last 12 months—of course, during the Bush administration we were losing jobs—the public sector has lost about 400,000 jobs. When you consider the fact that women are disproportionately likely to work for the public sector, their employment decline has been particularly hit when public sector employees get laid off.

So I want to keep connecting the dots tonight, if I may. We started out the conversation with the cuts to women's health in this deceptively entitled bill, the so-called—I don't even want to repeat it because it is so wrong, but the Protect Life Act, actually it's a ''not to protect women's life'' act.

Mrs. MALONEY. That's a better name.

Mr. ELLISON. But then we move on to cuts to important programs that older women are disproportionately relying on, we move to the wage gap, and now we're seeing that these cuts to public employees are falling more heavily on the shoulders of women.

You mentioned an agenda. Are we really talking about an agenda here, not just a single program but a whole agenda?

I yield to the gentlelady.

Mrs. MALONEY. Well, the gentleman is correct to connect the dots, and you are absolutely correct that when you cut education and health care, these are the two areas that women are employed in predominately. In many cases they have achieved leadership positions in these two fields. Yet these are the two areas that have been cut the most in the municipal areas across the country that have hurt our States and our cities.

And the gentleman is very correct to point out that you cannot cut your way to prosperity. Many economists

have come out in support of President Obama's jobs bill, including two Nobel laureates. And one economist that I like to read because he is employed by the private sector, which means if he's wrong he's going to get fired, and he was a Republican economist in that he was the chief analyst for Senator MCCAIN when McCain ran for President, and this is Mr. Zandi. And Mr. Zandi said that President Obama's economic plan, the jobs bill that he's put out, would create next year 1.9 million new jobs, add 2 percentage points to the GDP, and also cut the unemployment rate by at least 1 percent. I use his numbers since he was Senator MCCAIN's adviser and economist.

But there is a drumbeat of economists across the country that are saying you cannot cut your way out of a recession and that we are getting dangerously close to a double-dip when you combine all these massive cuts with what's happening in Europe and the instability with the countries' finances and certain of our allies, and this is an extreme challenge here at home. And economists have universally said that we need to invest and continue to work to get the economy moving by investing in job-creating areas such as the infrastructure bank and such as rebuilding our bridges and making sure they're safe.

One part that I particularly like as a former teacher is the plan to rehab schools and make them ready for the 21st century. That will employ people across this country and invest in making our schools appropriate. I know that even in the great State of New York, some of our schools are not properly wired for computers. Mr. ELLISON, when you and I were in school, all you needed was a pencil. But, today, our young people need computers. They are competing not with the people in the class but with people around the world. And they need to have high-tech access, and our schools have to be wired for the 21st century.

And the investment in creating good jobs by building high-speed rail to move us into the 21st century and repairing our infrastructure with our roads and our trains in so many ways, and also making sure that our teachers, our police and our fire are not laid off during this recession when we need to invest in helping America.

Every economist will tell us the best investment we can make for the future of our country is to invest in education. We can't afford to not be competitive with modern schools and not competitive with the proper number of teachers so that our classrooms are not so overcrowded. So that is a particular area that I like in this particular jobs program.

Mr. ELLISON. I like the jobs bill as well. It's too bad that the American Jobs Act was not even able to be debated in the Senate yesterday. You would think that we could debate the bill at least. If Republicans have different ideas about job creation than we do as Democrats, I'm okay with that. Let's debate it, and let's get it out on the floor. But they don't even want to have the debate. You mentioned the public sector getting support.

Mrs. MALONEY. I would like to applaud what you just said. I truly do believe that there is no idea that is so frightening or threatening that it can't be debated in the United States Congress. And so I agree with you. Let's have a debate. The President has put forward his program. Let's see what the Republican program is. Let's bring it down, have it debated, and let's have the economists across the country and across the world weigh in on which program is going to get the economy moving and move us with greater strength in the growth of our economy.

Mr. ELLISON. Congresswoman MALONEY, as you know, the President challenged them, the Republicans, to do this. He said, look, I'm putting my bill up here, you bring yours up here, and we'll see which one creates more jobs. And folks like Mark Zandi, an economist who has advised both Republicans and Democrats, took an evaluation. He said the Republican plan is not likely to create any jobs next year. Well, people are employed this year and next year. And what are they doing about it? Well, they're just cutting basic services in local government, they're getting rid of health regulations in the EPA, they're doing things like creating cultural fights, like the one they did today, trying to sort of divide Americans based on people's deeply held views about the issue of abortion when we need to be getting people back to work, which is, in my view, trying to take our eye off the ball.

But I just wanted to throw out a couple of facts that I think may contribute to the dialogue. Here's one: In September, 2011, a month that just passed, the public sector lost 34,000 jobs. Eighty-two percent of those jobs were women's jobs. This is an important fact. This is according to the National Women's Law Center. And then also, the damage in the public sector was driven largely by cuts to local governments' education. I'll say that again. And, Congresswoman MALONEY, you're a former teacher, so I know this is close to your heart. The damage in the public sector was largely by cuts to the local governments' education.

In this field, one that is nearly three-quarters women, 24,400 jobs were lost from August to September. Since the recovery began in 2009, this field has lost more than 250,000 jobs. What does it mean when we, as a society, disinvest in public education?

□ 2030

One thing it means is that women workers will be hit harder because that's who three-quarters of our teachers are. It also means that our young people will be deprived.

As a person who has been in the classroom, Congresswoman MALONEY, what does that mean when a classroom goes from 20 kids to 35 kids? What does it mean to the kids who might not be catching on to the lesson or who may have a learning disability? I mean, is it even possible for a competent, caring teacher to teach all the kids given that some may need extra help?

Mrs. MALONEY. There is scientific data that, as schools are overcrowded, the quality of the teaching goes down. That's very troubling when you talk about the hemorrhaging of so many jobs.

According to the Bureau of Labor Statistics, there are 14 million people out of work, and there are 3 million jobs that are out there now. So, if we could miraculously fill those 3 million jobs overnight, there would still be 11 million Americans out of work and looking for jobs. For every job opening, there are five people, at least, standing in line for that job.

What I find particularly troubling is that many of these people are young people who have invested in their education and who are burdened with huge student loans, but they can't find employment. They are facing a terrible situation. Studies show that, if you can't find employment in the early years of your career, it affects your earnings and your self-confidence and your productivity for the rest of your life. For no fault of theirs, they are confronting, really, the worst employment situation in my lifetime and, really, in decades.

So we need to work together. If there were one area in which the Republicans and Democrats should work together, it's in creating jobs and moving our economy forward. Regretfully, some people don't want to do anything until the 2012 election, but the people who are out of work can't afford to wait until 2012. It is really incumbent on us to act now to help them.

Mr. ELLISON. Congresswoman MALONEY, you just mentioned a moment ago this idea of reinvesting in our schools. Today, I had a visit from a number of superintendents in my State of Minnesota. They were not all from the Fifth Congressional District, which I'm honored to represent, but they were from a cross-section around the State.

They told me that there were literally nearly 100 different school districts going to the voters for a referendum so that they could pay their basic expenses because the State government is backing off its commitment to education because the Federal Government is backing off its commitment.

The fact of the matter is we have a disturbing trend here.

They said, Look, if we could just get the part of the American Jobs Act passed that would help us with these old and outdated and rupturing boilers, these old, beat-up pipes, this poor ventilation, these windows that are not opening and closing properly—if we could get some help with our capital budget—that would free up money for

us to hire teachers and to do some real instruction.

What do you think of that part of the American Jobs Act which goes to this issue of investing in our schools and in keeping our teachers out there and preventing 280,000 teachers from being laid off? What do you think about this idea of, really, just making sure that the infrastructure of our schools is sound for our kids and for the people working in the schools?

Mrs. MALONEY. You focused, really, on one of the critical parts of the President's jobs proposal—modernizing our schools.

Not only would it help you through this period by creating good-paying jobs to modernize the schools and to keep the teachers working—and, I would say, the police and fire—but it also invests in better education, a better environment for our young people to learn and grow, and to modernize the schools to the extent that they are wired appropriately for the 21st century. These are important areas that we need to look at and think about.

I also want to point out the unemployed. The jobs aren't out there, so when you don't continue the unemployment insurance, there is no hope for these people. It's better for them to continue looking for a job and to continue trying and not to give up hope so that they continue working towards that end.

I just want to tell you how much I enjoyed sharing with you information on the jobs program for the President and, really, of the opposition's agenda—our friends on the other side of the aisle—to keep women down and back, of disproportionately cutting programs that aid women, of disproportionately going after, literally, their constitutional rights to make the choices that are legal in our country which provide the best health care for them.

The Progressive Caucus has always stood up for women, children, and families, and I want to thank you and the caucus in a programmatic way for standing up for women, children, and families and also for organizing this Special Order.

Mr. ELLISON. Congresswoman MALONEY, I know that you have to take care of other important responsibilities, so I want to just thank you.

I just think it's important, Mr. Speaker, for people to know that Congresswoman MALONEY is the author of the Credit Cardholders' Bill of Rights Act. It's when you go and use your credit card and don't get back a bunch of fees and stuff you didn't even bargain for—terms being changed without any notice to you. When you used that credit card and were late on that card, sometimes they used to jack you up on the card you weren't even late on because you were late on some other card. They can't do that anymore.

When people benefit from credit card justice, you have to thank CAROLYN MALONEY. You cannot just use that card and say, Wow, things are better than they used to be with this card. They're better because CAROLYN MALONEY fought tirelessly.

This was an uphill climb for you. It wasn't easy. You had to work on editorial boards; you had to work on Republicans; you had to work on Democrats; you had to work on the Senate. You had to just pound the pavement night and day; yet you got that done, and this country cannot pay you back for the good work you did.

Congresswoman MALONEY, I wish you many, many, many years here in this Congress; but no matter how long you stay here, I just want you to know that that accomplishment is a towering achievement which will stand the test of time and is historic. So I don't want to hold you up, because I know you've got to go do some important things, but I just didn't want you to leave without my mentioning how important that service that you gave was, not to mention the work that you do every single day, including the work you do on the Joint Economic Committee, on the rights of all people as well as on women's rights.

Mrs. MALONEY. I just want to thank the gentleman for his statement.

The Credit Cardholders' Bill of Rights, according to the Pew Foundation, saved consumers over $10 billion in the last year by cutting out unfair, abusive, deceptive practices—and I'm using the terms from the Federal Reserve. I am proud that it helps Americans better manage their credit.

No longer can people raise rates any time, for any reason retroactively on their balances, trapping them, really, in a never-ending cycle of debt. I had many constituents who had purchased items, and they had paid so much in interest over that time that they could have paid for the car or the washing machine; yet they still had not paid it off. This is wrong and unfair.

Central to this bill, it gives consumers the opportunity and the right to make a decision. If they're going to raise their rates, they must notify them, and the consumers have the choice of whether they opt in to a higher rate or pay off their cards and go to another provider that may have a lower rate. So it puts more competition in the system. It has lowered the interest rates, the fees, and has really helped consumers.

I want to say that we were cochairs of the Consumer Justice Caucus. We started that, really, to build support for the bill, and you were a strong part of helping me pass it.

Mr. ELLISON. That's right.

Mrs. MALONEY. It was difficult, but I'm proud that the President signed it into law and that it is now benefiting Americans and allowing more of an ability for them to control their own businesses, their own assets, their own credit. I must say, when it did pass the House, there was strong Republican support for it in both the House and the Senate.

Mr. ELLISON. Yes, there was.

Mrs. MALONEY. I am pleased that Americans have this added benefit in their lives.

Thank you so much for your leadership. It has been a pleasure to join you tonight.

□ 2040

Mr. ELLISON. Let me thank you again, Congresswoman MALONEY. You have a wonderful evening and, again, thank you for all of the great work you have done and thank you for your help tonight. I am just going to remain a few more minutes to help the American people understand what is in the American Jobs Act.

The American Jobs Act is an excellent piece of legislation. We have been talking a lot tonight here at this Progressive Caucus Special Order about women's rights, but we've also been talking about jobs and, of course, these subjects go right together.

But it's important, as we talk about this subject tonight, that the American people know what's in the American Jobs Act. The American Jobs Act will put Americans to work when jobs are needed, which is now, not later, not next year, not some other time, now.

The emphasis of the American Jobs Act is immediacy. It will preserve and create jobs now. It will put money in the pockets of working Americans now. It will give businesses job-creating tax breaks now. And it will provide a boost to the economy right now.

So this is what we're aiming for in the American Jobs Act. Republican colleagues have failed to produce any kinds of a jobs bill. The only time they ever talk about jobs is when they're not talking about jobs. They say that cutting important health regulations will create jobs. They won't.

They say that cutting taxes for people at the very top of the American income scale, corporations, will create jobs. It won't. Corporations already are awash in corporate profits. They're not using the money to create jobs, and they won't use the money even if we give them more money because what they don't have is customers. Why don't they have customers? Because people aren't working.

Americans need to be put back to work, and when businesses find that they have customers and orders they will hire people to fill those orders. When they have excess capacity, they are not going to just hire people. They're going to hire people when they need to hire people because they've got sales that they need to make.

Of course, this is a basic and fundamental difference of opinion that we have with our Republican colleagues about the way the economy works. But I do believe that after years and years of trying, trickle-down economics must be discarded, must be dismissed, must be thrown away as a discredited economic theory.

Trickle-down economics, which is the Republican mantra—they believe in trickle down. They believe if you give

rich people enough money maybe the money will trickle down to the rest of us.

This has been a failed economic policy. They are wrong. They have been proven to be wrong, and yet they never stop coming here saying, if we just gave the rich people another tax cut, if we just gave the rich corporations, who don't pay any taxes now, more money. If we just gave them more money, all those profits that they have they might maybe hire somebody. They're wrong, and history has proven them to be wrong. I don't know why they cling to this outmoded, discredited, discarded theory of economics, but they cling to it.

The American Jobs Act would do something different. It would put people back to work, and with people working again, this will boost aggregate demand, aggregate meaning added up, cumulative demand. And with that, more customers, more people with money to buy and spend, this economy will take off and the store will hire people because they will have a reason to. So the American Jobs Act goes right to the problem.

But here's the other thing. The American Jobs Act calls it a Jobs Act, and it is. But there's something also very important that the American Jobs Act does that I wish got more play. It invests in our Nation's basic infrastructure, and it invests in our Nation's human capital.

It puts targeted tax breaks—not just giving money to rich people and corporations who have plenty of money and who won't use it to hire people—but it gives targeted tax breaks and puts money in the pockets of American workers and American employers so that they will add and grow jobs. And it puts the money into job training, which does skill upgrades for our people so that they are more productive and better at what they do. The job saving and job-producing actions will put paychecks into the economy, will provide vital economic needs and invest in economic growth.

I just want to quote Mark Zandi for a moment, this economist who works for both Republicans and Democrats. He is unbiased, and here's what he had to say. He says, President Obama's job proposal would help stabilize confidence and help keep the U.S. from sliding back into recession, add 2 percentage points to GDP, and add 1.9 million jobs and cut the unemployment rate by a percentage point.

Now, that's a big deal. Wouldn't the people watching this show, Mr. Speaker, like to be able to see America go from 9.1 percent unemployment to 8.1 percent unemployment? I think this would be great, and here's the best thing about the American Jobs Act. It's paid for.

Unlike the two wars that the Republicans got us into in the last decade, unlike the big PhRMA Medicare part D, unlike the tax breaks under George Bush and the Republican majority, these, the American Jobs Act, is paid for.

President Obama has offered pay-fors in this which cover the cost of the bill. This is something the Republicans are not used to, which is why they may not quite understand the American Jobs Act. They like to spend money that we don't have. That's what they did with the two wars, Iraq and Afghanistan. That's what they did with the Bush tax cuts. And that's, of course, what they did with the Big Pharma giveaway.

But this bill is paid for. The American Jobs Act is paid for, which may be why they don't support it, because they don't understand things that are paid for. They just understand spending and adding to the deficit.

But the Republicans have not only failed to produce or support any jobs bill of their own, other than just absurdly claiming that getting rid of important health regulations is going to create jobs, they're refusing to even act on the American Jobs Act. In fact, Majority Leader ERIC CANTOR has already said the Jobs Act was dead, his words.

The Republicans not only failed to produce or support any jobs bill, they are refusing to act on this bill, and I think ERIC CANTOR has also said it was ''unacceptable,'' another word that he used. Now, that's, again, fine with me.

If the majority leader could say, look, I don't like this part, but I can maybe go for that part, let's get the bill up here, all four amendments, debate this thing. But by all means let's start talking about jobs around here. The Republicans are more invested in protecting millionaires from paying their fair share than helping their middle class to work.

By a 16-point margin, Mr. Speaker, the Americans support President Obama's proposal to create jobs, 52 percent to 36 percent. Fifty-two percent of Americans want it, 36 percent of Americans don't. By a 16-point margin Americans support President Obama's proposal to create jobs.

By a 15-point margin, more Americans trust President Obama to do a better job creating jobs than congressional Republicans, 49 percent to 34 percent. Sixty-two percent of all Americans, Mr. Speaker, and at least 62 percent of the people surveyed support a balanced approach. That means cutting spending and raising revenue to reduce the deficit.

And, Mr. Speaker, three out of four Americans support raising taxes on Americans with incomes of $1 million or more. These are the so-called job creators Republicans like to talk about. The only problem is they haven't been creating any jobs.

But what will create jobs is businesses and small businesses that have orders and have consumers and have people working and have people who have money to spend at their businesses. That's what will create jobs.

I think it's important, Mr. Speaker, to point out to the American people that the three components of the American Jobs Act are designed to win. One, the American Jobs Act and reinvesting in America, preventing up to 280,000 teacher layoffs and keeping first responders, firefighters, and police officers on the job. Two, modernizing at least 35,000 public schools across the country.

Mr. Speaker, myself and Congresswoman MALONEY were talking about this. She's a former teacher. We were talking about supporting new science labs, Internet-ready classrooms, school innovations, both rural and urban. But as I talked about earlier today, the superintendents and the schools that I represent, some of them have boilers that are about to go out, windows that aren't fixed up right, roofs that need repair, basic stuff.

This would put thousands of Americans back to work as we give our young people a good decent place and a modern place to go learn in.

□ 2050

Of course, another part of the American Jobs Act, all under this important category of investing in America, is making immediate investments in infrastructure, modernizing our roads, our railways, our airports, and putting hundreds of thousands of Americans back to work; Project Rebuild, a great effort, an effort to put people back to work, rehabilitating homes and businesses and stabilizing communities, leveraging private capital and scaling up successful models of public-private collaboration; and, of course, expanding wireless Internet, expanding wireless Internet to 98 percent of Americans by freeing up the Nation's spectrum.

The second element of this important American Jobs Act which Republicans should support and Democrats do support is tax cuts for employers and employees. This is not just some giveaway. This is targeted tax cuts that are designed to succeed.

Some of my friends on the Republican side of the aisle like to say Democrats don't like tax cuts. This is not true. We are for tax cuts when they are targeted and designed to help the average working American, not just some giveaway to rich people. And, of course, I have nothing against rich people. I like rich people. In fact, one day when I leave Congress and go back to the private sector, maybe I can be one of them. But the fact is right now, right now the fact of the matter is we need tax cuts that are targeted and designed to spur the economy, not just giveaways, hoping and praying that the money will trickle down.

Specifically what I'm referring to is cutting payroll taxes in half for 160 million workers next year. The President's plan will expand the payroll tax cut passed last year to cut workers' payroll taxes in half in 2012, providing $1,500, a tax cut to the typical American family, without negatively impacting the Social Security trust fund.

This is important because things are tough around the house. Things are tough around the kitchen table, and Americans could really use this, particularly now. It will help maintain aggregate demand, and it would be very helpful.

Also, allowing more Americans to refinance their mortgages at today's near 4 percent interest rate, which can put more than $2,000 a year in a family's pocket.

Also, cutting the payroll tax in half for 98 percent of businesses. The President's plan will cut in half taxes paid by businesses on their first $5 million in payroll.

Mr. Speaker, another important element of the American Jobs Act that has to do with this tax issue is a complete payroll tax holiday for added workers or increased wages. The President's plan will completely eliminate payroll taxes for firms that increase payroll by adding new workers or increasing wages. That's a targeted tax cut. That's a tax cut that's going to get people to hire somebody, not just some give money to rich people and hope they hire somebody. This is a targeted tax cut that will actually be of value.

The next one, Mr. Speaker, encouraging businesses to make investments by extending 100 percent business expensing into 2012. This extension would put an additional $85 billion in the hands of businesses next year.

The third thing that I think is important to mention is helping the unemployed with pathways back to work. Some people like to refer to our social safety net. I think it is much more effective to refer to it as our social safety trampoline. That is when you fall down, America, caring, compassionate Nation that we are, provides a way for people to bounce back. And that is what the third element of this American Jobs Act does. Returning heroes, offering tax cuts to encourage businesses to hire unemployed veterans.

Now, I know there are some Republicans who would vote for this provision. There's got to be. Businesses that hire veterans who have been unemployed for 6 months or longer would receive a tax credit up to $5,600, and that credit rises to $9,600 for veterans who have a service-connected disability. Now, I have just got to believe that there are a few Republicans who would give a green vote to a good piece of legislation like that.

In the same vein of helping our unemployed, the most innovative reform to the unemployment insurance program in 40 years, as part of the extension of the unemployment insurance, to prevent 5 million Americans looking for work from losing their benefits, the President's plan includes innovative work-based reforms to prevent layoffs and give States greater flexibility to use unemployment insurance funds to best support job seekers and connect them to work, including in this innovative program things like work sharing, unemployment insurance for workers whose employers choose work sharing over layoffs.

Second, improve reemployment services for long-term unemployed through counseling eligibility assessments.

Three, new bridge to work program. This plan builds on and improves innovative State programs where those displaced take temporary, voluntary, or pursue on-the-job training.

I'm about at the end of my time tonight. This has been the Congressional Progressive Caucus, and we are here with the progressive message, which we like to come to as often as we can. What we're talking about tonight is standing up for the rights of women. More than 50 percent of Americans are female. My daughter is one of them. I just want to argue that for this country to rise to its full measure of greatness, we have to have full and equal rights for everybody, especially women.

Today, there was an attack on women's constitutional rights today. There also have been assaults to programs which women disproportionately rely on like Social Security, Medicare, and Medicaid, and also employment sectors that women are employed in such as the public sector. This is too bad, and we need to stand up against it. But also jobs. Instead of dealing with divisive social issues where Americans of honestly held conscience disagree very severely on this issue of pro-choice/pro-life, instead of dealing with these old issues, things that we have been fighting over for years and will probably never be solved, why don't we talk about jobs.

And so we did go into the American Jobs Act tonight where we talked about the key parts of this important bill by President Obama. First, investing in our infrastructure and in our people skills; second, targeted tax breaks designed to put people back to work, not just giveaways for the rich; and, third, help for the unemployed. These are three very important features which I believe will really help America.

All we want is a chance to debate these issues on the House floor. We can bring amendments, debate them, vote some up, vote some down, but it's just wrong to deny the American people a chance to get a good jobs bill. So tonight, I just want to wrap up by saying that it's always a pleasure to come before the House and discuss critical issues facing the American people.

With that, I yield back the balance of my time.

CURRENT EVENTS

The SPEAKER pro tempore (Mr. FARENTHOLD). 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. Thank you, Mr. Speaker.

I do appreciate the opinions of our friends across the aisle and those who have spoken here tonight, and I know we both have similar goals—get people back to work. But when I hear my colleague across the aisle say Republicans keep proposing plans that have proved failures, the truth is the failures that the Republicans have supported were the things that our Democratic friends were in favor of.

I sure like President George W. Bush, but in January of 2008, he took a page right out of the Democrats' playbook—proposed a $160 billion stimulus, $40 billion of which went as rebates to people that didn't pay any income tax. So you had people getting rebates that didn't put any ''bate'' in. That money really didn't do any good.

And then we come around and end up in late September or early October of 2008, having unfortunately the Treasury Secretary appointed by a Republican, pull a page out of the Democratic playbook and help the folks on Wall Street that contribute and vote 4–1 for Democrats over Republicans. Bailed them out.

□ 2100

Some of us made clear you don't abandon free market principles to try to save the free market. If you have to abandon free market principles to save the free market, it's not worth saving. The trouble is we've gotten away from free market principles and that's why we were in trouble.

We had friends across the aisle that were demanding that loans be made to people that couldn't afford the loans. We had friends across the aisle that were verifying here in this room and in other hearing rooms that, by golly, Fannie Mae, Freddie Mac, they were healthy, there were no problems, when it turned out they were rotting from the inside.

So, apparently, as smart as my dear friends are across the aisle, they have not been taught history very well. The things that have failed are the very things that are being proposed again. The $700 billion wasn't enough. Actually, President Bush's Treasury Secretary, the second worst Treasury Secretary in the history of our country, exceeded only now recently by Secretary Geithner in just how poor a job has been done, but they spent maybe $300 billion, $250 billion of the $700 billion. So the Obama administration got about $400 billion, $450 billion of that $700 billion. President Bush unfortunately listened to ''Chicken Little'' Paulson as he ran around saying that the financial sky was falling. That ended up all going to President Obama and Secretary Geithner for them to squander, which they have, and basically used it as a slush fund, in fact.

Then we're told we have got to build bridges. We have got to do infrastructure. How could anybody disagree with infrastructure? Well, most of us didn't disagree with doing infrastructure as long as it was governmental functions. The trouble is the President had $400 billion, $450 billion from TARP still

left over, and asked for $800 billion on top of that. And then it turned out that $800 billion may have been close to a trillion by the time they got around to having what was available under the bill. Of course, forty-two cents out of every dollar of that was borrowed, much of it from our friends and neighbors across the world in China.

But here again these governmental giveaways, the governmental rebates to people that didn't put any ''bate'' in, the giving more and more money to entities that were not creating jobs, the fiascos like Solyndra. And I understand even after Solyndra, Leader REID down the hall was able to procure another $700 million for a similar company in Nevada. This is insane.

My friends, were just saying in the last hour that Republicans keep proposing plans that have proved failures. The failures of Republicans are when we adopt the Democratic strategies on these things. It's time to get back to the principles on which our government was founded. It's very basic, very simple. You give equal opportunities to people to excel, you stop paying people to fail, and we can get this country going again.

We also had a bill today that was finally going to allow people to exercise their First Amendment rights. There's not supposed to be, under the Constitution, under the Bill of Rights, the First Amendment, the government's forcing people to practice religion that is entirely opposite from the religion they believe. So we passed a bill here in the House that would allow health care providers who believe with all their heart, soul, and mind—most of them, it's a religious conviction—that to conduct an abortion and to take and kill a baby in utero, remove it and kill the baby in utero, out of utero, that it is wrong.

Having had my wife's and my first child come 8 to 10 weeks prematurely and sitting by her isolette for 8 hours—it was supposed to be only 2, but I couldn't leave, and they didn't make me until I had been there for 8 hours—with that little child, her hand clutching to the end of my finger. She was hanging on to life. The doctor pointed out, Look at the monitors. They've stabilized since she's been holding on to you. She's drawing strength. She's drawing life from you. That tiny preemie, my daughter, trying to cling to life, and my friends across the aisle condemning people like me or health care providers who think it's wrong to take that life when they just want to cling to life. Give them a chance.

I was a bit surprised but embarrassed for Minority Leader PELOSI when she said here on Capitol Hill about that bill that would allow people to practice their religious beliefs and not kill babies, the quote from our former Speaker PELOSI, was: ''Under this bill, when Republicans vote for this bill today, they will be voting to say that women can die on the floor and health care providers do not have to intervene.'' Well, there's good news for former Speaker PELOSI. We didn't vote to allow women to die on the floor and health care providers do not have to intervene. That did not happen. Yet the bill passed.

Good news. Apparently, the Speaker did not read the bill. She didn't know that what this allows is a health care provider not to have to kill a baby if it's against their religious beliefs. And also, no women will be allowed to die on the floor. If they do, there will be severe and dire consequences for any health care provider that allows that to happen.

There is nobody, despite the former Speaker's contentions here on Capitol Hill, there is nobody that voted for that bill today that would in their wildest nightmares want a woman to die on the floor without a health care provider intervening. And the bill doesn't do that. So whatever nightmarish bill the Speaker was referring to when she thought she was talking about the bill we passed today, good news for her. She didn't know what she was talking about. It does not allow women to die on the floor. It just allows people who believe with all their heart, mind, and soul, and their religious beliefs, that killing a baby is wrong, that when that baby wants to cling to life, as my little girl was clinging to my finger and her heart rate stabilized and her breathing stabilized, they can live. They don't have to be killed. They don't have to be killed in utero.

It's good news. It's a great thing. I hope that the Senate will pass it and not be dissuaded by those who misread the bill. Maybe they were reading some disaster book or something, because obviously they were not reading the bill that we passed.

There is also a real easy fix to establish cuts in the Federal budget. And it would be so great if our colleagues down the aisle in the Senate, our colleagues across the aisle, the Democrats, would take the fact that this House agreed to cut our own budgets in this legislative session by 5 percent and say, Hey, rest of the Federal Government, look what we have done.

□ 2110

We've not talked about it. We did it, but we haven't really talked about it. And the truth is, by Congress, by the House at least cutting our legislative budgets by 5 percent this year, and as I understand it we're going to cut 6 percent next year, it gives us the moral authority to say to every Federal department in this government, Congress has cut—or at least the House has cut—our own budgets by 5 percent this year, and you're going to, every one of you, cut your budgets by 5 percent next year. We have the moral authority to do it because we've done it. Now, maybe the Senate doesn't want to do that, but it's the morally responsible thing to do.

And then, if it comes through and we do cut our legislative budget here 6 percent in the House, we have the moral authority to say, hey, Federal Government, every department, every agency, we cut our own budgets 5 percent last year, 6 percent next year, so you're going to cut 5 percent next year and 6 percent the year after that. That's an 11 percent cut. Now we're on the right track. And if you don't want to cut some invaluable program, there's good news: cut it off some program that's a waste.

My friend, DANIEL WEBSTER from Florida, has been looking into the different transportation agencies that provide rides to people to get to their place of appointments, whether it's with the VA, whether it's with a doctor, whether it's with the Federal Government, different agencies. Eighty-five different groups provide rides. How could that be? Well, the rules, the way they were set up in 1974 by a Democratic Congress—that also set up the screwy CBO rules that do not allow a good score for things that really do help the country—that same time they were also busy sticking different agencies that do the same thing in different committees so that we have massive duplications of those type things. Well, all we've got to do is start cutting those things out.

And I hope and pray that before I leave Congress, this body and the one down the hall will have the courage to step up and say, you know what, I know I've been on my committee for a number of years and I've got seniority, and I know this committee is critical and this committee is critical, but it's time to reform the committee process. And the only way that we'll ever be able to completely eliminate or come close to eliminating all the massive duplication, replication of the same programs—spending massive amounts of money to do the same thing and yet we could combine those and save trillions of dollars over the next 10 years—we need to have a welfare committee. We take the food stamps out of the ag budget. People hear how big the agriculture budget is and they just can't believe it—there aren't that many farmers. They don't know that between 70 and 80 percent of the ag budget goes for food stamps. Let's put that in a welfare committee.

Robert Rector over at the Heritage Foundation has done fantastic work. He was telling me it takes him 2 years to find all the hidden welfare provided from all the different subcommittees, all the different agency budgets, it takes 2 full years to do that. It's time to change things here. And I realize that with a Democratic-controlled Senate it's not going to happen this session. But I hope and pray that the next session of the Senate that begins in January of 2013 will have people in the House and the Senate, regardless of their party, that will finally reform the government here in Washington, and to use the President's words, fundamentally change the way we do business so

that we don't set ourselves up to provide massive amounts of waste, fraud, and abuse.

Now, it helps to reform government if the people here in Washington who vote on the bills and down Pennsylvania Avenue who sign bills or veto bills actually read them. Wow, what a concept. It would help if the President himself, before he had gone out on the road condemning Congress for not passing his American Jobs Act, had actually had an American Jobs Act written. But after he spoke here on this floor, Mr. Speaker, he went around the country spending millions and millions of dollars—some say it was campaigning. Whatever he was doing, he was condemning Congress for not passing a bill that didn't exist. He did so that weekend, did so on Monday. Monday evening they finally had a bill, and I got it printed out. But it turns out nobody was filing it. And yet that didn't stop the President from running around saying we were refusing to pass a bill, pass his bill, right away, right now. Nobody bothered to file it. In fact, if he had taken 10 minutes out of his schedule running around the country, spending millions of dollars condemning us for not passing his bill, to have picked up the phone and called one of his Democratic friends here in the House and said, hey, I'm running around the country condemning Republicans for not passing my bill, I'm embarrassed that nobody filed the bill. I forgot to ask anybody over there to file the bill so that you could pass it. So how about filing my bill? Didn't bother to do that. Just kept running around the country condemning us for not passing his bill.

By Wednesday, that's when I realized if the President of the United States, who obviously had not read his bill, which I did, the entire bill—clearly, from the things he said about the bill, he hadn't read it at all—I decided, you know what? If he's going to condemn us for not passing the American Jobs Act, there ought to be one, so I filed one. And I was flexible. I said here on the floor I'd be willing to negotiate. And it would create jobs because it deals with an insidious tariff of 35 percent that we put on every American-made company's goods here, which keeps them from being able to compete globally because nobody else in the world slaps that kind of tariff on their own goods produced in their country. We're doing it to ourselves.

And then the insidious part is that the American public has been convinced by people here in Washington, hey, hey, it's a corporate tax, so you don't have to pay it. Of course they pay it. The corporations are nothing but a collection agent. And the way that crony capitalism has been working around this town, the only way you get out of paying corporate taxes or the massive tariffs so you can compete globally is if you've got a friend down at the other end of Pennsylvania Avenue, or in the Senate, perhaps. Because friends of those here in the House are not fairing so well—they're having to pay taxes. But if you are an entity like General Electric and you're close friends with the President, you really enjoy each other's company, top executives and the President, good news: You're probably going to get out of paying any taxes no matter how many billions you make.

So why not level the playing field, which would bring back manufacturing jobs—and I'm surprised the unions are not all for this—it would bring union manufacturing jobs in massive numbers back to this country. And I know there's a lot of environmentalists in the United States who really don't want the manufacturing jobs back. Even though they provide good union jobs, folks that would probably vote Democrat, they don't want them back because they think somehow—and it's really unbelievable that they think this, but they think somehow by driving those manufacturing jobs out of the United States and into countries that pollute 4 to 10 times more, producing the same products, as there was added to the atmosphere here, that somehow they've helped the environment, not realizing that that pollution goes up in the air, and the way the world turns we get an awful lot of that Chinese pollution right here in our own country, even though we don't have the jobs, we don't have the tax revenue from those, and we suffer the consequences of having run those companies out. So we get all of the disadvantages of running them out and none of the advantages.

□ 2120

We hurt our economy and we hurt our ability to prepare for any type of defense that may be necessary to those who want to destroy us, because anybody that knows history knows a country that is looked to as the securer and protector of freedom must be able to provide all of the things that it would need in a battle within its own country. And if it can't do that, it's not going to last very long as the protector of freedom, which means freedom won't last very much longer.

Now, the President talked about his bill so much, and it would be easy to be very cynical since the President went on the road and went for 6 days before there was ever an American Jobs Act filed, which was my bill. It might be easy to become cynical and say, ''It doesn't sound like the President had any intention of ever getting a bill voted on; all he wanted to do was run around the country and condemn Republicans,'' when this was some kind of political game. He had no intention of that bill being pushed, even being filed.

There is a dramatically important piece of evidence that would seem to establish irrefutably that Leader HARRY REID and the President were not serious at all about his bill passing. What would that piece of evidence be?

Well, it would start with article I, section 7 of the United States Constitution, which says all bills for raising revenue shall originate in the House of Representatives. But the Senate may propose or concur with amendments, as on other bills. The critical part was all bills for raising revenue shall originate in the House of Representatives.

Well, it's not hard to find, from the President's bill, that he's raising revenue, he's raising taxes. So, clearly, under the Constitution, no question about it, the President's bill has to originate in the House. No question about it. It raises revenue. Everybody knows that. Leader REID knows that.

So, when I heard that finally the President's bill was passed in the Senate, or not passed but filed in the Senate, then I knew, because I know something about the Constitution, well, that has to be a House bill. The President is popping people with extra tax. It raises revenue. So, obviously, it has to originate in the House.

Now, normally, unless there were games played in this town, that would mean the bill starts here, and we would take up the President's bill, and if it passed, then the Senate would take it up. But over the years, both parties, apparently, have played a political game where, if the Senate wants to start a bill that raises revenue, they will take a House bill that has already passed, strip out of it every word, and substitute for all that language of the House bill the Senate bill. And then, under the gamesmanship up here in Congress, that's been considered to satisfy the requirements of the Constitution because, technically, the bill started in the House. It has a House bill number on it, and so it did start in the House. They just took out every word and then put in the Senate bill.

From a practical standpoint, it originated in the Senate, but from a technical standpoint, since it has a House number on it, then obviously they slide by, under the gamesmanship here, by saying it's a House bill.

In fact, that's exactly what happened with ObamaCare. The House had not passed a bill that the Senate would take up on health care back 2 years ago. So what the Senate did was take a House bill, H.R. 3590, and this is the actual name of the ObamaCare health bill. I've got the first volume of the two volumes that make up the 2,400 or 2,500 pages of the President's health care so-called bill, H.R. 3590, entitled, ''An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.'' ObamaCare is H.R. 3590, and it was a bill the House of Representatives passed mainly to help our veterans, to help our armed services, our members who have pledged their lives, their fortunes, their sacred honor to serve in our military—that is mainly who it was for—and give them a tax credit for the first-time purchase of a home.

It just seems so coldhearted to have taken a bill that started out to help

veterans and our armed services members and, beginning with line 1, page 1, strip out every single word of the bill to help our veterans and substitute therein ObamaCare, 2,400, 2,500 pages. But that's what they did because that was the game. Because they knew in the Senate, if they were going to pass a bill that raised revenue, under Article I, section 7 of the Constitution, they had to take a House bill so they could play the game of saying, Well, it did originate in the House, has a House number on it, House title on it. We just stripped all that language out and put our bill in.

That's the only way that the President's so-called jobs bill could originate in the Senate, practically, is to take a House bill, strip out every word, keep the House bill number, keep the House bill title, and put the President's so-called jobs bill in there. That's the only way that bill could ever have a chance of becoming law. And Leader REID knows that. He's a smart man.

And from what I understand, the President at one time was a local instructor in a law school, and surely he had to have read the Constitution and understand that. So he would know, as would Leader REID, that for the President's jobs bill to meet the constitutional requirement of Article I, section 7, then Leader REID would have to strip out a House bill.

So when I heard that Leader REID had filed the President's so-called jobs bill, I directed my staff to find out what House bill number and what House bill title that Leader REID had stripped every word out of and substituted therein the President's so-called jobs bill. And I found the answer. He didn't do that. Leader REID filed the President's bill with no cosponsors.

A little trivia. The American Jobs Act, my bill, I think it's got five cosponsors. The President's so-called jobs bill, zero cosponsors. Mr. REID filed it. Mr. Speaker, it is S. 1549. That's a Senate number, S. 1549. That's a Senate bill.

□ 2130

Leader REID did not bother to do what would be required, even under the gamesmanship of Capitol Hill, to strip out a House bill. And there's only one reason he wouldn't do that. There's only one reason the President wouldn't request that he do that, and that is because they had no intention of that bill—this bill—ever passing. Now I've only got the first few pages because the President's bill is actually 155 pages. But that came before. I got a copy of that before it was ever filed by anybody.

So then I heard that Leader REID actually filed an amendment to the President's so-called jobs bill, and I thought, ah, now he's no longer going to play this ridiculous charade of acting like he wants a bill to pass that he knows could never become law because it originated in the Senate and doesn't have a House bill number. So, okay, he's filed an amendment, the new bill, it has surely got to be some House bill that was stripped of every word, but it turns out that was Senate bill 1660. It's still a Senate number, it is still originating in the Senate, there's not even a charade, facade being shown here, which makes very, very clear Senator REID and President Obama never ever intended for the so-called jobs bill of the President to pass. Never intended for it to pass. They never did.

A smokescreen is all this has been for weeks now, millions and millions and millions of dollars running around the country demanding we pass a bill that neither Leader REID nor the President had any intention of ever having passed because they knew the way the procedure works here when a bill like this that raises revenue originates in the Senate and the Senate were to actually pass it, then the Senate Clerk would send it to the House, it would go to our Clerk, and they would review it, and they would find that it raises revenue, as the President and Leader REID know and acknowledge, and they would do what's called blue slipping it. They put a blue slip on it in essence saying that the House cannot take up the Senate bill because it raises revenue. And that means under article I, section 7, it must originate in the House, and, therefore, it's being sent back to the Senate without any action whatsoever because obviously people at the other end of the hall were playing some kind of game, knowing that a bill to raise revenue that originated in the Senate and did not have a House number, did not have a House title, would never become law. It was all a game. All a game.

Apparently, the goal of this political game played by the President, and Leader REID has as a goal the President winning the game, the political game, and getting reelected and the American people losing because there was no bill that was ever seriously intended to pass by the President or Leader REID. That is tragic, simply tragic.

The American people suffer, people are losing their jobs, and the only reason that the unemployment rate did not rise one more time again, that it stayed at 9.1 percent, that disastrous rate, was because so many employees who had been out on strike came back on to work. If they had not done that, then the unemployment rate would have reflected the truth.

This country is still in big trouble, all while the President travels around making speeches about passing a bill that neither he nor Leader REID ever had any intention of passing and becoming law as the American people suffer.

Now, I heard my friends across the aisle here tonight say they wish, in essence, that the Republicans would bring their jobs bill. Well, there's great news. Apparently, while my friends hadn't noticed, we have passed about a dozen bills out of this body and sent them down to Leader REID that will create jobs across the country, will bring down the price of gasoline, will bring down the price of energy, all kinds of bills we've sent down there, and they're sitting in the Senate.

So for all of those people who have said the President is flat wrong when he says that we have a do-nothing Congress and as he is traveling around this week saying there's a do-nothing Congress, I'm going to defend the President here. For those that say the President is completely wrong when he says it's a do-nothing Congress, well, I'm going to defend the President. And I stand up for him because the President, when he says there's a do-nothing Congress, is one-half right, and he ought to be acknowledged for being one-half right when he says there's a do-nothing Congress because there is a do-nothing Senate.

They're sitting on bills that would create jobs, bring down energy prices and would bring jobs back to America easing the burdens that have sent companies fleeing from this country to South America, to China, to India and to other countries. We bear them no ill will, but we want our jobs back here in America. And how wonderful to have the President's big job czar as a guy who has sent thousands and thousands of jobs from his own company overseas.

Well, he apparently knows what he's doing because since he's been our jobs czar for President Obama, we've had thousands and thousands and thousands and thousands more jobs continue to flee and go across to other countries. He knows what he's doing. He did it with his own company, and now we're continuing to have that happen with other companies.

Well, obviously, since the President, based on the things he said about his so-called jobs bill, has not read the bill, clearly, that's how we know he's not misrepresenting things, he just doesn't know what his bill says. And, in fairness, he could not possibly know what his bill says because he was on the road for 4 or 5 days, the whole time the bill was being written, demanding we pass a bill that hadn't even been written.

I'll just flip through some of the provisions here. We're told, once again, just like we were in January of 2009, that we must pass the President's bill, just like in 2009, because it's going to provide bridges and infrastructure. I'm surprised that in 2½ short years the President was thinking people would have already forgotten that he used that sales pitch to sell a nearly trillion-dollar bill that didn't do anything he said it would. And then I found out today—my friend, MICK MULVANEY, pointed out this morning that when adjusted for inflation to the current level today, every interstate highway in this country had $425 billion spent in total to construct all the interstate highways we have in the country. Yet the President, in January of 2009, talked about creating all these new roads, infrastructure and bridges, and yet there was only a tiny fraction of all that

money that was used at all on such infrastructure, and if he had taken half of that money and used it on infrastructure, we could have had an entirely new interstate highway system to mirror the one that we already have.

It is amazing the kind of money that was squandered with nothing to show for it. That's the embarrassing part. If we had more people employed today than ever before, then even though it was an abandonment of free market principles, I would have to be grateful that there were new jobs and people were employed. You want to help people? Let them get a job that was not a giveaway from some government agency. Let them earn their own keep.

□ 2140

For those of us who believe the Bible—I won't try to shove my religious beliefs on anybody else, but for those of us who do believe the Bible, you can look. Before there was a fall from grace, before such a thing as some people call ''sin'' was ever introduced into the world by improper choices, God gave Adam and Eve—not Adam and Steve, but Adam and Eve—a job.

He said, ''Tend the garden.'' They were in a perfect paradise where there were no thorns, no sweat—a perfect paradise. People had a job. ''Tend the garden.''

A job is a good thing. It builds self-esteem, and it allows people to give of themselves to help others, not to come to Washington and use and abuse the taxing authority to take people's money to give to our favorite charity. It's for individuals to be blessed because they earned money at their own jobs and then helped people.

I believe the Creator knew how much good that did our hearts, minds and souls to earn something and then help ourselves and others who need it.

That's not what you find in the President's so-called ''jobs bill.'' Just when we thought, surely, Washington had learned a big, big lesson about the disaster when the Federal Government starts getting into the business of financing things, we have the President proposing what he calls the American Infrastructure Financing Authority, page 40. It's another massive bureaucracy.

Who would control it?

Oh. Well, it's a financing authority, so maybe it's not run by the government. Fannie and Freddie had government fingerprints all over them, all over some of the worst problems. Maybe the President learned a lesson from the damage done to this country by Fannie and Freddie being improperly managed.

Then you can turn the page to page 41 and see, oh, the board of directors of the American Infrastructure Financing Authority consists of seven voting members appointed by the President. How about that. How about that. I guess the President didn't learn his lesson. He thinks the government is still the way to go about, not only funding housing for 100,000, 200,000, 300,000 or so, but now we'll fund billions of dollars in infrastructure financing. He'll stand good for that.

Ironically, just as in the President's so-called ''stimulus bill'' in January of 2009, where the President promised all this great infrastructure and it turned out it was just a tiny bit of infrastructure compared to the overall amount, we find he has done the same thing in this new so-called ''jobs bill.'' There's a little bit of money for infrastructure, but compared to $450 billion, it is a tiny drop in the bucket. There's a little revenue generated here by auctioning off some broadband spectrum. Oh, I see there are provisions here where the public will relinquish some of its licenses and where other people will relinquish different things.

I always hate to see that word when the government makes people relinquish things, but the language is there.

Then what we get by selling off a little bit of broadband spectrum is found at page 75 of the President's bill, called the Public Safety Broadband Network. If individuals in this country were disappointed that the Federal Communications Commission, the FCC, did not totally control the airwaves the way they wanted them to—maybe they wish there'd been a Fairness Doctrine reinstated or maybe they wanted the Federal Government to just exercise with an iron fist its authority, which I think would be unconstitutional, but to limit speech—well then, people would have to be encouraged by this new entity, the Public Safety Broadband Network, because it will take over the broadband for us.

But not to worry. We'll call it a ''corporation,'' so it won't be government, right? Wrong.

If you look at page 76, even though it says it will be established as a private, nonprofit corporation, it turns out the members of the board will be the Secretary of Commerce, the Secretary of Homeland Security, the Attorney General of the United States, the Director of the Office of Management and Budget, and they will go about appointing 11 more individuals to serve as non-Federal members of the board.

Well, happy days, happy days.

More and more government.

It's interesting. There's a little money for a reemployment program. How many reemployment programs are we going to throw money away on to train people for jobs that don't exist? How about allowing the public sector to have that money?—which is not available to borrow when the Federal Government is sucking that money out of use by the private sector. It's not there to be borrowed and used to build up companies, to build up jobs, to create jobs. Oh, no. The Federal Government is taking it to build more government—more training programs for jobs that don't exist.

Then there's a new program here at page 106 that most people have never heard about, and I really doubt that the President knows it's here. It's a new program, entitled Short-Term Compensation Program. It does say that it's initially voluntary, but it also says if an employer reduces the number of hours worked by employees in lieu of layoffs—and I've had people tell me they were doing this, where, for example, they didn't want to lose their valuable employees, but business was terrible, so they all agreed among themselves they would take a reduction in hours/a reduction in pay so that they could save the company, weather the storm, maybe get to January 2013 when the economy would rebound because we'd have new free market principles put in place and things would take off. Then everybody could go back to making an even a better living.

Under this provision, if you're part of the President's new program and if you reduce by at least 10 percent the hours of your employees, then according to subsection 3, those employees would be eligible for unemployment compensation. That means the unemployment tax rate for that employer would go up. I've heard from employers who've said, If you raise my unemployment tax rate, I'm going to have to lay off a whole lot of employees instead of being able to save the company, save their jobs and weather this storm.

It does say on down the page, under subsection 7, that if an employer provides health benefits and retirement benefits under a defined benefit plan, then the State agency is required to certify that such benefits will continue to be provided, which means, for the employers I talked to who are struggling and just trying to hold on, they're not going to be able to hold on. They're going to have to keep providing benefits at the same level. They're trying to weather the storm, which is what companies normally do just to survive. That's what individual mom and pop operations do—they cut their budgets. Not here in Washington.

One of the best things I've heard all year is when Chairman RYAN said the vision he has for our budget includes finally adopting a zero baseline budget. I am so grateful to Chairman RYAN. He sees the same thing I do. We need to have a zero baseline—in other words, no automatic increases. It started in 1974. It's time it quit because a mom and pop operation—a mom operation, a pop operation, any operation, any business. When times are tough, they have to cut. Not here in Washington. Under the rules set up in 1974, there is a formula so that we have automatic increases every year. It's time to stop it.

□ 2150

If an agency is going to get additional money, they need to prove that they should get it. But as I started off this hour, Mr. Speaker, saying this House has adopted a budget that cut our legislative budgets by 5 percent across the board, it's time we exercise our moral authority and say everybody else in the Federal Government is

going to have to have the same kind of 5 percent cut across the board. And when we do that 6 percent to our budget next year, it's time to demand, after we do it in the House, everybody else in the Federal Government has to do it too.

There's so many other provisions that have nothing to do with creating jobs, and you can look at page 134 and see that the President, who's talked about all these millionaires and billionaires need to pay their fair share, even though we're now approaching 50 percent of the country that will not pay income tax.

If the President believes what he says, Mr. Speaker, it is time to call the bluff and say, all right, then let's have a flat tax, everybody pays the same amount, it doesn't matter if you're an ultra zillionaire, billionaire, if you're one of the poorer workers, everybody is going to have an investment, as the President likes to say in this government, and that way they'll have more interest in what happens. They'll have more interest in seeing we don't waste so much money up here, and we can do that.

This is why I'm sure, also, the President never read the bill that he demands we pass, that I explained earlier, why we know now neither the President nor Leader REID had any intention of this bill passing, so they didn't bother to meet the constitutional requirements.

At page 135, the President's bill defines what he's been calling a billionaire and a millionaire as a taxpayer whose adjusted gross income is above, C, $125,000 in the case of married filing separately; 250,000 in the case of a joint return. But if you're a gay couple living together, then you can be grateful to the President because you can claim $200,000 or $225,000 as your exemption amount.

But even at that rate, I'm from East Texas, and the public schools I went to were awfully good, but they taught me that when a number has six figures in it, it isn't a million and it isn't a billion. So when the President's bill says $125,000 if you're married, that's the exemption you've got before they start slapping you with extra tax, and I haven't heard anybody else but me talk about this, but down in subsection C on page 135, not only does the President not do away with the alternative minimum tax, as the title says there's an additional AMT amount in the President's bill.

Now there's a jobs bill. People you're calling millionaires and billionaires and define it as somebody that makes $125,000, you slap them with extra alternative minimum tax, you take away deductions.

I'm telling you, Mr. Speaker, it is time that we had a flat tax across the board. Everybody would pay their fair share. And the more money you make on a flat tax, the more money you're going to pay in.

I agree with Art Laffer, who was telling me, there is a strong justification for two deductions only, the mortgage interest deduction and charitable contribution deduction. All the others go away. Now that would be a fair tax. Everybody would pay their fair share. And since the President's not aware of how oil companies work, and since they've spent more and more and more money than ever in the Interior Department budget to consider permits to drill for oil or gas, we've gone from 140-something permits that cost a whole lot less to process to now processing double-digit permits, we're losing jobs.

I hear from people in the Gulf affected by the Deepwater Horizon explosion by the President's good friends at British Petroleum, who were all set to endorse the President's cap-and-trade bill before the blowout, and then they had to postpone that. But when you eliminate deductions that only keep independent oil companies alive, then it affects the majors in only one way, and that is you drive out all the independent producers, the majors will be able to charge more than ever, they'll make more profit than ever.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 3 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

In the few minutes I have left, with so many wanting to destroy our way of life, with so many out of work, such a troubled time here, I want to finish my time on the floor tonight by reading the words of a man named Abraham Lincoln. In 1851 he wrote to his stepbrother encouraging him about the last illness of their father.

Lincoln said: ''I sincerely hope father may recover his health; but at all events tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow and numbers the hairs of our head, and He will not forget the dying man who puts his trust in Him.''

In 1858, Abraham Lincoln said: ''Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.''

And then finally this from his speech in 1861, as he left Springfield, Illinois, to head for Washington, and I close with this, Mr. Speaker:

''I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will yet be well.''

It is with that faith in that same Divine Being that I have hope for the future, and with that, Mr. Speaker, I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An act to implement the United States-Columbia Trade Promotion Agreement.

H.R. 3079. An act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An act to implement the United States-Korea Free Trade Agreement.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Friday, October 14, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2011 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Shane Wolfe	9/9	9/13	United Kingdom		2,072.00		1,385.80				3,457.80
Per Diem Returned					(397.56)						(397.56)
Jonathan Duecker	9/8	9/13	United Kingdom		2,590.00		1,385.80				3,975.80
Per Diem Returned					(400.00)						(400.00)
Committee total					3,864.44		2,771.60				6,636.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PETER T. KING, Chairman, Sept. 18, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, Oct. 4, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3465. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Intergovernmental Review received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3466. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Award Fee Reduction or Denial for Health or Safety Issues (DFARS Case 2011-D033) (RIN: 0750-AH37) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3467. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Annual Representations and Certifications (DFARS Case 2009-D011) (RIN: 0750-AG39) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3468. A letter from the Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB24) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3469. A letter from the Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Indorsement and Payment of Checks Drawn on the United States Treasury (RIN: 1510-AB25) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3470. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Rate Increase Disclosure and Review: Definitions of ''Individual Market'' and ''Small Group Market'' [CMS-9999-F] (RIN: 0938-AR26) received September 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3471. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Change of Name and Function; Technical Amendment [Docket No.: FDA-2011-N-0002] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3472. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination to waive restrictions of Section 1003 of Public Law 100-204; to the Committee on Foreign Affairs.

3473. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-099, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3474. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-101, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3475. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-097, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3476. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-156, ''Saving D.C. Homes from Foreclosure Temporary Amendment Act of 2011''; to the Committee on Oversight and Government Reform.

3477. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-155, ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2011''; to the Committee on Oversight and Government Reform.

3478. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3479. A letter from the Deputy Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Reorganization of Title 30 [Docket ID: BOEM-2011-0070] (RIN: 1010-AD79) received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3480. A letter from the management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Commonwealth of the Northern Mariana Islands Transitional Worker Classification [CIS No.: 2459-08; DHS Docket No.: USCIS-2008-0038] (RIN: 1615-AB76) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3481. A letter from the Office Chief, Department of Homeland Security, transmitting the Department's final rule — Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas [USCG-2011-0874] received September 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A and A109AII Helicopters [Docket No.: FAA-2011-0861; Directorate Identifier 2010-SW-092-AD; Amendment 39-16778; AD 2011-17-14] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River from the border between Montana and North Dakota [Docket No.: USCG-2011-0511] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Saddle-Mount Braking Requirements [Docket No.: FMCSA-2010-0271] (RIN: 2126-AB30) received September 23, 2011; to the Committee on Transportation and Infrastructure.

3485. A letter from the Attorney — Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North

Tonawanda, NY [Docket No.: USCG-2011-0718] (RIN: 1625-AA00) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-45 Series and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0998; Directorate Identifier 2010-NE-29-AD; Amendment 39-16783; AD 2011-18-01] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Copperhill, TN [Docket No.: FAA-2010-0402; Airspace Docket No. 11-ASO-18] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC120B Helicopters [Docket No.: FAA-2011-0859; Directorate Identifier 2010-SW-052-AD; Amendment 39-16777; AD 2011-17-13] (RIN: 2120-AA64) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Clemson, SC [Docket No.: FAA-2011-0394; Airspace Docket No. 11-ASO-17] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, A109C, and A109K2 Helicopters [Docket No.: FAA-2011-0823; Directorate Identifier 2011-SW-018-AD; Amendment 39-16765; AD 2011-17-01] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hawaiian Islands, HI [Docket No.: FAA-2010-0754; Airspace Docket No. 11-AWP-12] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Route Q-37; Texas [Docket No.: FAA-2009-0867; Airspace Docket No. 09-ASW-16] (RIN: 2120-AA66) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Forest, VA [Docket No.: FAA-2011-0378; Airspace Docket No. 11-AEA-11] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Program Analyst, Department of Transprotation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16782; AD 2009-10-09 R2] (RIN: 2120-AA64) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. GARRETT (for himself, Mr. PAUL, Mr. LAMBORN, Mr. JONES, Mr. WESTMORELAND, Mrs. MYRICK, Mr. WALSH of Illinois, Mr. FLORES, Mr. PITTS, Mr. HUELSKAMP, Mr. RIBBLE, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. PEARCE, Mr. KINGSTON, and Mr. ROSS of Florida):

H.R. 3176. A bill to allow a State to opt out of K–12 education grant programs and the requirements of those programs, to amend the Internal Revenue Code of 1986 to provide a credit to taxpayers in such a State, and for other purposes; to the Committee on Ways and Means, 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. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 3177. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3178. A bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOMACK (for himself, Ms. SPEIER, Mr. POE of Texas, Mr. DIAZ-BALART, Mr. ROSS of Florida, Mrs. MALONEY, Mr. WELCH, Ms. MCCOLLUM, Mr. DUNCAN of Tennessee, and Mr. MILLER of North Carolina):

H.R. 3179. A bill to improve the States' rights to enforce the collection of State sales and use tax laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Mr. HOLDEN, Ms. SCHWARTZ, Mr. FITZPATRICK, Mr. SHUSTER, Mr. GERLACH, Mr. THOMPSON of Pennsylvania, Mr. ALTMIRE, Mr. MARINO, Mr. DENT, Mr. DOYLE, Mr. PLATTS, Mr. MEEHAN, Mr. FATTAH, and Mr. CRITZ):

H.R. 3180. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the U.S.S. Cruiser Olympia; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3181. A bill to establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3182. A bill to designate the United States courthouse located at 222 West 7th Avenue in Anchorage, Alaska, as the ''James M. Fitzgerald United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH:

H.R. 3183. A bill to amend title XXVII of the Public Health Service Act to exempt licensed independent insurance producer remuneration from the medical loss ratio; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Ms. BROWN of Florida, Mr. FILNER, Mr. RUSH, Ms. JACKSON LEE of Texas, Mrs. MALONEY, Mr. QUIGLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. TOWNS, Ms. KAPTUR, Mr. AL GREEN of Texas, Ms. NORTON, and Mr. CONYERS):

H.R. 3184. A bill to amend the Small Business Act to ensure fairness and transparency in contracting with small business concerns; to the Committee on Small Business, 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. LATTA (for himself, Mr. ROSS of Florida, Mr. WILSON of South Carolina, and Mr. KLINE):

H.R. 3185. A bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HIMES, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. LIPINSKI, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MORAN, Ms. NORTON, Mr. OLVER, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. THOMPSON of California, Mr. TONKO, Ms. TSONGAS, and Mr. WAXMAN):

H.R. 3186. A bill to amend the Internal Revenue Code of 1986 to reduce tobacco smuggling, and for other purposes; to the Committee on Ways and Means.

By Mr. DOLD (for himself, Mrs. LOWEY, Mr. BASS of New Hampshire, Mrs. BIGGERT, Mr. DENT, Mr. WELCH, Mr. KINGSTON, Mr. SHIMKUS, Mr. MCKINLEY, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. KELLY, Mr. LANDRY, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mrs. ELLMERS, Mr. MCCAUL, and Mr. MCGOVERN):

H.R. 3187. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD:

H.R. 3188. A bill to maintain American leadership in multilateral development banks in order to support United States economic and national security by authorizing general capital increases for the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development, and for other purposes; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. HINCHEY, Mr. RANGEL, and Mr. TOWNS):

H.R. 3189. A bill to direct the Secretary of Education to establish a program to provide grants for cardiopulmonary resuscitation and automated external defibrillator training in public elementary and secondary schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CICILLINE:

H.R. 3190. A bill to amend the Federal Deposit Insurance Act to prohibit insured depository institutions from charging consumers fees for the use of debit cards; to the Committee on Financial Services.

By Mr. CICILLINE (for himself, Mr. LANGEVIN, Mr. MCGOVERN, and Mr. NEAL):

H.R. 3191. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. COURTNEY, Ms. BALDWIN, Ms. BORDALLO, Mr. PETRI, Mr. KIND, and Mr. HONDA):

H.R. 3192. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

By Mr. FINCHER:

H.R. 3193. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

By Mr. GRIFFIN of Arkansas:

H.R. 3194. A bill to provide for a moratorium on certain regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. SENSENBRENNER):

H.R. 3195. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. FRANKS of Arizona):

H.R. 3196. A bill to amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mrs. MCMORRIS RODGERS:

H.R. 3197. A bill to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. NEAL:

H.R. 3198. A bill to amend title XVIII of the Social Security Act and title XXVII of the Public Health Service Act to improve coverage for colorectal screening tests under Medicare and private health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. BENISHEK):

H.R. 3199. A bill to provide a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol blends, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CARNAHAN (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. BOSWELL, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. CAPUANO, Mr. CHANDLER, Ms. CHU, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Mr. DIAZ-BALART, Mr. DOYLE, Mr. ENGEL, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HIRONO, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KING of New York, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PETERS, Mr. QUIGLEY, Mr. RAHALL, Mr. RANGEL, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Mr. SHULER, Mr. SIRES, Ms. SUTTON, Mr. BISHOP of New York, Mr. CLAY, Mr. COHEN, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. ELLISON, Ms. FUDGE, Mr. GARAMENDI, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. PALLONE, Mr. PERLMUTTER, Mr. TOWNS, Ms. TSONGAS, Mrs. MILLER of Michigan, Mrs. BIGGERT, Mr. TIBERI, Mr. LOBIONDO, Ms. BALDWIN, Mr. MORAN, Ms. WATERS, Mr. ACKERMAN, Mr. ALTMIRE, Mr. BARROW, Mr. BLUMENAUER, Mr. CARSON of Indiana, Mr. COSTELLO, Mr. DEUTCH, Mr. GUTIERREZ, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PASCRELL, Mr. BRALEY of Iowa, Ms. JACKSON LEE of Texas, Ms. SEWELL, Mr. CLEAVER, Mr. CARTER, Ms. BORDALLO, Mr. KILDEE, Mrs. CAPPS, Mr. TONKO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLARKE of Michigan, Mr. LYNCH, Mr. PAYNE, Mr. CICILLINE, Mr. DINGELL, Mr. SERRANO, Mr. KEATING, Mr. WAXMAN, Mr. CROWLEY, Mr. KUCINICH, Mr. HOLDEN, Ms. EDWARDS, Mr. DEFAZIO, Mr. MICHAUD, Mr. GENE GREEN of Texas, Ms. LEE of California, and Mr. WALZ of Minnesota):

H.R. 3200. A bill to provide flexibility of certain transit functions to local entities; to the Committee on Transportation and Infrastructure.

By Ms. WATERS:

H.R. 3201. A bill to amend the Budget Control Act of 2011 to eliminate the Joint Select Committee on Deficit Reduction; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. CLARKE of Michigan):

H. Res. 434. A resolution celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Res. 435. A resolution condemning the persecution of political opposition leader Yulia Tymoshenko as well as other political prisoners, among them former internal affairs minister Yuri Lutsenko; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut:

H. Res. 436. A resolution supporting the goals and ideals of October, 2011, as ''National Youth Justice Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H. Res. 437. A resolution recognizing the security challenges of convening government officials in one specific place and directing the House of Representatives to take appropriate steps so that the House of Representatives can meet in a virtual setting; to the Committee on the Judiciary, and in addition to the Committees on Rules, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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.

[Omitted from the Record of August 1, 2011]

By Mr. TOWNS:

H.R. 2785.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the ''General Welfare Clause.'' This provision grants Congress the broad power ''to pay the Debts and provide for the common defense and general welfare of the United States.''[1]

[1] Please note, pursuant to Article I, section 8, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

[Omitted from the Record of August 5, 2011]

By Ms. FUDGE:

H.R. 2795.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 9, Clause 7 of the U.S. Constitution: Congress has the power to enact this legislation pursuant to the following: No Money

shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. GARRETT:

H.R. 3176.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment to the Constitution: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

By Mr. MCGOVERN:

H.R. 3177.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1 Section 8 of the United States Constitution, Clause 3, which says, ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,'' and Clause 18, which says, ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.''

By Ms. WOOLSEY:

H.R. 3178.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. WOMACK:

H.R. 3179.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause of the U.S. Constitution, Article I, Section 8, Clause 3.

By Mr. BRADY of Pennsylvania:

H.R. 3180.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 5 and 6.

By Mr. YOUNG of Alaska:

H.R. 3181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

Article I, Section 8, Clause 18

By Mr. YOUNG of Alaska:

H.R. 3182.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

By Mr. YARMUTH:

H.R. 3183.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. JOHNSON of Georgia:

H.R. 3184.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the U.S. Constitution

By Mr. LATTA:

H.R. 3185.

Congress has the power to enact this legislation pursuant to the following:

This resolution is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. DOLD:

H.R. 3187.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 5 which states ''The Congress shall have the power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standards of Weights and Measures.''

By Mr. DOLD:

H.R. 3188.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to ''regulate commerce with foreign Nations and among the several States.'' This legislation authorizes general capital increases for multi-lateral development banks.

By Mrs. CAPPS:

H.R. 3189.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. CICILLINE:

H.R. 3190.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CICILLINE:

H.R. 3191.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COSTA:

H.R. 3192.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. FINCHER:

H.R. 3193.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GRIFFIN of Arkansas:

H.R. 3194.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. LEWIS of Georgia:

H.R. 3195.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3196.

Congress has the power to enact this legislation pursuant to the following:

The Peremptory Challenge Act of 2011 is authorized by Article 1 Section 8 under the Commerce Clause and the authority to constitute Tribunals inferior to the Supreme Court

By Mrs. MCMORRIS RODGERS:

H.R. 3197.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8.

By Mr. NEAL:

H.R. 3198.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clauses 3 and 18 of article I of the Constitution.

By Mr. SENSENBRENNER:

H.R. 3199.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. CARNAHAN:

H.R. 3200.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. WATERS:

H.R. 3201.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. PELOSI and Mr. HOYER.

H.R. 23: Ms. HERRERA BEUTLER and Mr. HIMES.

H.R. 114: Mr. AUSTIN SCOTT of Georgia.

H.R. 152: Mr. SCHWEIKERT.

H.R. 181: Mr. BISHOP of New York.

H.R. 210: Mr. TONKO.

H.R. 459: Mrs. NOEM, Mr. BARROW, and Mr. SCALISE.

H.R. 593: Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUIZENGA of Michigan, and Mr. AUSTRIA.

H.R. 615: Mr. SHIMKUS, Mr. WALDEN, and Mr. POMPEO.

H.R. 674: Mr. RYAN of Wisconsin.

H.R. 718: Mr. FRELINGHUYSEN and Ms. ESHOO.

H.R. 719: Mr. ROGERS of Kentucky, Mr. HULTGREN, Mr. SAM JOHNSON of Texas, and Mr. PASTOR of Arizona.

H.R. 733: Mr. BISHOP of Georgia and Mr. KIND.

H.R. 750: Mr. YODER and Mr. MARINO.

H.R. 791: Mr. SARBANES.

H.R. 812: Mr. MORAN, Mr. MURPHY of Pennsylvania, Ms. CHU, and Ms. SLAUGHTER.

H.R. 822: Mr. CALVERT.

H.R. 835: Ms. PINGREE of Maine.

H.R. 860: Mr. HINOJOSA, Mr. COLE, Mr. GRIMM, Mr. TONKO, Mr. PAULSEN, Mr. DIAZ-BALART, and Mr. KILDEE.

H.R. 886: Mr. PASTOR of Arizona, Mr. GUTIERREZ, Mr. SIRES, Mr. GONZALEZ, Mr. REYES, Mr. BACA, Mr. COSTA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. PIERLUISI, Mr. BECERRA, Ms. LEE of California, Mrs. BIGGERT, and Mr. PALAZZO.

H.R. 943: Ms. KAPTUR.

H.R. 948: Ms. HIRONO.

H.R. 1005: Mr. NUNES.

H.R. 1041: Mr. YARMUTH.

H.R. 1063: Mr. GINGREY of Georgia, Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, and Mr. HIMES.

H.R. 1085: Ms. CASTOR of Florida.

H.R. 1173: Mr. WALSH of Illinois.

H.R. 1179: Mr. KING of New York, Mr. LATHAM, and Mr. MCINTYRE.

H.R. 1195: Mr. TOWNS and Ms. HOCHUL.

H.R. 1199: Ms. KAPTUR.

H.R. 1206: Mrs. BIGGERT.

H.R. 1219: Mr. TOWNS and Mr. JOHNSON of Illinois.

H.R. 1235: Mr. FLAKE.

H.R. 1342: Mr. GOSAR, Mr. KINZINGER of Illinois, and Mr. JACKSON of Illinois.

H.R. 1418: Mr. JACKSON of Illinois.

H.R. 1513: Mr. MCGOVERN and Mr. KUCINICH.

H.R. 1558: Mr. GRAVES of Missouri.

H.R. 1639: Mr. GOODLATTE, Mr. CHANDLER, and Mr. GARY G. MILLER of California.

H.R. 1653: Mr. SIRES, Mr. BROUN of Georgia, and Mr. CALVERT.

H.R. 1704: Mr. HONDA.

H.R. 1724: Ms. HAHN and Ms. SCHAKOWSKY.

H.R. 1744: Mr. ROYCE, Mr. SHIMKUS, and Ms. HAYWORTH.

H.R. 1780: Mr. COHEN.

H.R. 1781: Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of North Carolina, and Mr. CLAY.

H.R. 1802: Mr. JACKSON of Illinois and Mr. JOHNSON of Georgia.

H.R. 1834: Mr. CANSECO.

H.R. 1878: Mr. CARNAHAN.

H.R. 1904: Mr. SESSIONS.

H.R. 1957: Mr. MICHAUD.

H.R. 1983: Mr. MORAN, Mr. INSLEE, Mr. OLVER and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2014: Mr. PAUL.

H.R. 2032: Mr. CASSIDY and Mr. ROSS of Florida.

H.R. 2033: Mr. PRICE of North Carolina.

H.R. 2054: Mrs. SCHMIDT.

H.R. 2059: Mr. SCHWEIKERT, Mr. MCCAUL, Mr. SHIMKUS, Mr. DUNCAN of Tennessee, Mrs. ADAMS, and Mr. SAM JOHNSON of Texas.

H.R. 2088: Ms. SCHAKOWSKY, Mr. HIMES, and Mr. COHEN.

H.R. 2180: Mr. COHEN.

H.R. 2182: Mr. KEATING.

H.R. 2200: Mrs. MALONEY, Ms. WATERS, Mr. SMITH of Texas, Mr. FILNER, Mr. HINCHEY, Mr. GALLEGLY, and Ms. KAPTUR.

H.R. 2245: Mr. WOMACK and Mr. WEST.

H.R. 2248: Ms. BASS of California, Mr. FARR, Mr. CLAY, Mr. BISHOP of New York, Ms. NORTON, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Ms. MOORE, and Ms. CASTOR of Florida.

H.R. 2267: Mr. HEINRICH, Mr. LOBIONDO, Mr. CRITZ, Mr. WITTMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DUFFY.

H.R. 2287: Mr. KILDEE.

H.R. 2299: Mr. BROUN of Georgia and Mr. WALSH of Illinois.

H.R. 2310: Mr. HIMES.

H.R. 2357: Mr. PASTOR of Arizona.

H.R. 2446: Mr. HINOJOSA, Mr. ROSS of Arkansas, Mr. COHEN, Mrs. CAPITO, and Ms. SEWELL.

H.R. 2447: Mr. POLIS, Mr. WAXMAN, Mr. BECERRA, Mr. NEAL, Mr. HOLT, Mr. KUCINICH, Ms. SUTTON, Mr. DOYLE, Mr. DOGGETT, Mr. GONZALEZ, Mr. ACKERMAN, Ms. VELÁZQUEZ, Mr. ENGEL, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. CUELLAR, Mr. SCHOCK, Mr. DEFAZIO, Mr. DIAZ-BALART, Mr. DUNCAN of Tennessee, Mrs. CAPITO, Mr. NEUGEBAUER, Mr. GARRETT, Mr. MARKEY, Mr. KIND, Mr. BOUSTANY, Mr. LANCE, Mr. BILBRAY, Mr. DREIER, Mr. SOUTHERLAND, Mr. MACK, Mr. ROONEY, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. STUTZMAN, Mr. WHITFIELD, Mr. ALEXANDER, Mr. UPTON, Mr. REHBERG, Mr. BASS of New Hampshire, Mr. MCHENRY, Mr. DUNCAN of South Carolina, Mr. MULVANEY, Mr. BARTON of Texas, Mr. CULBERSON, Mr. CARTER, Mr. FORBES, Mr. BROOKS, Mr. ROYCE, Mr. ROHRABACHER, Mr. KELLY, Mr. LANKFORD, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. TERRY, Mr. BERMAN, Mr. NUNES, Mr. OLSON, Mr. RENACCI, Ms. JENKINS, Mr. GARY G. MILLER of California, Mr. MANZULLO, Mr. BUCHANAN, Mrs. MILLER of Michigan, and Mr. SCHILLING.

H.R. 2471: Mr. SMITH of Nebraska.

H.R. 2514: Mr. YODER.

H.R. 2541: Mrs. LUMMIS.

H.R. 2563: Mr. PLATTS, Mr. GRIFFIN of Arkansas, and Mr. PALAZZO.

H.R. 2569: Mr. BOUSTANY, Mr. CAMPBELL, and Mr. FLAKE.

H.R. 2597: Mr. MCCOTTER.

H.R. 2662: Mr. ROSS of Florida, Mrs. SCHMIDT, Ms. GRANGER, Mr. HUIZENGA of Michigan, Mr. FRANKS of Arizona, Mr. FORBES, Mr. KINGSTON, and Mr. WALSH of Illinois.

H.R. 2672: Mr. PAULSEN.

H.R. 2789: Mr. POSEY, Mr. BROOKS, Mrs. MYRICK, Mr. PITTS, Mr. COLE, Ms. JENKINS, and Mr. FARENTHOLD.

H.R. 2815: Mr. LIPINSKI.

H.R. 2874: Mr. BOREN and Mr. HUELSKAMP.

H.R. 2899: Mr. SMITH of New Jersey and Mr. MCCOTTER.

H.R. 2900: Mrs. HARTZLER and Mr. COLE.

H.R. 2945: Mr. CANSECO.

H.R. 2948: Ms. MOORE and Mr. BISHOP of Georgia.

H.R. 2953: Ms. BASS of California.

H.R. 2959: Mrs. MCMORRIS RODGERS.

H.R. 2964: Mr. HARRIS, Ms. JENKINS, Mr. WESTMORELAND, Mr. MILLER of Florida, and Mr. CANSECO.

H.R. 2966: Mr. PRICE of North Carolina.

H.R. 2997: Mr. GRIFFIN of Arkansas, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. HANNA, Mr. COBLE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. MARINO, Mr. BILBRAY, Mr. HECK, Mr. KINGSTON, Mr. MILLER of Florida, Mr. NUGENT, Mr. MULVANEY, Mr. FLEISCHMANN, Mr. WEST, Mr. LANDRY, Mr. ROKITA, Mr. SCHILLING, Mr. WALBERG, Mr. NUNNELEE, Mr. PRICE of Georgia, Mr. YOUNG of Florida, Mr. HULTGREN, Mr. SHUSTER, Mr. COLE, Mr. MEEHAN, Mr. SENSENBRENNER, Mr. DANIEL E. LUNGREN of California, Mr. CANSECO, Mr. HERGER, Mr. DIAZ-BALART, Mr. BARLETTA, Mr. BENISHEK, Mr. AUSTIN SCOTT of Georgia, Mr. JOHNSON of Ohio, Mr. GARDNER, Mr. KLINE, Mr. HALL, Mr. FARENTHOLD, Mr. MCCAUL, Mr. FLORES, Mr. ROHRABACHER, Mrs. MILLER of Michigan, Mrs. BLACK, Ms. BUERKLE, Mr. FINCHER, Mr. PALAZZO, Mr. WOMACK, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. DENHAM, Mr. KINZINGER of Illinois, Mr. AMODEI, Mr. ROSS of Arkansas, Mr. LATHAM, and Mr. BERG.

H.R. 3000: Mr. THOMPSON of Pennsylvania.

H.R. 3032: Mr. BISHOP of Utah.

H.R. 3035: Mr. MULVANEY.

H.R. 3046: Mr. PLATTS and Mr. FILNER.

H.R. 3058: Mr. KLINE.

H.R. 3059: Mr. FILNER and Ms. DEGETTE.

H.R. 3074: Mr. COLE.

H.R. 3076: Ms. FUDGE and Mr. CONYERS.

H.R. 3077: Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. JACKSON of Illinois, Ms. WOOLSEY, and Mr. DEFAZIO.

H.R. 3087: Mr. KINZINGER of Illinois.

H.R. 3104: Mr. DUNCAN of South Carolina, Mr. POSEY, Mr. GOHMERT, Mr. ROSS of Florida, and Mr. HUIZENGA of Michigan.

H.R. 3126: Mr. HOLT and Mr. LOEBSACK.

H.R. 3135: Mr. SCOTT of South Carolina, Mr. HUIZENGA of Michigan, and Mr. LATTA.

H.R. 3138: Mr. HEINRICH and Ms. PINGREE of Maine.

H.R. 3154: Mr. PLATTS, Mr. LANGEVIN, and Ms. CHU.

H. Con. Res. 63: Mr. DICKS and Mr. PAYNE.

H. Con. Res. 72: Mr. HANABUSA.

H. Res. 16: Mrs. DAVIS of California.

H. Res. 20: Mr. MCGOVERN.

H. Res. 98: Mr. WESTMORELAND, Mr. HULTGREN, Mr. POE of Texas, and Mr. CRENSHAW.

H. Res. 364: Mr. KIND, Mr. GARAMENDI, Mr. SCOTT of South Carolina, and Mrs. HARTZLER.

H. Res. 397: Mr. TOWNS.

H. Res. 401: Mr. ELLISON.

H. Res. 402: Mr. HARRIS.

H. Res. 403: Mr. COFFMAN of Colorado and Mr. FRANKS of Arizona.

H. Res. 429: Mr. HIGGINS.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, OCTOBER 13, 2011 *No. 153*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal God, hallowed be Your Name. Today, empower our lawmakers to run with patience the race that is set before them, looking to You, the author and finisher of our faith. Keep them from discouragement as You help them to be persistent in their efforts to meet today's challenges with faith and trust in You. Sustain them ever in Your grace and bestow upon them Your abundant Spirit.

Lord, give uncommon wisdom to the Joint Select Committee on Deficit Reduction. As its members strive to forge a deficit reduction plan, grant them wisdom and courage for the living of these days.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business until noon. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes. At noon, the Senate will be in executive session to consider the Nathan, Hickey, and Forrest nominations. They are all nominated to be U.S. district court judges. We expect two rollcall votes at around 2 p.m. in relation to these nominations.

Additionally, there is a joint meeting of Congress today at 4 p.m. with the President of South Korea. Senators will gather on the floor at 3:40 p.m. to proceed to the House. We will do that together.

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. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

WELCOMING THE PRESIDENT OF SOUTH KOREA

Mr. MCCONNELL. Mr. President, later today, Senators will have the opportunity to hear from South Korean President Lee, and I know we all look forward to it.

South Korea is a stalwart ally that enjoys a flourishing economy. It is a shining example of how embracing democracy and free market principles can transform a society for the good.

Imagine, in 50 years, they went from a civil war to a military dictatorship to an evolving democracy and on the economic side to a thriving capitalist country that has the 13th largest economy in the world—from a country that was a recipient of foreign aid and Peace Corps volunteers to a country with its own foreign aid program and its own peace corps—all of that in 50 years, right on the same peninsula with one of the last Stalinist regimes in the world. It is a great success story that the United States has had an awful lot to do with promoting.

The South Korean Free Trade Agreement we passed overwhelmingly last night on a bipartisan basis will only make our two economies stronger. Our already strong alliance will be even stronger.

These agreements should serve as an example of the kind of bipartisan legislation Congress should be focused on right now.

Many of us have been amazed to witness, as I indicated earlier, the rapid growth and evolution of South Korea—truly a remarkable accomplishment.

So we welcome this great friend of the United States to our shores. We hope he and his wife have a memorable trip.

As we face together the threat of North Korea and the rapid changes occurring in the strategic balance in Northeast Asia, we look forward to an even stronger alliance with South Korea in the years to come.

I yield the floor.

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

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

WORKING TOGETHER

Mr. REID. Mr. President, I would just say, as my friend leaves—I know he has an appointment—the work that has been done in the last few weeks in the Senate has been very important. We have been able to work on the FEMA bill, we worked through the problems with that; China currency, we worked through that. Even though, as my friend, the distinguished Republican leader, knows, I did not agree with the trade bills—what they did—I think it is a good sign of our working together. In spite of strong feelings on both sides, people put that aside. There were no dilatory efforts made to hold them up, and we moved forward. I think that is commendable. That should be the pattern for the rest of this Congress.

I also want the RECORD to be spread with the fact that as far as congressional action, this legislation would not have happened but for the Republican leader. He has been laser focused for a long time, and there were some things we had to work through to get here, but one of the reasons I did what I did to help move this along is because of his feelings about the importance of this legislation.

JOBS

Mr. REID. Mr. President, we also need to focus on jobs. It is one of the most important things we can do—I believe the most important we can do. I am sorry that this week my Republican colleagues proved once again that the only jobs they care about are their own. They voted against a plan to create 2 million Americans jobs because they believed it was good Republican politics.

Meanwhile, 14 million unemployed Americans are worried about how they are going to make their rent, put food on the table, and fill their gas tank or how they are going to get another job interview.

These 14 million Americans could care less who proposed the plan or who gets credit to get them back to work. What they care about is that Congress gets to work putting them back to work.

Asked whether they support a plan to ask millionaires to pay their fair share to pay for tax cuts for middle-class families and small businesses, construction of roads and schools, and an extension of unemployment benefits, Americans have overwhelmingly said, yes, they support it.

The reason they do that is because, as we see in the newspaper articles around the country, the news stories: ''A quarter of U.S. millionaires pay taxes at a lower rate than some in middle class.'' It is about a 17-percent average. That is untoward.

Two-thirds of Americans support both the plan the Republicans blocked this week and the way it is paid for. Yet still, Republicans unanimously voted against these tax cuts, infrastructure investments, and jobs for teachers, police officers, and veterans. They voted, I repeat, against 2 million jobs for American workers.

My Republican colleagues pay lip service to the unemployment crisis in the country, but in the end actions speak louder than words.

As Congresswoman Barbara Jordan, the first African-American woman to be elected from the Deep South to Congress, once said:

> The citizens of America expect more. They deserve and they want more than a recital of problems.

The American people demand action. They deserve it. I hope my Republican colleagues would have a plan to create jobs, other than the constant talk about let's get rid of regulations, let's lower taxes.

Let's work together to create jobs. If my friends do not like what the President put forward, come forward with something that is constructive in nature. As Barbara Jordan said:

> The citizens of America expect more. They deserve and they want more than a recital of problems.

We can all recite the problems. There are lots of them. But let's work together to create some jobs.

I was happy to hear from some of my Republican colleagues that they want to work together to create jobs. I told one of the Senators: Wonderful. Grab any one of the Democrats; they will work with you to help create these jobs. We need to do something. We do not need to continue to recite the problems. Please get off of this, I say to my Republican friends, about lowering taxes as a way to create jobs. If that, in fact, were the case, the Bush tax cuts would have put this country on an economic machine that could never have been driven so fast. But it did not help.

Eight million jobs were lost during the Bush years with these tax cuts. During the Clinton years, 23 million jobs were created. Let's stop the constant cry: We need to lower taxes. None of us are in favor of raising taxes. But certainly we need a fair tax distribution, and that is why the American people are agreeing with us.

We are willing to work on regulations. There are too many of them. We all agree with that. But let's look specifically at what creates jobs.

One of the big issues we fought about last week was farm dust. OK. Farm dust. EPA does not regulate farm dust. They do not want to regulate farm dust. These are all just, as in the grocery business, loss leaders. It is only a way to confuse the American people. I repeat, EPA does not regulate farm dust. They do not want to regulate farm dust. Let's start talking about that which creates jobs, that which puts people back to work.

We are going to continue to do everything we can not to let the American people down. We will not stop working to pass the proposals contained in the American Jobs Act just because Republicans have used every obstructionist trick in the book to stop it from moving forward. We will continue to ask the richest Americans to share the burden of getting our economy back on track, and we will never give up in the fight to create jobs for the 14 million people in this country who are out of work.

Remember, the American Jobs Act reduces taxes for everybody, except those who make more than $1 million a year.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Georgia is recognized.

SMALL BUSINESSES

Mr. ISAKSON. Mr. President, I wish to, first of all, kind of tag on to the remarks of the leader for just a second. One of the things I wish we would do in this body is get out of the business of demonizing certain segments of our population. Both sides are guilty of it, from time to time. But I wish to particularly talk about the major employer of the United States—small business—and the leader's reference to the 5.6-percent surtax.

Documents show that 392,000 American small businesses would be impacted by a 5.6-percent surtax in order to pay for the President's jobs bill. Records show that 72 percent of the American people are employed by small business.

We have to ask ourselves this question: If we are interested in creating jobs, why would we target the job creator that creates three-fourths of the jobs in America and put a surtax on them? It does not make any sense. If there were sincerity in that offer, those people would first and foremost be carved out on any punitive surtax and we probably would have more employment.

I wanted to make that point. I will join anytime, anyplace, anywhere with the leader to work on creating jobs because that is job one for the United States of America.

I was a small businessman for 33 years, ran a small business for 22 years.

I understand the heart and soul of small business. Today I come to the floor to talk about two small businesses in Georgia and the effect of regulation on those small businesses and the decisions they have made this year that impact employment and the economy.

One is a lovely lady named Susan Kolowich. Susan is a dear friend of my wife's. My wife worked for her for 13 years, has not worked for her in the last 5 or 6 years. She opened a shop in East Cobb County, in Marietta, GA, 23 years ago called C'est Moi—''It is I.'' She loves France. She would go to France every year and buy, and she would bring back gifts which she sold in her gift shop.

It was a successful small business for 23 years, so successful that her husband Jim, who had been a Subway sandwich shop owner, decided to open a restaurant called Cafe de Paris and join it with her C'est Moi shop so people could come and shop and eat and get a flavor of France. For 10 years he ran the restaurant and for 23 years she ran the store successfully. It was difficult in the last 3 or 4 years because of the economy, but they stayed in business. But finally she threw in the towel and sold the company. She sold her shop, and Jim, her husband, sold his restaurant. They sold them because they were up to here with the oppressive regulation of our government and the continued threat of things exactly like the surtax on their small business at a time in which sales are very difficult. That is not an abstract story, that is the truth. I am sure it is happening in Mississippi, and I am sure it is happening in Wyoming.

Let me talk about a little bit larger small business, Hennessy Jaguar and Hennessy Land Rover over in Atlanta, GA. One of the principals in it is a guy named Steve Hennessy. Steve is a good friend of mine.

On January 3 of this year, I went to the OK Cafe in Atlanta to join a couple for a meeting about some legislation. It is kind of the watering hole for breakfast in Atlanta. Everybody who is anybody kind of goes there. It is a great place to eat. When I walked in the door and walked past the cash register, where you can see out into the cafe, to see if my guests I was going to meet with were there, Steve spotted me. I was not going to meet with him. He jumped up and said: JOHNNY, I need to talk to you now. He ran across the restaurant. I thought he was going to give me a bear hug, he looked so excited. He got up close, and he put his index finger right on my chin. He said: I just fired a salesman and hired two compliance officers to comply with the credit requirements of Dodd-Frank.

So regulation did create two jobs. It created two compliance officers, but it cost a salesman. Well, if you are punishing the salesman and rewarding the compliance officer, the economy is going to go straight down because you are punishing productivity, you are punishing job creation for the sake of regulatory compliance.

Now, some regulation is good. I believe our job as legislators is to see to it that we mitigate risks for the American people. But this administration appears to think its job is to eliminate risk. Well, if you eliminate risk, you stay in bed—when you wake up in the morning, you stay there until night, you do not do anything because you do not take a risk. Capitalism is about risk. Risk and reward are about our economy.

So when people talk about regulatory oppression, those are two stories in Atlanta, GA, where regulation has actually caused two businesses to be sold and jobs to be lost and another business to hire two people to comply with government regulation and fire someone who was in sales. It is backward at best, and it is wrong.

So I say to the leader, who did make an acknowledgement that he wanted to mitigate regulation, let's sit down and let's find out what we need to do. Let's call a timeout. Let's do what Senator COLLINS from Maine said. Let's take a timeout for a year. Let's try to digest and absorb the regulations we have passed without continuing to put more threatening regulations on top of businesses at a time when we have 9.1 percent unemployment in America, and in my State we have 10.2. It is time for us to be proactive on taking the shackles off American small businesses, not threaten them with surtaxes and not oppress them with regulation. Instead, let's work to empower small businesses to help us come out of this recession.

I think my dear friend Senator BARRASSO, the physician from the great State of Wyoming, wants to address precisely the same subject I am.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. BARRASSO. I am delighted to be joining my colleagues, Senator ISAKSON from Georgia, and Senator WICKER is here also from Mississippi. We think this is very important.

The leader started talking about today and said we need to focus on jobs. That is what we wanted to focus on for all of the time of the Obama administration. But, no, the President ignored jobs—ignored jobs his first year in office, ignored jobs his second year in office. Here we are more than halfway through his third year in office, and finally the President has noticed what has been on the minds of the American people.

This is a President and a majority leader who forced through this body a health care law that is bad for patients; bad for providers, the nurses and doctors who take care of those patients; and bad for taxpayers, ignoring what the American people said they wanted to focus on, which was jobs, the economy, the debt, the spending. We see a majority leader who led this body to adding more to the debt—now $14 trillion in debt—more debt, more spending, more money that is owed to China.

We need to put Americans to work. We need to get Americans back to work. The majority leader talked about 14 million Americans looking for jobs. There are over 4 million who have not worked for over a year. In that kind of a situation, it is going to be a lot harder for those folks to ever get a job again—ever get a job again.

And the regulations just keep on coming. A month ago, the President came to the Hill, visited, and had a joint session of Congress. He said: I want to get rid of some of these regulations. He said: I can identify regulations—he came out with a list of about $4 billion worth of regulations—to lower the cost of business over the next 5 years. But in the month of September alone, this administration came out with 230 proposed rules and 338 final rules. And if you go to what this administration says that those rules are going to cost the people of this country, cost the job creators of this country, even the administration, using their own numbers, that cost is going to be $10 billion.

I heard our colleague from Georgia talk about the paperwork, the compliance officers. Just yesterday, this administration came out, under Dodd-Frank, with new rules and regulations—proposed rules. They took only 11 pages of this massive bill, but only 11 pages, and when you look at the 298 pages of proposed rules that have come out, what do the government regulators, the Obama administration regulators, say it is going to cost the businesses of this country in terms of manhours having to be spent to comply with the paperwork? These aren't my numbers, these aren't Senators ISAKSON's numbers, these aren't Senator WICKER's numbers. Mr. President, 6,283,000 hours of paperwork. That is what the government experts say is going to have to be spent on paperwork to comply with one component of the Dodd-Frank law. How is that going to help? How is that kind of a drag on a society going to help create jobs?

You know, the President says: If the Republicans have ideas, we want to hear them. The majority leader stood here and said: If the Republicans have ideas, we want to hear them. Well, a month ago, a month ago to this day, when the President came to the Hill, earlier that morning a number of colleagues, House and Senate Members, came to talk about a Western Caucus Jobs Frontier bill, a number of bills Republicans have proposed breaking down Washington's barriers to America's red, white, and blue jobs.

The majority leader said we ought to spend more money. The President said we ought to spend more money. The President talked about his so-called stimulus plan, and he said it was going to save or create 3.5 million jobs. We have lost millions of jobs since this President came into office.

The President talked about green jobs. He said his clean-energy policies

would create 5 million new jobs. We have just seen the Solyndra situation—1,100 people fired because of bad bets by this administration. This is an administration that should not be betting with the taxpayers' money. It is not the administration's money. It is not the President's money. That is why the American people are so up in arms. They see what all of this spending is doing, and it is not helping jobs.

I see my colleague from Mississippi is here. We can go back and forth and talk about this. I know he has examples and situations in Mississippi. I see them in Wyoming all of the time, people having to deal with the redtape coming out of Washington. The President talks a pretty good game, but when you look at what is happening out there, the American people are very disappointed. The American people deserve better than what they are getting from this administration.

So I would ask my colleague from Mississippi whether there are things he sees happening to his friends and neighbors at home that we need to share with the rest of the country?

Mr. WICKER. Well, there is no question about it. I appreciate my two friends coming down and helping with this colloquy today.

There are two companies I want to talk about in a moment, but let me say at the outset that we all want to create jobs for Americans, there is no question about it. The President came into office wanting to create jobs. The problem is, he has not let history be a guide.

If we go ahead with this second stimulus bill, we will be following the same failed programs that not only have not created jobs for Americans, but, as a matter of fact, the policies have made things worse for Americans and for job creation. The President's proposal and the proposal the majority leader just embraced is a ''spend now, pay later'' approach. It is one that has been proven not to work. Three years after we tried this at the beginning of the President's term, we have not put more Americans back to work.

This should be a glaring reminder of the failures of the first stimulus package and the probability and likelihood that this second stimulus package would be met with the same result. What we have seen since the first stimulus is that the Federal debt has skyrocketed, there are nearly 2 million fewer jobs, and the economic growth is limping along at a meager 1 percent. So many other countries have a higher GDP growth than that. It is tragic that our country has not kept up. The unemployment rate has hovered at 9 percent for 30 months in a row. If you add in those who have given up looking for work or settled for part-time work, that number skyrockets from around 9 percent unemployment, which is an unspeakable number, to some 16 percent. In fact, some 6 million people have been without a job for more than 6 months.

We know the President's policies are not working. We have seen very slow movement and, frankly, in many instances, that movement has been backward. The big-government approach of spend now and pay later has simply been a wet blanket for America's job creators.

The fact is there are some things on which we can agree. In this time of divided government, we must approach the idea of job creation in a bipartisan manner. The House of Representatives is controlled by Republicans. This body is controlled by Democrats. The executive branch, including the regulatory regime in this country, is strictly controlled by the Democratic Party. So we need to work together in a step-by-step approach.

A comprehensive package of ''pass this bill, pass this bill immediately without amendments'' has been rejected by both Democrats and Republicans in this city, and we now need to embark on a step-by-step approach, and we can be quick about it. One example was yesterday. When we finally got around to it, the House of Representatives passed the trade bills, once the President sent them to us. That was done yesterday afternoon. By 7 or 8 last evening, the Senate passed all of these trade agreements on a huge bipartisan basis. So this is a step in the right direction. There are other things we can do. But I wish to commend the President for finally sending the trade bills to the Congress and for getting that done and opening the new markets. So that is a step.

The Senator from Georgia mentioned some companies and some potential job creators in his State. My friend from Wyoming asked me to talk about examples in Mississippi.

Actually, my wife Gail and I had an opportunity to participate in a christening of some boats in Gulfport, MS, just the day before yesterday. This was at the construction area of Trinity Yachts. I know what the initial reaction is: Why should we be concerned with yachts? I tell you why we should be concerned with yachts. Because we employ thousands upon thousands of Americans building those yachts.

I will never own a yacht. I don't aspire to even travel on a yacht. But I am glad there are a bunch of people around the world who want to buy them, because we employ a thousand people at Trinity Yachts, and we want to increase that.

As a matter of fact, what we helped christen the day before yesterday was not a yacht at all, it was two tugboats. Trinity Yacht makes tugboats, and they will be helping bring liquefied natural gas into the port of Pascagoula. So this shipyard built the tugs, Signet Maritime bought the tugs, and they will be creating jobs in Gulfport, and will be creating jobs at the Port of Pascagoula, and they want to create a lot more jobs.

I was told by the management and ownership of Trinity Yachts that business is a little soft in the shipyard. But if the President would simply go back to what we used to have in terms of oil and gas permitting, if we would lift this de facto ban on oil wells in the Gulf of Mexico and get back to the business we had year before last, then business could be great guns at Trinity Yachts.

We are not talking about yachts being constructed by Trinity, we are talking about oil and gas drilling platforms. The quicker permits and drilling projects in the Gulf of Mexico could bring about more than 200,000 new jobs in the next year. That is a job creator proposal that is simple. All we need to do is enforce the law that is currently on the books and get back to permitting so we can get back to producing our own energy.

The oil and natural gas sector is responsible for 9 million jobs, according to the Congressional Research Service, and we have in America the largest recoverable stores of natural gas, oil, and coal on Earth. So if you want to know another Republican proposal—which is a bipartisan proposal when you get down to it, because our gulf coast delegation consists of Republicans and Democrats—then here is a concrete proposal: Let's get back to producing our own energy resources in the Gulf of Mexico and elsewhere in the United States. Nine million jobs, and it could be more.

Mr. ISAKSON. The Senator from Mississippi jogged my memory, and I want to jog his. He was in the House of Representatives in 1994, if I am not mistaken. I got here in 1999. But I remember the first year of the Clinton administration, when they put a luxury tax on yachts, yacht construction went out of business and thousands of jobs were lost. I don't know if Trinity is a sub S, an LLC, or a sole proprietorship, but it is probably one of those three types of corporations, and I am sure it is a small business. They are going to have a 5.6-percent surtax on their income because of what is in the proposal of the President, which is, allegedly, to pay for a jobs bill. So this is deja vu all over again. The administration is imposing more taxes to pay for government jobs that take money out of the pockets of small business that creates the jobs in America.

Trinity Yachts—and I will do some research to find out if that is true, because I don't know the company—I will bet is one of the ones that pays their taxes as if they were an individual, and they would be affected by the tax the President is proposing, just like the yacht industry that was put out of business in 1993 because of the Clinton tax. So the Republicans took over in 1994 and reformed the Tax Code and cut Federal spending.

Mr. WICKER. The point is, they are a bunch of average, hard-working Mississippians, average, hard-working Americans, who are glad to come to work each day, working hard to build these boats, and we ought to encourage them.

I don't know the corporate structure of that particular job creator, but I know the larger point is that many of the job creators do pay taxes at the individual level. We know from research that four out of five of the taxpayers who would pay the higher taxes being proposed by the President are business owners—the very people we are hoping will create jobs, and create them soon for Americans.

Mr. ISAKSON. I thank the Senator from Mississippi for his stories, which are true and to the point. My story was about two small businesses. And I thank the Senator physician from the great State of Wyoming, and I would ask if he has any additional remarks.

Mr. BARRASSO. Well, I know you see this in Georgia and in Mississippi. We know what doesn't work. We know what doesn't work is more borrowing and more spending and overregulation and the threat of raising taxes on people and the job creators of this country. So there is much to be done, and that is why we actually came out with this Jobs Frontier—the western caucus did—because we want to increase affordable American energy.

The President, when he was running for office, said under his proposals electricity costs would necessarily skyrocket. If you want a productive, vibrant economy, you need low-cost energy, and if you want a secure nation, you need American energy to do that. So when my colleague from the Gulf State of Mississippi talks about energy in the gulf, there is a lot there. I can talk about Wyoming from the standpoint of energy being available on Federal land, which is being blocked by regulations. We ought to be exploring for that energy as well as in Alaska. So there is much we can do to make our country stronger, safer, more secure, better, and more vibrant, but the proposal put forth by the President—and here I agree with my colleague from Mississippi—is another spending bill—just spending—as the first stimulus was. It is a bill that is not going to do what we need to do to get this economy going in a vibrant sense. From my perspective, the No. 1 thing we should do is stop doing what we know doesn't work.

Mr. ISAKSON. Well, I want to conclude, unless the Senator from Mississippi has anything to add.

Mr. WICKER. Well, just to say this, and I will take a minute to say it and then I will thank my friend from Georgia for taking the lead on this colloquy.

We also need to show job creators that we are actually serious about fixing our fiscal house. You know, we have had the Gang of 6, we have had the Simpson-Bowles Commission, we have had Dr. COBURN and Senator LIEBERMAN with a proposal, and we have had Alice Rivlin's proposal—an expert on budgetary matters. We know the solutions that are out there, and they are hard to do politically. They would subject us all to intense political criticism and a firestorm. But if we do it on a bipartisan basis for the good of this country now, for the good of not only job creators today and people out there who are dying to come back to work but also for future generations, then we can do the right thing.

I will simply say this: I call on the President of the United States to give us some leadership on working together on a bipartisan basis to make these tough decisions. If we do it together, as Ronald Reagan and Tip O'Neill did in the 1980s, we can make the case to the American people that sometimes you have to do hard things, but we do things on a bipartisan basis to create jobs and to make a better future for future generations. It will not be done unless the Chief Executive of the United States of America comes forward and signals a willingness to hold hands with us and do the right thing for the future.

I desperately hope in these final months of 2011 we can get that signal sent to the committee of 12, and that we can work together to make major, significant structural changes that will save our fiscal future.

I thank my colleague.

Mr. ISAKSON. Mr. President, I thank the Senator from Mississippi, and I will close by simply saying you have heard three Republicans this morning talking about differences we might have on regulation and on tax policy, but you have also heard the distinguished Senator from Mississippi, the physician Senator from Wyoming, and myself, from the State of Georgia, say we are ready, we are willing, and we are hopeful that we can sit down together as a Congress—not as a partisan Congress but as a bipartisan Congress—and find solutions to the regulatory problems, find incentives for businesses to invest, and find ways we can create jobs in the private sector, because in the end that is where job creation takes place.

I will end with where Senator REID started in his remarks. Yesterday was a landmark day. Republicans and Democrats came together and passed three free-trade agreements which will create jobs in the United States of America. Our problem is we waited almost a thousand days to do it. Let's start accelerating those decisions that must be made to bring us together. Let's find ways to cut our spending, empower our businesses, and find ways to regulate in a positive way, not in a suppressive and oppressive way on American small businesses.

Senator WICKER, Senator ISAKSON, and Senator BARRASSO are three who stand ready to join in doing that, anytime, anyplace, anywhere.

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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here to speak about what is currently an unpopular topic in this town. It has become no longer politically correct in certain circles in Washington to speak about climate change or carbon pollution or how carbon pollution is causing our climate to change.

This is a peculiar condition of Washington. If you go out into, say, our military and intelligence communities, they understand and are planning for the effects of carbon pollution on climate change. They see it as a national security risk. If you go out into our nonpolluting business and financial communities, they see this as a real and important problem. And, of course, it goes without saying our scientific community is all over this concern. But as I said, Washington is a peculiar place, and here it is getting very little traction.

Here in Washington we feel the dark hand of the polluters tapping so many shoulders. And where there is power and money behind that dark hand, therefore, a lot of attention is paid to that little tap on the shoulder. What we overlook is that nature—God's Earth—is also tapping us all on the shoulder, with messages we ignore at our peril. We ignore the messages of nature—of God's Earth—and we ignore the laws of nature—of God's Earth—at our very grave peril.

There is a wave of very justifiable economic frustration that has swept through our Capitol. The problem is that some of the special interests—the polluters—have insinuated themselves into that wave, sort of like parasites that creep into the body of a host animal, and from there they are working terrible mischief. They are propagating two big lies. One is that environmental regulations are a burden to the economy and we need to lift those burdens to spur our economic recovery. The second is the jury is still out on climate changes caused by carbon pollution, so we don't need to worry about it or even take precautions. Both are, frankly, outright false.

Environmental regulation is well established to be good for the economy. It may add costs to you if you are a polluter, but polluters usually exaggerate about that.

For instance, before the 1990 acid rain rules went into effect, Peabody Coal estimated that compliance would cost $3.9 billion. The Edison Electric Institute chimed in and estimated that compliance would cost $4 to $5 billion. Well, in fact, the Energy Information

Administration calculated the program actually cost $836 million, about one-sixth of the Edison Electric Institute estimate.

When polluters were required to phase out the chemicals they were emitting that were literally burning a hole through our Earth's atmosphere, they warned that it would create ''severe economic and social disruption'' due to ''shutdowns of refrigeration equipment in supermarkets, office buildings, hotels, and hospitals.'' Well, in fact, the phaseout happened 4 years to 6 years faster than predicted; it cost 30 percent less than predicted; and the American refrigeration industry innovated and created new export markets for its environmentally friendly products.

Anyway, the real point is we are not just in this Chamber to represent the polluters. We are supposed to be here to represent all Americans, and Americans benefit from environmental regulation big time.

Over the lifetime of the Clean Air Act, for instance, for every $1 it costs to add pollution controls, Americans have received about $30 in health and other benefits. By the way, installing those pollution controls created jobs because they went to manufacturers to build the controls and to Americans to install them. But setting that aside, a 30-to-1 benefit ratio to keep our air clean sounds like a mighty wise investment to me. That 30-to-1 ratio doesn't even count the intangible benefits—intangible but very real benefits—of clear air and clean water, the benefits of the heart and the soul, the benefits to a grandfather of taking his granddaughter to the fishing hole and still finding fish there or of the city kid being able to go to a beach and have it clean enough to swim there or the benefit to a mom who is spared the burden of worry, of sitting next to her asthmatic baby on the emergency room albuterol inhaler waiting for his infant lungs to clear.

Well, unfortunately, polluters rule in certain circles in Washington, and they emit propaganda as well as pollution, and they have been emitting too much of both lately.

Their other big lie the jury is still out on is whether human-made carbon pollution causes dangerous climate change and oceanic change. Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change. Many of us in Congress received a letter from those institutions in October 2009. Let me quote from that letter.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

Let me repeat that last quote.

Contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

This letter was signed by the heads of the following organizations: the American Association for the Advancement of Science, the American Chemical Society, the American Geophysical Union, the American Institute of Biological Sciences, the American Meteorological Society, the American Society of Agronomy, the American Society of Plant Biologists, the American Statistical Association, the Association of Ecosystem Research Centers, the Botanical Society of America, the Crop Science Society of America, the Ecological Society of America, the Natural Science Collections Alliance, the Organization of Biological Field Stations, the Society for Industrial and Applied Mathematics, the Society of Systematic Biologists, the Soil Science Society of America, and the University Corporation for Atmospheric Research.

These are highly esteemed scientific organizations. They are the real deal. They don't think the jury is still out. They recognize that, in fact, the verdict is in, and it is time to act.

More than 97 percent of the climate scientists most actively publishing accept that the verdict is actually in on carbon pollution causing climate and oceanic changes—97 percent. Think of that.

Imagine if your child were sick and the doctor said she needed treatment, and out of prudence you went and got a second opinion. Then you went around and you actually got 99 second opinions. When you were done, you found that 97 out of 100 expert doctors agreed your child was sick and needed treatment. Imagine further that of the three who disagreed, some took money from the insurance company that would have to pay for your child's treatment. Imagine further that none of those three could say they were sure your child was OK, just that they weren't sure what her illness was or that she needed treatment, that there was some doubt.

On those facts, name one decent father or mother who wouldn't start treatment for their child. No decent parent would turn away from the considered judgment of 97 percent of 100 doctors just because they weren't all absolutely certain.

How solid is the science behind this? Rock solid. The fact that carbon dioxide in the atmosphere absorbs heat from the Sun was discovered at the time of the Civil War. This is not new stuff. In 1863 the Irish scientist John Tyndall determined that carbon dioxide and water vapor trapped more heat in the atmosphere as their concentrations increased. A 1955 textbook, ''Our Astonishing Atmosphere,'' notes that nearly a century ago the scientist, John Tyndall, suggested that a fall in the atmospheric carbon dioxide could allow the Earth to cool, whereas a rise in carbon dioxide would make it warmer.

In the early 1900s, a century ago, it became clear that changes in the amount of carbon dioxide in the atmosphere might account for significant increases and decreases in the Earth's average annual temperatures and that carbon dioxide released from manmade sources, anthropogenic sources—primarily by the burning of coal—would contribute to those atmospheric changes. This is not new stuff. These are well-established scientific principles.

Let me look for a moment at the book I talked about, ''Our Astonishing Atmosphere,'' published in 1955—the year I was born, more than half a century ago—for the ''Science for Every Man Series.'' Let me read:

Although the carbon dioxide in the atmosphere remains at a concentration of 0.03 percent all over the world, the amount in the air has not always been the same. There have been periods in the world's history when the air became charged with more carbon dioxide than it now carries. There have also been periods when the concentration has fallen unusually low. The effects of these changes have been profound. They are believed to have influenced the climate of the earth by controlling the amount of energy that is lost by the earth into space. Nearly a century ago, the British scientist John Tyndall suggested that a fall in the atmospheric carbon dioxide could allow the earth to cool whereas a rise in the carbon dioxide would make it warmer. With the help of its carbon dioxide, the atmosphere acts like a greenhouse that traps the heat of the sun. Radiations reaching the atmosphere as sunshine can penetrate to the surface of the earth. Here, they are absorbed, providing the world with warmth. But the earth itself radiating energy outwards in the form of long-wave heat rays. If these could penetrate the air as the sunshine does, they could carry off much of the heat provided by the sun. Carbon dioxide in the air helps to stop the escape of heat radiations. It acts like a blanket to keep the world warm. And the more carbon dioxide the air contains, the more efficiently does it smother the escape of the earth's heat. Fluctuation in the carbon dioxide of the air has helped to bring about major climate changes experienced by the world in the past.

This is 1955. This is ''Our Astonishing Atmosphere,'' out of the ''Science for Every Man Series.'' This is not something that was just invented.

Let's look at the facts that we actually observe in our changing planet. Over the last 800,000 years—8,000 centuries—until very recently the atmosphere has stayed within a bandwidth of between 170 parts per million and 300 parts per million of carbon dioxide. That is not theory, that is measurement. Scientists measure historic carbon dioxide concentrations by, for example, locating trapped bubbles in the ice of ancient glaciers. So we know, over time—and over long periods of time—what the range has been.

What else do we know? We know since the industrial revolution, we—humankind—have been burning carbon-rich fuels in measurable and ever-increasing amounts. We know we release up to 7 to 8 gigatons of carbon dioxide each year. A gigaton, by the way, is 1 billion metric tons. So if you are going to release 7 to 8 billion metric tons a

year into the atmosphere, predictably that increases carbon concentration in our atmosphere. ''Put more in and find more there'' is not a complex scientific theory. It is not a difficult proposition. And 7 to 8 billion metric tons a year into the atmosphere is a very big thing in the historical sweep.

So we now measure carbon concentrations climbing in the Earth's atmosphere. Again, this is a measurement, not a theory. The present concentration exceeds 390 parts per million.

So 800,000 years and a bandwidth of 170 to 300 parts per million, and now we are over 390.

This increase has a trajectory. Plotting trajectories is nothing new either. It is something scientists, businesspeople, and our military service people do every day. The trajectory for our carbon pollution predicts that 688 parts per million will be in the atmosphere in the year 2095 and 1,097 parts per million in the year 2195. These are carbon concentrations not outside of the bounds of 800,000 years but outside of the bounds of millions of years. As Tyndall determined at the time of the Civil War, increasing carbon concentrations will absorb more of the Sun's heat and raise global temperatures.

Let me end by reviewing the scale of the peril that we are facing if we fail to act. Over the last 800,000 years, as I said, it has been 170 to 300 parts per million of carbon dioxide. Since the start of the industrial revolution, that concentration is now up to 390 parts per million. If we continue on the trajectory that we find ourselves, our grandchildren will see carbon concentrations in the atmosphere top 700 parts per million by the end of the century, twice the bandwidth top that we have lived in for 8,000 centuries.

To put that in perspective, mankind has engaged in agriculture for about 10,000 years. It is not clear we had yet mastered fire 800,000 years ago. The entire development of human civilization has taken place in that 800,000 years, and within that 170 to 300 parts per million bandwidth. If we go back, we are back into geologic time.

In April of this year, a group of scientific experts came together at the University of Oxford to discuss the current state of our oceans. The workshop report stated:

> Human actions have resulted in warming and acidification of the oceans and are now causing increasing hypoxia.

Acidification is obvious—the ocean is becoming more acid; hypoxia means low oxygen levels.

> Studies of the Earth's past indicate that these are the three symptoms . . . associated with each of the previous five mass extinctions on Earth.

We experienced two mass ocean extinctions 55 and 251 million years ago. The rates of carbon entering the atmosphere in the lead-up to these extinctions are estimated to have been 2.2 and 1 to 2 gigatons of carbon per year respectively, over several thousand years. As the group of Oxford scientists noted:

> Both these estimates are dwarfed in comparison to today's emissions.

As I said earlier, those are 7 to 8 gigatons per year. The workshop participants concluded with this quote:

> Unless action is taken now, the consequences of our activities are at a high risk of causing, through the combined effects of climate change, overexploitation, pollution and habitat loss, the next globally significant extinction event in the ocean.

The laws of physics and the laws of chemistry and the laws of science these are laws of nature. These are laws of God's Earth. We can repeal some laws around here but we can't repeal those. Senators are used to our opinions mattering a lot around here, but these laws are not affected by our opinions. These laws do not care who peddles influence, how many lobbyists you have or how big your corporate bankroll is. Those considerations, so important in this town, do not matter at all to the laws of nature.

As regards these laws of nature, because we can neither repeal nor influence them, we bear a duty, a duty of stewardship to see and respond to the facts that are before our faces according to nature's laws. We bear a duty to shun the siren song of well-paying polluters. We bear a duty to make the right decisions for our children and grandchildren and for our God-given Earth.

Right now I must come before the Chamber and remind this body that we are failing in that duty. The men and women in this Chamber are indeed catastrophically failing in that duty. We are earning the scorn and condemnation of history—not this week, perhaps, and not next week. The spin doctors can see to that. But ultimately and assuredly, the harsh judgment that it is history's power to inflict on wrong will fall upon us. The Supreme Being who gave us this Earth and its abundance created a world not just of abundance but of consequence and that Supreme Being gave us reason to allow us to plan for and foresee the various consequences that those laws of nature impose.

It is magical thinking to imagine that somehow we will be spared the plain and foreseeable consequences of our failure of duty. There is no wizard's hat and wand with which to wish this away. These laws of nature are known; the Earth's message to us is clear; our failure is blameworthy; its consequences are profound; and the costs will be very high.

I thank the Senator from Arkansas for his indulgence for the extra time, and I yield the floor.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN JOBS ACT

Mr. CARDIN. Mr. President, I take this time to comment on a vote that took place earlier this week that the people of this Nation are having a hard time understanding—why the Republicans are filibustering legislation that will allow us to consider job growth in America. It is a filibuster, and that happens so frequently in this body that it seems to be standard operating procedure for the Republicans. But in this case I think the American public realizes they have gone too far.

We have to create more jobs. We have to create more jobs so our economy can grow. There are millions of Americans who are seeking work and cannot find jobs and they need work in order to support their families. We need more jobs for our economy to grow.

We got into a debate in August about what we were going to do about raising the debt ceiling and we were all concerned about the deficits this country has. Yes, we are concerned that our current deficits are not sustainable, but we will not have a budget that is sustainable unless we have more jobs. You can look at all of the programs to reduce government spending or to try to bring in more revenues, but if we do not create more jobs we are not going to be able to get our budget into a semblance of order.

The reason for that is simple. The more people out of work, the more reliant they are on government services and the less taxes paid in to pay our bills. So for the sake of those who are seeking employment, for the sake of our economy, for the sake of our budget, we have to create more jobs.

We had a vote this week on moving forward on S. 1660, the President's jobs initiative. It was a motion to proceed. It was a motion to bring the bill to the floor so we could get into a debate about the best way to create jobs. Many of us thought we would have amendments that would enhance and improve the President's package. The President's package was a starting point for our debate. But the Republicans said no, we are going to filibuster even the opportunity for us to consider jobs legislation. They wouldn't even allow us to move forward.

We had a majority of the Senate. We had enough votes to pass it or at least proceed if it were a simple majority, which is what most democracies believe is the right standard. But, no, we had a filibuster that did not even allow us to consider the jobs bill on the floor of the Senate.

I find that most surprising. When you look at the President's proposal, the individual provisions have bipartisan support. This is not a Democratic proposal. Every one of the provisions that

the President included in his package had bipartisan support. The Congressional Budget Office said the President's proposal would actually reduce the deficit and would create jobs. It has been validated by the outside experts. Marc Zandi, the chief economist at Moody's—he was also, by the way, the economic adviser to Senator MCCAIN during the 2008 Presidential campaign—said, talking about the President's plan, ''The plan would add 2 percentage points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a full percentage point.''

There are many others. Macroeconomic Advisers said that the President's package would:

Boost the level of GDP by 1.3 percent by the end of 2012, and by 0.2 percent by the end of 2013—

In other words, we are moving in the right way; and then went on to say:

Raise nonfarm establishment employment by 1.3 million by the end of 2012 and 0.8 million by the end of 2013. . . .

The Economic Policy Institute estimates that the President's job bill would create 2.6 million jobs over 2 years and protect an existing 1.6 million jobs.

Republicans say we cannot even talk about this on the floor, the majority shouldn't at least be able to bring forward this issue so we can have a full debate in the Senate.

The President's proposals included areas in which I think there is strong bipartisan support—to help small businesses. We all know small businesses are the growth engine of America. That is where jobs are created. That is where most innovation will take place. The proposal would help small businesses with new hires on their payroll and expensing of investments so they have an incentive to invest in job growth. That is what was in the President's proposal to help small businesses.

In the President's proposal was help for our veterans. We all talk about our warriors, our soldiers, out there every day protecting our values. They have represented America so brilliantly in international combat. Now they are coming home to America. They are coming home and they cannot find work, cannot find a job. The President is saying let's help them. We all talk about doing what we can to help our warriors. This bill did something tangible about it.

What did the Republicans do? They filibustered an opportunity to even talk about a bill that could help create more jobs.

The proposal also provides for infrastructure. Infrastructure is building. It is rebuilding America. Democrats and Republicans agree on that. We have to rebuild our bridges and our roads. The bridges are falling down. Roads are in desperate need of repair. Roads help provide economic growth for our country. It would help us rebuild America, create jobs through those who construct these new roads and bridges and electric grids, et cetera, but then also make America more competitive.

It would help those who are unemployed in several ways. First, it would provide not just unemployment benefits, which are important because they help families keep their homes and keep their family together and help our economy because that money is spent, it also reforms the unemployment system, so we train those who are out of work for jobs that are available. In many cases, as the Presiding Officer from Ohio knows, those who have lost their jobs are going to have to find employment in a different area. Well, the unemployment system should be reformed so that they could be trained for those types of jobs. That was in the proposal the Republicans would not even allow us to bring up. They filibustered rather than allow the majority to bring forward a bill to help create jobs.

The bill was paid for. As I have indicated before, it didn't increase the deficit. The Congressional Budget Office said it would actually reduce the deficit.

I want to make the point I made earlier and underscore this: The motion to proceed was the starting point for the debate—the starting point. I had three amendments I wanted to bring forward—I am going to talk very briefly about those three amendments—that I think would have improved the President's bill.

One would allow the Small Business Administration surety bond program—this is a program that gives small construction companies the ability to move forward with construction work. It would increase the surety bond program from $2 million to $5 million. It was an amendment I offered to the American Recovery and Reinvestment Act. Let me tell you about the success of that program. As a result of increasing the surety bonds from $2 million to $5 million, we saw a jump of 36 percent in 1 year, 2010, in construction work for small businesses. That is quite a success story. Guess how much money that cost the taxpayers of this country in direct costs. Zero, no cost to the taxpayer. Well, my amendment would make that extension permanent. And it is bipartisan—Democrats and Republicans support it.

I have another amendment that would expand the infrastructure work to include water projects. Water projects are in desperate need. We have a huge need to deal with the way we treat wastewater and our safe drinking water. My amendment would add $30 billion for infrastructure in our water projects. It would provide $20 billion to the Clean Water State Revolving Fund and $10 billion to the Safe Drinking Water Act.

I would like to talk about one more amendment, which is the cool roof bill I filed with Senator CRAPO which would change the depreciation schedule for those businesses that put on modern roofs that are energy efficient and would create 40,000 jobs and help our energy policy. This is another amendment I cannot bring forward because the Republicans filibustered the motion to proceed, so we can't bring up the jobs bill.

Well, Americans want us to consider jobs legislation. I hope we find a way to do it. I can tell you that I am going to continue the fight to create more jobs for America because that is America's future. Our economy depends upon it, and we need to continue to focus on how we can create more jobs for the American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

HONORING OUR ARMED FORCES

MASTER SERGEANT CHRISTIAN RIEGE

Mr. JOHANNS. Mr. President, I rise today to remember a fallen hero, U.S. Army National Guard Master Sergeant Christian Riege. He and two fellow officers were killed when a gunman opened fire at a Carson City International House of Pancakes on September 6, 2011. This was a tragic event. It ultimately took the lives of four people and left hollow hearts from Nevada to Nebraska, where his father and mother and several relatives live.

Master Sergeant Riege enlisted in the U.S. Navy in 1992. As a career noncommissioned officer, Chris spent much of his time in uniform training young soldiers. He entered the Nebraska National Guard after his service in the Navy. Like many National Guard NCOs, he held more than one military occupational specialty. With experience as an infantry soldier and knowledge of mechanics and supply logistics, Chris set the standard high for the soldiers he trained. He excelled in physical fitness, and he was a natural teacher. He served a 22-month deployment in Fort Irwin, California with the task of training units deploying for overseas contingency missions.

Chris most recently served with the 1st of the 221st Cavalry in Afghanistan, earning his combat spurs during this tour. The decorations and badges earned over his distinguished career include the Combat Action Badge, the Meritorious Unit Commendation with oak leaf cluster, the Legion of Merit, the Meritorious Service Medal with oak leaf cluster, the Army Commendation Medal, the Army Achievement Medal with four oak leaf clusters, the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal, and the Afghanistan Campaign Medal with one campaign star.

Chris is remembered as a soft-spoken warrior with a love for fixing things.

A fellow soldier and friend, Master Sergeant Paul Kinsey, made reference to his demeanor:

You can't just label him with one word or one phrase. Still waters run deep.

The Riege family laid their soldier to rest in Page, Nebraska, on September 17, 2011. Today, I join the family and

friends of Master Sergeant Riege in mourning the death of their son, father, fiancé, friend, and fellow soldier. Nebraska is honored to call him one of our own, and I know both Nebraskans and Nevadans will surround his family during this very difficult time. As we honor this hero, may his children—Serrah, Erica, Synde, and Michael—always know the bravery with which their father served and the love he had for them.

May God bless the Riege family and all of our service men and women, both here and abroad.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask that the order for the quorum call be rescinded.

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

RACIAL PROFILING

Mr. CARDIN. Mr. President, last week I introduced legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, S. 1670, had been introduced in previous Congresses by our former colleague, Senator Russ Feingold of Wisconsin, and I am proud to follow his leadership. I thank my colleagues, Senator BLUMENTHAL, Senator DURBIN, Senator GILLIBRAND, Senator KERRY, Senator LAUTENBERG, Senator LEVIN, Senator MENENDEZ, Senator MIKULSKI, and Senator STABENOW, for joining me as original cosponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources that are being directed at suspects actually demonstrating illegal behavior.

In response to a question about the December 2001 bomb attempt by Richard Reid, Former Department of Homeland Security Secretary Michael Chertoff stated:

The problem is that the profile many people think they have of what a terrorist is doesn't fit the reality . . . and, in fact, one of the things that the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.

Racial profiling diverts scarce resources from real law enforcement. In my own State of Maryland in the 1990s, the ACLU brought a class action suit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland's highways. The parties ultimately entered into a Federal court consent decree in 2003 in which they made a joint statement that emphasized in part:

The need to treat motorists of all races with respect, dignity, and fairness under law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities.

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion.

I agree with Attorney General Holder's remark to the American-Arab Anti-Discrimination Committee where he stated:

In this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.

Using racial profiling makes it less likely that certain affected communities will voluntary cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from traveling freely, and it corrodes the public trust in government.

I wish to thank the Leadership Conference on Civil and Human Rights for their endorsement of this legislation. I ask unanimous consent that the endorsement letter of September 14, 2011, from over 50 different organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, Sept. 14, 2011

COSPONSOR THE END RACIAL PROFILING ACT OF 2011

DEAR SENATOR: on behalf of The Leadership Conference on Civil and Human Rights, and the undersigned groups, we urge you to be an original cosponsor of the End Racial Profiling Act of 2011 (ERPA). Passage of this bill is needed to put an end to racial profiling by law enforcement officials and to ensure that individuals are not prejudicially stopped, investigated, arrested, or detained based on their race, ethnicity, national origin, or religion. Policies primarily designed to impact certain groups are ineffective and often result in the destruction of civil liberties for everyone.

ERPA would establish a prohibition on racial profiling, enforceable by declaratory or injunctive relief. The legislation would mandate training for federal law enforcement officials on racial profiling issues.As a condition of receiving federal funding, state, local, and Indian tribal law enforcement agencies would be required to collect data on both routine and spontaneous investigatory activities. The Department of Justice would be authorized to provide grants to state and local law enforcement agencies for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Lastly, this important legislation would require the Attorney General to issue periodic reports to Congress assessing the nature of any ongoing racial profiling.

Racial profiling involves the unwarranted screening of certain groups of people, assumed by the police and other law enforcement agents to be predisposed to criminal behavior. Multiple studies have proven that racial profiling results in the misallocation of law enforcement resources and therefore a failure to identify actual crimes that are planned and committed. By relying on stereotypes rather than proven investigative procedures, the lives of innocent people are needlessly harmed by law enforcement agencies and officials.

Racial profiling results in a loss of trust and confidence in local, state, and federal law enforcement. Although most individuals are taught from an early age that the role of law enforcement is to fairly defend and guard communities from people who want to cause harm to others, this fundamental message is often contradicted when these same defenders are seen as unnecessarily and unjustifiably harassing innocent citizens. Criminal investigations are flawed and hindered because people and communities impacted by these stereotypes are less likely to cooperate with law enforcement agencies they have grown to mistrust. We can begin to reestablish trust in law enforcement if we act now.

Current federal law enforcement guidance and state laws provide incomplete solutions to the pervasive nationwide problem of racial profiling.

Your support for the End Racial Profiling Act of 2011 is critical to its passage. We urge you to become an original co-sponsor of this vital legislation, which will ensure that federal, state, and local law enforcement agencies are prohibited from impermissibly considering race, ethnicity, national origin, or religion in carrying out law enforcement activities. To become an original co-sponsor, please contact Bill Van Horne in Senator Cardin's office at bill_vanhorne@cardin.senate.gov or (202) 224–4524. If you have any questions, please feel free to contact Lexer Quamie at (202) 466–3648 or Nancy Zirkin at (202) 263–2880. Thank you for your valued consideration of this critical legislation.

Sincerely,

Adhikaar; African American Ministers in Action; American-Arab Anti-Discrimination Committee; American Civil Liberties Union; American Humanist Association; Asian American Justice Center, member of Asian American Center for Advancing Justice; Asian Law Caucus; Asian Pacific American Labor Alliance; Bill of Rights Defense Committee; The Brennan Center for Justice; Counselors Helping (South) Asians Inc; Disciples Justice Action Network; Drug Policy Alliance.

DRUM—Desis Rising Up and Moving; Healing Communities Prison Ministry and Reentry Project Human Rights Watch; Indo-American Center; Institute Justice Team, Sisters of Mercy of the Americas; Japanese American Citizens League; Korean American Resource & Cultural Center; Korean Resource Center; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Lutheran Immigration and Refugee Service; Muslim Advocates; Muslim Public Affairs Council; NAACP; NAACP Legal Defense and Educational Fund, Inc.

National Advocacy Center of the Sisters of the Good Shepherd; National African American Drug Policy Coalition, Inc.—National Alliance of Faith and Justice; National Asian American Pacific Islander Mental Health Association; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Black Police Association; National Congress of American Indians; National

Council of La Raza; National Gay and Lesbian Task Force Action Fund; National Korean American Service & Education Consortium; NETWORK, A National Catholic Social Justice Lobby.

OCA; Pax Christi USA; Rights Working Group; Sahara of South Florida, Inc.Sentencing Project; Sojourners; Sikh American Legal Defense and Education Fund; Sikh Coalition; Sneha, Inc.; South Asian Americans Leading Together; StoptheDrugWar.org; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; US Human Rights Network.

Mr. CARDIN. The bill I introduced last week, the End Racial Profiling Act, would build on the Department of Justice's current ''Guidance Regarding the Use of Race by Federal Law Enforcement Agencies'' issued in 2003. This official Department of Justice guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for State and local agencies. The Department of Justice guidance also does not have the force of law.

The legislation I introduced would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. This bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officers who put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this very important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE ECONOMY

Mr. HELLER. Mr. President, I rise today to address the economy as it affects my home State of Nevada.

This recession has hit my home State of Nevada harder than it has hit any other State in the country. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosure, and bankruptcy.

As we discuss yet another stimulus this week, I hear from my friends on the other side of the aisle their claim that their priorities are jobs, jobs, jobs. I have one question about their economic policies: Is this working?

In January 2009 President Obama was inaugurated as President of the United States. Democrats controlled both Houses—both the House and the Senate—and Nevada's unemployment rate at that time was 9.4 percent. The next month the stimulus was passed. Supporters claimed the national unemployment level would not rise above 8 percent if we passed the stimulus bill. Nevada's unemployment at that time then grew from 9.4 percent to 10.1 percent.

In June of 2009 Congress passed the Cash for Clunkers legislation and Nevada's unemployment then grew at that point from 10.1 percent to 12 percent. With the success of Cash for Clunkers, we passed Cash for Clunkers II the following August, and Nevada's unemployment rose from 12 percent to 13.2 percent.

Then in March of 2010, Congress passed the President's health care law. Nevada's unemployment rose again, from 13.2 percent to 13.4 percent.

In July of that year, Congress then passed the Dodd-Frank reform of the financial services industry legislation that effectively limited access to capital, both for individuals and small businesses, and Nevada's unemployment rate went from 13.4 percent to 14.3 percent. In fact, if we go back to May of 2010, Nevada overtook Michigan as the State with the highest unemployment rate at 14 percent. With the passage of Dodd-Frank, it then rose again to 14.3 percent.

Then we passed the State bailout in August of 2010, and then stimulus No. 2, and Nevada's unemployment rate rose again to 14.4 percent. So with the unemployment rate at 14.4 percent and due to the lack of economic activity, some people in Nevada have stopped looking for work or, worse, some Nevadans have actually left the State for employment elsewhere. This has resulted in Nevada's unemployment dipping from 14.4 percent to 13.4 percent.

I guess I raise the question for the second time: Have these economic policies worked?

There is a local paper that had a readers' poll and the question of this readers; poll was: Is Nevada's economy recovering? Of those who responded, 82 percent said no. So regardless of what Washington, DC, is trying to tell them, 82 percent of Nevadans understand that the economic recovery has not yet occurred in the State of Nevada.

One of my constituents recently wrote:

> I am writing you today because I am outraged over the stimulus proposal that President Obama is trying to intimidate you into passing. Despite the evidence that the first two stimulus plans have failed, despite the promises that there were shovel ready jobs, despite the other false promises that the first trillion would upgrade our infrastructure and keep unemployment under 8 percent, despite the overwhelming evidence that nearly a TRILLION dollars of taxpayers' dollars were completely wasted in the first stimulus, this President had the audacity to demand that you immediately pass another half a trillion dollars' worth of stimulus. Don't do it!

So it is that the approach of this administration and its supporters have taken for economic recovery has failed miserably. Another stimulus bill is not the solution.

We now have a string of economic policies that are big on talking points, light on solutions. People from all over the country are struggling just to get by and are desperate for real solutions. It is time for new ideas and a new direction, not more of the same. Out-of-control spending, a health care law that no one can afford, and a seemingly endless stream of regulations are crippling employers, stifling economic growth, and killing jobs. The American public and businesses alike are awaiting a plan that can provide the stability and certainty necessary to provide confidence to the American people and bolster economic growth.

I hear some of my friends on the other side of the aisle claim there are no ideas for job creation coming from Republicans. Since coming to the Senate, I have repeatedly filed job-related amendments when given the opportunity but have yet to see an open debate on any of these amendments. So if it is true there are no ideas coming from Republicans, then there is nothing to fear from an honest, real debate on jobs. Instead of symbolic votes and political grandstanding, let's actually do the difficult work and address this problem.

As I suggested to President Obama, Nevada needs a proposal that reforms the Tax Code, stops excessive government spending, and provides the certainty businesses need to hire. Instead, the administration and the Senate majority have recycled the same failed policies, but this time they increase taxes on the same businesses we need to create jobs.

There are a number of actions Congress can take immediately to bolster our Nation's economy such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and reforming our Tax Code, making it simpler for individuals and businesses alike, and cutting out the special-interest loopholes while reducing the overall tax burden for all Americans. Instead of looking for new ways to tax the American public and our job creators, we should make our Tax Code more competitive and provide businesses the stability they need to grow and create jobs.

As I have stated before, this continual threat of tax increases feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress can do immediately to boost economic recovery.

I came to Washington to make a difference. Let's start doing the hard work we were sent here to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

JOB CREATION

Mr. MORAN. Mr. President, I am here on the floor today to share a few thoughts on a topic that has a daily impact upon the lives of Americans. It is the topic we have had front and center now for a long time—job creation. Whether a mom or dad can find a job directly impacts their ability to put food on their family's table, pay their mortgage, save for their children's education, and prepare for their own retirement.

In August our economy failed to create any jobs. In September our economy created about 100,000 jobs, but that is not fast enough to get us out of our economic slump. The fact is that 14 million Americans are still out of work, and about 42 percent of those unemployed have been looking for a job for more than 6 months. We know those facts.

Over the last few weeks, I have asked Kansans what their thoughts are about this circumstance, and we find many Kansans, as are others in America, discouraged, looking for work, unable to find a job. They want to know why our businesses are not creating those jobs and making them available for them.

I recently had the opportunity to sit down with Kansans who own businesses in Overland Park—a suburb of Kansas City—and in Hutchinson—a community just outside Wichita—to talk about the economy and their outlook for our economic future.

Throughout our conversations, it became clear the main reason businesses are not hiring is because of economic uncertainty. In fact, a survey conducted by the U.S. Chamber of Commerce indicated more than half of small business executives cited economic uncertainty as the greatest obstacle to hiring more employees.

From a business owner's perspective, I can understand why they are reluctant; if they do not know how much they will have to pay in taxes or to comply with additional regulations a year from now or how much health care costs will be for any new employee, why would they hire a new employee now or invest in their business? Any successful business owner will tell us they have to take risks to get ahead, but they will also tell us they have to balance those risks against their expected costs or they will run their business into the ground.

One chief executive put it this way:

> What are the rules of the game going to be in the long term? What our retailers would like to have is consistency and predictability. We can handle decisions we don't agree with, but that's easier than not knowing what the decision is going to be.

Another executive of a small business put it very plainly:

> Among the other presidents and CEOs I interact with, the only consensus of opinion is none of us has any idea where things are going. In my observation, the uncertainty we are experiencing is caused almost entirely out of Washington and other governments around the world.

The reality is the private sector has been the engine of job creation in our country throughout history. So we should do everything we can to encourage business to create jobs. In fact, small businesses represent 99.7 percent of all employer firms and employ half of all private sector employees, according to the Small Business Administration. In the last two decades, they have generated 65 percent of the new jobs created in our country.

One of the greatest opportunities we have to improve someone's life is to create an environment where jobs can be created, so employers can feel confident about investing in their companies, and they can put people to work.

Today, I wish to outline a new approach, one that is based on a proven track record of success—the success of the American entrepreneur. Soon I will be introducing legislation called the Startup Act to help jump-start our economy through the creation and growth of new businesses.

The American dream is based on the principle that anyone can achieve success, given the freedom and opportunity to make a better life for themselves and their families. America has long been known as the land of opportunity, where individuals risk all they have to live out their dreams. Many Fortune 500 companies, such as Ford, Apple, and General Electric, got their start with a handful of folks, an individual, a great idea, and a lot of hard work. Many of our businesses started in garages across our country. So we should continue to encourage this spirit of entrepreneurship in our Nation.

In Kansas City, there is a foundation dedicated to the promotion of entrepreneurship called the Kauffman Foundation. Their research shows that between 1980 and 2005, companies less than 5 years old accounted for nearly all the new job growth in the United States. In fact, new firms create about 3 million jobs each year. For 45 years, the Kauffman Foundation has worked to strengthen opportunities for entrepreneurs in this country, so when a person comes up with a good idea, they can pursue it and turn it into reality.

Many of their good ideas are reflected in the legislation I will soon be introducing and are based upon Kauffman's extensive research and analysis.

The foundation of the Startup Act is based on five progrowth principles: removing barriers to growth, attracting business investment, bringing more research from the laboratory to the marketplace, attracting and retaining entrepreneurial talent, and encouraging progrowth State and local policies.

First, the Startup Act will remove barriers to growth by streamlining Federal regulations. Rather than hiring new employees, businesses are spending money on complying with unreasonable regulations, sometimes regulations not based upon sound science. New businesses face an especially heavy burden in complying with the multitude of local, State, and Federal rules governing their business.

According to the SBA, firms with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations. Very small firms spend 4½ times as much per employee to comply with environmental regulations and 3 times more per employee on tax compliance than the largest corporations.

When I met with those business leaders in Kansas City recently, one of them told me he was required to replace all the light bulbs in his factory because of an EPA regulation. But his factory has skylights and was already well lit. He did not need new lighting, but the government told him he did, and this unnecessary regulation cost him tens of thousands of dollars. This is just one example of how cumbersome and how costly regulations have become. That money could have and should have been, in my view, better spent on helping that business grow.

The Startup Act will overhaul the Federal regulatory process for all regulations that have an impact on the economy of $100 million or more. By requiring these rules to undergo a cost-benefit analysis every 10 years, the benefit and burden on businesses and consumers will become much more clear. This will ease the burden on businesses so they can focus on growing their business and hiring more workers.

Second, the Startup Act will help companies attract investment so they can get off the ground and grow more quickly. One of the greatest challenges for startups is having access to the necessary capital to grow their business.

Investors' capital gains are currently taxed at 15 percent. Last year, the Small Business Jobs Act passed by Congress temporarily exempted taxes on capital gains from the sale of certain small business stock held for at least 5 years. The Startup Act will make this exemption permanent so investors have an incentive to partner with entrepreneurs and help provide financial stability for the first few years of that business's beginning.

Third, the Startup Act will make it easier to take research from the laboratory and apply it in the marketplace. Some of our brightest and most creative individuals study at American universities. Each day, faculty members and graduate students make new discoveries and develop new ideas. The possibilities of research are endless. In

fact, university research led to groundbreaking discoveries such as the polio vaccine, antibiotics, black-and-white television, barcodes, and, more recently, e-mail and Google.

To help bring more cutting-edge research to the marketplace, my bill creates an incentive for universities to reform their technology policies and practices. The Startup Act requires the top Federal R&D grant-making agencies to give preference to universities that have a proven track record of success in discovering commercial applications for their research.

Fourth, this legislation will enable new businesses to attract and retain highly trained workers, including those who immigrate to our country.

Our country was founded on immigrants who have long contributed to the strength of our economy by starting businesses and creating jobs. In fact, a 2007 study found that more than one-quarter of technology and engineering companies started in our country, from 1995 to 2002, had at least one key founder who was born overseas. These companies produced $52 billion in sales and employed 450,000 workers in 2005 alone.

Research shows that 53 percent of immigrant founders of U.S.-based technology and engineering companies completed their highest degree at an American, a U.S. university. Unfortunately, many foreign-born immigrants leave the States after they complete their studies and return to their home countries to start businesses because they have a hard time securing a visa to stay in the United States.

It does not make much sense to make such an investment in these students and then not give them the opportunity to apply what they have learned by starting a company in the United States that will generate jobs for other Americans. We should be doing all we can to attract and retain highly skilled and entrepreneurial folks so they can work in the field where they have studied and contribute to our economy.

The Startup Act will help retain this talent in two ways.

First, it creates a new visa, called a STEM visa, for any immigrant who graduates with a master's or Ph.D. in science, technology, engineering or math. This will give those graduates the opportunity to stay for up to 1 year beyond their graduation date to find a job and put to work the high-tech skills they learned and that our economy so desperately needs.

Second, the bill creates another visa, called an entrepreneur's visa, for immigrants who register a business and employ at least one nonfamily member within 1 year of obtaining that visa. Once they have satisfied those requirements, the entrepreneur would be allowed to remain here for an additional 3 years if they employ additional employees and further grow their business.

The goal of both these visas is to encourage innovation among highly skilled entrepreneurs and to help grow our country.

Finally, the Startup Act would encourage progrowth State and local policies.

While Federal policies certainly impact the formation and growth of new businesses, State and local policies also play an important role in their creation and growth. In order to identify the States which are the most entrepreneur-friendly, this legislation will create the ''State Startup Business Report'' to analyze State laws and policies. The report will encourage healthy competition and lead to the development and expansion of progrowth policies.

In conclusion, our first priority in Congress should be to create an environment that encourages companies to grow and create jobs. We know our economy cannot continue on the path it is on. In a recent Chamber of Commerce study, 64 percent of small business executives said they do not expect to add to their payroll in the next year, and another 12 percent said they plan to cut jobs.

The Startup Act would encourage American entrepreneurs to do what they do best: dream big and pursue their dreams. The American economy can and will recover when we give American entrepreneurs the tools they need to succeed.

By removing those barriers to growth for new companies, attracting business investment, bringing more research from the laboratory to the marketplace, retaining talented entrepreneurs and skilled employees, and encouraging progrowth policies, we will spur growth in the marketplace and assist in putting people back to work.

The ongoing debate about how to create jobs needs to turn from rhetoric to reality. Nothing in this legislation is designed to be highly partisan. It is designed to make certain Republicans and Democrats can come together with a plan that will make a difference.

It is time for Congress to put policies in place that give job creators more confidence and certainty in the marketplace. If we fail to act as we should, if we continue to ignore the economic problems facing our country, if we let partisanship and bickering get in our way, we will reduce the opportunities the next generation of Americans have to pursue the American dream. It is our greatest responsibility as citizens of our country to make sure the next generation of Americans can live in a country with freedom and liberty and have the opportunity to dream their dreams and see them fulfilled.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. LEAHY. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the House Chamber for the joint meeting at 4 p.m., Thursday, October 13, 2011.

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

EXECUTIVE SESSION

NOMINATION OF ALISON NATHAN TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF SUSAN OWENS HICKEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS

NOMINATION OF KATHERINE B. FORREST TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read the nominations of Alison Nathan, of New York, to be United States District Judge for the Southern District of New York; Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas; and Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours for debate with respect to those nominations, with the time equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that—it is now 10 minutes past 12—the 2 hours be deemed as having begun at 12 so the first vote will be at 2 o'clock.

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

Mr. LEAHY. With the time equally divided as under the normal agreement.

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

Mr. LEAHY. And that the time in quorum calls be equally divided.

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

Mr. LEAHY. With votes today on 3 of the 30 judicial nominations reported favorably by the Judiciary Committee, the Senate will complete action on the nominations that were part of the unanimous consent agreement reached 3 weeks ago, prior to the last recess.

I want to thank the majority leader for pressing at that time for Senate votes on all 27 of the judicial nominations then on the Executive Calendar. Unfortunately, the Republican leadership would consent to vote on only 10 of those long-stalled nominations. So even after today's vote, we are back where we started with 27 judicial nominations on the calendar awaiting final action by the Senate.

Like the nominations we considered last week and earlier this week, all three of the district court nominations the Senate considers today were reported favorably by the committee months ago with strong bipartisan support. They have all been fully considered by the Senate Judiciary Committee. They have all been through a thorough vetting process. They were all ready for a final Senate vote well before the August recess, but we are only considering them now, halfway through October.

As I said when the Senate returned from the September recess with votes on six long-pending nominations, I hope that these votes are an end to the unnecessary stalling by Senate Republicans on nominations. I hope that the Senate will build on these votes and make real progress in addressing the crisis in judicial vacancies that has gone on for far too long, to the detriment of our courts and the American people. Votes on four to six judicial nominees a week cannot be the exception if we are going to bring down a judicial vacancy rate that remains above 10 percent, with 92 vacancies on Federal courts across the country. Votes on four to six nominations would be required throughout the year to make a real difference. I hope my friends on the other side of the aisle will join together with us to end their insistence on harmful delay for delay's sake.

We need a return to regular order where the timely consideration of consensus, qualified nominees is not the exception but the rule. With Republican agreement, we could vote today on all 30 of the nominations reported by the Committee. Of the 27 judicial nominations that will remain on the Executive Calendar tomorrow, 24 of them were reported with unanimous support of every single Democrat and every single Republican serving on the Judiciary Committee. All of them have the support of their home State Senators, including 13 who have the support of Republican home State Senators.

I have served in the Senate for years, with both Republican leadership and Democratic leadership, Republican Presidents and Democratic Presidents. Especially for district courts, when nominees were voted out of the committee with a bipartisan majority or voted out unanimously, they were voice-voted within a matter of weeks. That has changed: under President Obama, Republicans are delaying judges who were voted on unanimously by every Republican and Democrat in the Judiciary Committee. I do not think that is right.

The path followed by the Senate in considering the nomination of Judge Jennifer Guerin Zipps is the path that should be followed with all consensus nominations. Judge Zipps was nominated to fill the emergency judicial vacancy created by the tragic death of Judge Roll in the Tucson, Arizona shootings. I was pleased that, with cooperation from Republican Senators, the time from when the Judiciary Committee reported Judge Zipps' nomination to full Senate consideration was less than 1 month, even including a recess period. It should not take a tragedy to spur us to action to fill a judicial emergency vacancy. Indeed, the time it took the Senate to consider Judge Zipps' nomination was in line with the average time it took for the Senate to consider President Bush's unanimously reported judicial nominations—28 days. It is regrettable that her nomination has become the exception for President Obama's consensus nominations. Those nominations which have been reported with the unanimous support of every Republican and Democrat on the Judiciary Committee have waited an average of 76 days on the Executive Calendar before consideration by the Senate.

Senator GRASSLEY and I have worked together to ensure that the Judiciary Committee makes progress on nominations. Earlier today, the committee reported another five judicial nominations, four of which have Republican home state Senators in strong support. Two of those nominations will fill judicial emergency vacancies in Florida and Utah. There is no need for the Senate to wait weeks and months before voting on these nominations. There is no need for the Senate Republican leadership to continue the unnecessary delays in our consideration of judicial nominations that have contributed to the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies rose above 90 in August 2009, and it has stayed near or above that level ever since. We must bring an end to these needless delays in the Senate so that we can ease the burden on our Federal courts so that they can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on those nominations that were reported favorably by Republicans and Democrats on the Judiciary Committee. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. When most people go to court they do not consider themselves Republicans or Democrats; they just know they have a reason to go to court. But they now find many vacant judgeships. They cannot get their cases heard, and justice delayed is, as we know, justice denied.

As I have said, we have 27 judicial nominations remaining on the calendar—24 of them voted for unanimously. I ask the Republican leadership to explain to the American people why they will not consent to vote on the qualified consensus candidates nominated to fill these extended judicial vacancies.

The delays which have led to the damaging backlog in judicial nominations is compounded by the unprecedented attempt by some on the other side of the aisle to create what I consider misplaced controversies about the records of what should be consensus district court nominees. This approach has threatened to undermine the longstanding deference given to home State Senators who know the nominees and the needs of their states best. I am glad we are finally going to vote today on the nominations of Alison Nathan to the Southern District of New York and Susan Hickey to the Western District of Arkansas, but I hope Senators will not raise the kind of selective and unfair questions about the qualifications of these two fine nominees which were never raised about President Bush's judicial nominees.

Alison Nathan is currently Special Counsel to the Solicitor General of New York, having earned the Louis J. Lefkowitz Memorial Achievement Award for her work there last year. Ms. Nathan previously had a successful career in private practice at a national law firm, as a professor at two New York law schools, and as an Associate White House Counsel. She clerked for Supreme Court Justice John Paul Stevens and Judge Betty Fletcher of the Ninth Circuit Court of Appeals.

Ms. Nathan's nomination has the strong support of both her home State Senators. Senator SCHUMER rightfully praised her intellect and her accomplishments when he introduced her to the Judiciary Committee. Half of the Republicans on the Judiciary Committee joined all of the Democrats in voting to report her nomination favorably. However, some in committee raised concerns about Ms. Nathan's qualifications, citing her rating by a minority of the ABA's Standing Committee on the Federal Judiciary as ''not qualified.'' I note that a majority of the ABA Standing Committee rated her ''qualified'' to serve. I also note that Ms. Nathan's ABA rating is equal to or better than the rating received by 33 percent of President Bush's confirmed judicial nominees, who were

supported by nearly every Republican Senator. Her rating is better than the four of President Bush's nominees who were confirmed despite a ''not qualified'' rating by the majority of the ABA's Standing Committee, including two nominees to the Eastern District of Kentucky, David L. Bunning and Gregory F. Van Tatenhove, who were supported by the Republican leader. The Senate deferred to the recommendations of the home State Senators in considering President Bush's nominations and confirmed nominees from Alabama, Utah, Arizona and Oklahoma, among other States, who had received a partial rating of ''not qualified.''

There is no question that the Senate should confirm Ms. Nathan. As her resume shows, she is an accomplished nominee with significant experience in private practice, academia and government service. Twenty-seven former Supreme Court clerks have written to the Judiciary Committee in support of her qualifications, including clerks who worked for the conservative Justices. They write:

Although we hold a wide range of political and jurisprudential views, all of us believe Ns. Nathan has the ability, character, and temperament to be an excellent Federal district court judge. We recommend her for this position without hesitation and without reservation.

I support Ms. Nathan's nomination without reservation, and hope that Senators from both sides of the aisle will join me in supporting this worthy nominee.

The Senate will also vote today to confirm the nomination of Judge Susan Hickey to the Western District of Arkansas. Judge Hickey has the bipartisan support of her home State Senators, Democratic Senator MARK PRYOR and Republican Senator JOHN BOOZMAN, both of whom have praised her background and qualifications in introducing her to the Committee. A majority of Republicans joined every Democratic Senator on the Judiciary Committee in voting to report her nomination. Yet because she spent a significant part of her career as a law clerk and took a hiatus from law practice while on family leave, some have questioned whether she is qualified to serve on the Federal bench. In my view, and the view of her home State Senators—one Democratic and one Republican—those concerns are misplaced.

Currently a State court judge serving in the Thirteenth Judicial Circuit in Arkansas, Judge Hickey was previously a career law clerk for the Honorable Judge Barnes, whom she is nominated to replace. During her confirmation hearing, Judge Hickey testified about the experience she gained as a career law clerk to Judge Barnes, saying that she ''[took] part in all matters that were before the court from the time that the case was filed till the final disposition.'' She testified about the cases she has managed as a State Court Judge, and her experience litigating bench trials and jury trials. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Hickey ''qualified'' to serve on the Federal bench. I hope that she will be confirmed with bipartisan support.

The Senate today will also finally consider the nomination of Katherine Forrest to fill another vacancy on the Southern District of New York. Currently a Deputy Assistant Attorney General in the Antitrust Division of the Department of Justice, she previously spent over 20 years as a litigator in private practice at the law firm Cravath, Swaine & Moore in New York City, where she was named one of America's Top 50 litigators under the age of 45. The ABA Standing Committee on the Federal Judiciary unanimously rated Ms. Forrest ''well qualified'' to serve, its highest possible rating. The Judiciary Committee favorably reported Ms. Forrest's nomination without dissent three months ago.

In the weeks ahead, I hope that we continue to consider more of the 27 judicial nominees, nearly all of whom are the kind of consensus nominees we could consider within days. We have an enormous amount of ground to recover. At this point in George W. Bush's presidency, the Senate had confirmed 162 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee during his first term. By this date in President Clinton's first term, the Senate had confirmed 163 of his nominations to circuit and district courts. In stark contrast, after today's vote, the Senate will have confirmed only 108 of President Obama's nominees to Federal circuit and district courts. As a result, vacancies are twice as high as they were at this point in President Bush's first term when the Senate was expeditiously voting on consensus judicial nominations. In the next year, we need to confirm nearly 100 more of President Obama's circuit and district court nominations to bring the vacancies down to match the 205 confirmed during President Bush's first term.

We can and must do better to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

Again, I apologize for my voice, I thank the ranking member for his help, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today we continue in our cooperation with the majority as we vote on three more judicial nominees. With a confirmation earlier this week, and six judicial confirmations last week, I want to note the progress we have made.

After today's votes, we will have confirmed 68 percent of President Obama's judicial nominees submitted during his presidency. We remain ahead of the pace set forth in the 108th Congress. We have already held hearings for over 84 percent of President Obama's judicial nominees this Congress, while at this point in the 108th Congress, only 77 percent of President Bush's judicial nominees had their hearing.

This morning, the Judiciary Committee reported five more nominees to the Senate floor, totaling over 77 percent of President Obama's judicial nominees receiving favorable votes out of committee. That is compared to only 72 percent of President Bush's judicial nominees receiving favorable outcomes at this point in the 108th Congress. This indicates the bipartisan effort taking place to move consensus nominees forward, despite what we hear from the other side about obstruction and delay.

The advice and consent function of the Senate is a critical step in the process. In the Federalist Papers No. 76, Alexander Hamilton wrote:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

In other words, the Senate has a role in preventing the appointment of judges who are simply political favorites of the President, or of those who are not qualified to serve as Federal judges.

Also, let me remind my colleagues of what then-Senator Obama stated about this duty 6 years ago in connection with the attempted filibuster of Janice Rogers Brown. Our President, then Senator, said:

Now, the test for a qualified judicial nominee is not simply whether they are intelligent. Some of us who attended law school or were in business know that there are a lot of real smart people out there whom you would not put in charge of stuff. The test of whether a judge is qualified to be a judge is not their intelligence. It is their judgment.

A few months later, on January 26, 2006, when debating the Alito nomination, then-Senator Obama said:

There are some who believe that the President, having won the election, should have the complete authority to appoint his nominee, and the Senate should only examine whether or not the Justice is intellectually capable and an all-around nice guy. That once you get beyond intellect and personal character, there should be no further question whether the judge should be confirmed. I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe that it calls for meaningful advice and consent that includes an examination of a judge's philosophy, ideology, and record.

You can see some differences between what Senator Obama said on a couple of different occasions on the Senate floor and also how there is some disagreement with what Alexander Hamilton said in the Federalist Papers No. 76.

Our inquiry of the qualifications of nominees must be more than intelligence, a pleasant personality, or a prestigious clerkship. At the beginning of this Congress, I articulated my standards for judicial nominees. I want to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence.

In applying these standards, I have demonstrated good faith in ensuring fair consideration of judicial nominees. I have worked with the majority to confirm consensus nominees. However, as I have stated more than once, the Senate must not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people to simply rubber stamp them.

Although we have had a long run of confirming consensus nominees, two of the nominees on which we are about to vote come with some reservations. Ms. Nathan and Judge Hickey both have had limited experience in the courtroom. They have failed to meet even the minimum qualifications that the ABA says it uses in the rating process. The guidelines of the Standing Committee of the ABA provide:

> . . . a prospective nominee to the Federal bench ordinarily should have at least 12 years experience in the practice of law.

They further state:

> Substantial courtroom and trial experience as a lawyer or trial judge are important.

I want to emphasize the American Bar Association 12-year standard is not an absolute. However, it is a benchmark that we can use to evaluate the experiences of various nominees. As I have said in the past, being appointed a Federal district judge should be a capstone of an illustrious career. Federal judges should have significant courtroom and trial experience as a litigator or a judge. I would note that last week at our hearing, Justice Scalia expressed concern about the decline in the quality of Federal judges.

With regard to the two non-consensus nominations before us today, I voted to advance them out of the Judiciary Committee so the full Senate could evaluate their qualifications. However, both of these nominees received votes in opposition in our committee. After they were reported, we had our second opportunity to examine their records, and unfortunately I am unable to support them on the floor.

I am, however, pleased to support the nomination of Katherine B. Forrest to be United States District Judge for the Southern District of New York.

In Ms. Nathan's case, she graduated from law school only 11 years ago, and has been admitted to the practice of law for only 8 years. Her questionnaire states she served as associate counsel on approximately six trial court litigation matters. Most of the significant litigation she lists is from her current position in the New York Solicitor General's Office.

In addition, I am concerned about her views on second amendment rights, on the death penalty, on the use of foreign law, and her remarks regarding the Bush administration's war on terror.

Judge Hickey has served as a State court judge for about 1 year. Her questionnaire indicates she has presided over two criminal bench trials—a speeding-DWI case and a second speeding case. Prior to that, she spent about 7 years as a senior law clerk in the Western District of Arkansas. Early in her career, from 1981 to 1984, she was a staff attorney with Murphy Oil Company. Altogether, I am not sure we can get to 12 years of legal-judicial experience—the minimum the American Bar Association committee says a nominee to the courts should have. Furthermore, Judge Hickey has no litigation experience. She has tried no cases.

I want to be very clear here—I am not denigrating the career choices of these nominees, nor am I arguing that the experience they have is unrelated to service as a Federal judge. What I am saying is they do not have enough experience, and this is not the place for on-the-job training.

Let me say a bit more about the background of the nominees we are considering today.

Two nominees have been nominated to serve as United States District Judge for the Southern District of New York—Katherine B. Forrest and Alison J. Nathan.

Since graduating from New York University School of Law in 1990, Ms. Forrest has spent the vast majority of her legal career as an attorney at Cravath, Swayne, & Moore. She served as an associate at the firm from 1990 to 1997 and a partner from 1998 to 2010. While at Cravath, Swayne, & Moore, Ms. Forrest was a generalist litigator who practiced in the areas of antitrust, intellectual property, contracts, employment law, accounting fraud, and securities litigation.

In addition, Ms. Forrest was involved in the management of the firm, serving on the Partner Review Committee. She also ran the firm's Continuing Legal Education Program from 1998 to 2005.

Ms. Forrest has been a deputy assistant attorney general in the Department of Justice's antitrust division since 2010. She is involved in most major matters the division handles, including litigation planning and execution, appellate litigation, and international cooperation. She has a unanimous rating of ''Well Qualified'' by the ABA Standing Committee on the Federal Judiciary.

Ms. Nathan graduated with a B.A. from Cornell University in 1994 and with a J.D. from Cornell Law School in 2000. Upon graduation, she clerked for Judge Betty Fletcher of the Ninth Circuit Court of Appeals from 2000 to 2001. From 2001 to 2002, Ms. Nathan clerked for Justice John Paul Stevens of the Supreme Court of the United States.

Ms. Nathan entered private practice with Wilmer, Cutler, Pickering Hale & Don LLP, serving as an Associate in the Washington, DC, office as well as the New York office. She practiced within the Litigation Group, the Supreme Court and Appellate Litigation Group, and the Regulatory and Government Affairs Group.

From 2006 to 2008, Ms. Nathan worked as a visiting assistant professor of law at Fordham University School of Law. In this role she taught civil and criminal procedure and constitutional law. From 2008 to 2009, Ms. Nathan also served as the Fritz Alexander fellow at New York University School of Law, engaged in legal research.

In 2009, Ms. Nathan secured a position with the White House Counsel's Office. As an associate White House counsel and Special Assistant to the President, Ms. Nathan reviewed legislation, analyzed and advised staff on legal issues, and assisted in the preparation of judicial and executive branch nominees for confirmation hearings.

In July 2010, Ms. Nathan returned to New York and began to work as a Special Assistant to the Solicitor General of New York. A majority of the ABA Standing Committee on the Federal Judiciary rated Ms. Nathan as ''Qualified.'' A minority rated her as ''Not Qualified.''

And finally, Susan Owens Hickey, who is nominated to be a United States District Judge for the Western District of Arkansas. Ms. Hickey graduated from the University of Arkansas School of Law in 1981. In April of that year, she worked for the law firm of Brown, Compton & Prewett, where she worked on the pretrial preparation and trial of a personal injury case that the firm was defending. From 1981 to 1984, Ms. Hickey worked as a staff attorney for the Murphy Oil Corporation. In that role, she worked primarily on issues involving natural gas, securities and corporate law.

From 1984 to 2003, Ms. Hickey was not employed or actively engaged in the practice of law, with the exception of serving as a temporary law clerk. During the summer of 1997 and during the summer of 1998 Ms. Hickey served as a temporary law clerk for the Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

Ms. Hickey returned to work for that same judge in 2003, serving as a senior career law clerk, and she stayed in that position until 2010.

In September 2010, Ms. Hickey was appointed circuit judge for the Thirteenth Judicial Circuit of Arkansas. Ms. Hickey received a unanimous ''Qualified'' rating from the ABA Standing Committee on the Federal Judiciary.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

TERRORIST PROSECUTION

Mr. DURBIN. Mr. President, my Republican colleagues have frequently come to the Senate floor to criticize President Obama for his handling of terrorism cases. They have argued regularly and consistently that terrorism suspects should never be interrogated by the FBI and should not be prosecuted in America's criminal courts but, instead, they argue, they should only be held in military detention and prosecuted in military commissions.

Today, I have noticed no one on the Republican side has come to the Senate floor to make those arguments. Why not? It may be because yesterday Umar Farouk Abdulmutallab pled guilty in Federal court to trying to explode a bomb in his underwear on a flight to Detroit on Christmas Day 2009. Mr. Abdulmutallab, who will be sentenced in January, is expected to serve a life sentence.

I commend the men and women at the Justice Department and the FBI for their work on this case. America is a safer country today thanks to them.

My colleagues on the other side were very critical of the FBI's decision to give Miranda warnings to Abdulmutallab. Let me quote Senator MCCONNELL, the minority leader. This is what he said on the floor of the Senate:

> He was given a 50-minute interrogation.

He was referring to Abdulmutallab.

The Senator went on to say:

> Probably Larry King has interrogated people longer and better than that. After which he was assigned a lawyer who told him to shut up.

That is an interesting statement, but here are the facts. Experienced counterterrorism agents from the FBI interrogated Abdulmutallab when he arrived in Detroit. According to the Justice Department, during this initial interrogation, the FBI ''obtained intelligence that proved useful in the fight against al Quida.'' After this initial interrogation, Abdulmutallab refused to cooperate further with the FBI. Only then, after Abdulmutallab stopped talking, did the FBI give him a Miranda warning.

What the FBI did in this case was nothing new. During the Bush administration, the FBI consistently gave Miranda warnings to terrorists detained in the United States.

Here is what Attorney General Holder said:

> Across many administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly-stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States.

In fact, under the Bush administration, they adopted new policies for the FBI that say that ''within the United States, Miranda warnings are required to be given prior to custodial interviews.''

Let's take one example from the Bush administration: Richard Reid, also known as the Shoe Bomber. Reid tried to detonate an explosive in his shoe on a flight from Paris to Miami in December 2001. This was very similar to the attempted attack by Abdulmutallab, another foreign terrorist who also tried to detonate a bomb on a plane. So how does the Bush administration's handling of the Shoe Bomber compare with the Obama administration's handling of the Underwear Bomber? The Bush administration detained and charged Richard Reid as a criminal. They gave Reid a Miranda warning within 5 minutes of being removed from the airplane, and they reminded him of his Miranda rights four times within the first 48 hours he was detained.

Later, Abdulmutallab began talking again to FBI interrogators and providing valuable intelligence. FBI Director Robert Mueller, for whom I have the highest respect, described it this way:

> Over a period of time, we have been successful in obtaining intelligence, not just on day one, but on day two, day three, day four, and day five, down the road.

Now, how did that happen? How did the FBI get even more information from the suspect after they gave the Miranda warning? The Obama administration convinced Abdulmutallab's family to come to the United States, and his family persuaded him to start talking to the FBI. That is a very different approach than we have heard in previous administrations. Sometimes when a detainee refused to talk, in the Bush administration, in some isolated cases, there were extreme techniques used to try to get information from him, such as waterboarding. But real life isn't the TV show ''24.'' On TV, when Jack Bauer tortures somebody, the suspect immediately admits everything he knows. Here is what we learned during the previous administration: In real life, when people are tortured, they lie. They will lie and say anything to make the pain stop. Oftentimes they provide false information, not valuable intelligence.

Richard Clarke was the senior counterterrorism adviser to President Clinton and President George W. Bush. Here is what he said about the Obama administration's approach:

> The FBI is good at getting people to talk. They have been much more successful than the previous attempts of torturing people and trying to convince them to give information that way.

Many of my colleagues on the other side of the aisle argue that Abdulmutallab should have been held in military detention as an enemy combatant, but terrorists arrested in the United States have always been held under our criminal laws.

Here is what Attorney General Holder said:

> Since the September 11, 2011 attacks, the practice of the U.S. government, followed by prior and current administrations without a single exception, has been to arrest and detain under Federal criminal law all terrorist suspects who are apprehended inside the United States.

Many of my Republican colleagues also argue that terrorists such as Umar Abdulmutallab should be tried in military commissions because Federal courts are not well-suited to prosecuting terrorists.

That argument is simply wrong. Look at the facts. Since 9/11, more than 200 terrorists have been successfully prosecuted and convicted in our Federal courts. Here are just a few of the terrorists who have been convicted in Federal courts and are serving long prison sentences: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheik; the 20th 9/11 hijacker, Zacarias Moussaoui; Richard Reid, the Shoe Bomber; Ted Kaczynski, the Unabomber; Terry Nichols, the Oklahoma City coconspirator; and now Abdul Abdulmutallab. Compare this with the track record of military commissions. Since 9/11, only 4 individuals have been convicted by military commissions—more than 200 in the courts, 4 in military commissions—and 2 of those individuals spent less than 1 year in prison, having been found guilty by a military commission, and are now living freely in their home countries of Australia and Yemen.

GEN Colin Powell, the former head of the Joint Chiefs of Staff and Secretary of State under President Bush, supports prosecuting terrorists in Federal courts. Here is what he said about military commissions. This is from General Powell:

> The suggestion that somehow a military commission is the way to go isn't borne out by the history of the military commissions.

Many military commissions, when it comes to terrorism cases, are an unproven venue, unlike Federal courts.

Former Bush administration Justice Department officials James Comey and Jack Goldsmith also support prosecuting terrorists in Federal court. Here is what they said:

> There is great uncertainty about the commissions' validity. This uncertainty has led to many legal challenges that will continue indefinitely. . . . By contrast, there is no question about the legitimacy of U.S. Federal courts to incapacitate terrorists.

I say to my colleagues, after a steady parade of speeches on this Senate floor by the Senate Republican leader and others about how we cannot trust our Federal court system to prosecute terrorists, how we should take care to never let the FBI do this important job, the facts speak otherwise.

In Detroit, in the Federal court, we should give credit where it is due. The

FBI did its job. Our courts did their job. The Department of Justice prosecutors did their job. Abdulmutallab pled guilty. He pled guilty because the evidence was overwhelmingly against him. He was convicted openly in the courts of America, which is an important message to send to the rest of the world, and he will pay a heavy price—a life sentence—for his terrible attempt to down an aircraft in the United States. That prosecution and that confession were obtained in our court system.

To argue that military commissions are the only way to go and that using the FBI and Department of Justice and our article III courts as a venue for terrorism is wrong is not proven by the facts, the evidence, or the most recent information coming forward. I would hope some of my colleagues who are now holding up the Defense authorization bill on this issue will at least be hesitant to argue their case now that the Abdulmutallab prosecution has been successfully completed. Over 200 terrorists have been successfully prosecuted in America's courts.

My message to them and I think the message of America to every President is, you use the court, you use the agency you think will be most effective in protecting America. Congress should not tie the hands of any President when it comes to this important prosecution. This success that we have seen in Detroit is evidence that if we give to a President—whether it is a Republican or Democratic President—the tools to prosecute those accused of terrorism, the President can use them wisely, sometimes in military commissions but more often in our court system, an open system that says to the world we can bring the suspected terrorist to justice and do it in a fashion consistent with American values.

I hope all of my colleagues, Democrats and Republicans, will join me in commending the Justice Department and FBI for their success in bringing Abdulmutallab to justice, and I sincerely hope this case will cause some Members of the body to reconsider their opposition to handling terrorism in the criminal justice system.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

THE ECONOMY

Mr. DURBIN. Mr. President, the events of this week are an indication that much needs to be done in Washington to deal with the state of our economy. With 14 million Americans out of work, it is high time that both political parties find a way to develop a plan to move this country forward and to create jobs.

When the President spoke to Congress a little over 4 years ago, he laid out at least the foundation of a plan and later provided the details. But time and again, President Obama has said to the Republican leadership: I am open to your ideas. Bring them forward. Let's put them in a combined effort to make America a stronger nation and to find our way out of this recession.

Unfortunately, we have not heard suggestions from the other side. We had an important vote Tuesday night. Sadly, the Republican filibuster prevailed. Republicans, because they did not want to move the President's bill to consideration on the floor of the Senate, voted—every single one of them—against President Obama's efforts to put America back to work. I do not think that is going to be a position which is easily defended back home. Whether one agrees or disagrees with President Obama, the American people expect Democrats and Republicans to enter a dialog to help this country. We have to give on the Democratic side, and they should be prepared to give on the Republican side, and let's try to find some common ground. There are too many instances where we fight to a face-off and then leave.

The suggestion that yesterday's efforts to pass three free-trade agreements with South Korea, Panama, and Colombia are going to turn the economy around, I am not sure of being close to accurate. I supported two of those trade agreements, and I think they will help create jobs and business opportunities in America in the longer run but in the near term not likely so.

What we need to do is to work on what has been proven to be successful to move this economy forward. Let's start with the basics. Working families struggle from paycheck to paycheck. Many families do not have enough money to get by. They are using food pantries and other help to survive in this very tough economy. So President Obama said the first thing we need to do is to give a payroll tax cut to working families so they have more money to meet their needs. What it boils down to in Illinois, where the average income is about $53,000 a year, is the equivalent of about $1,600 a year in tax cuts for working families. That is about $130 a month, which many Senators may not notice but people who are struggling to fill the gas tank and put the kids in school can use $130 a month.

The President thinks that is an important part of getting America back on its feet and back to work, and I support it. That was one of the elements that was stopped by the Republican filibuster on Tuesday night.

The second proposal of the President is that we give tax breaks to businesses, particularly small businesses, to create an incentive for them to hire the unemployed, starting with our returning veterans. It is an embarrassment to think these men and women went overseas and risked their lives fighting an enemy and now have to come home and fight for a job. We ought to be standing by them, helping them to get to work, and that is one of the elements in the President's bill that was also defeated by the Republican filibuster on Tuesday night.

The President went on to say we ought to be investing our money in America. If we put people to work, let's build something that has long-term value. One of those he suggested was school modernization. I visited some schools around my State, and I am sure in the State of Colorado and other places there are plenty of school districts struggling because the tax base has been eroded by declining real estate values and these districts need a helping hand. When I went to Martin Grove and visited a middle school there, I found great teachers doing the best they could in classrooms where the tiles were falling from the ceiling and where the boiler room should be labeled an antique shop because it was a 50- or 60-year-old operation that was kept together with $150,000 of repairs each year. We ought to buy new equipment and install it in American schools so they can serve us for many years to come.

The same holds true in investing in our infrastructure, whether it is highways, bridges or airports. Make no mistake, our competitors around the world are building their infrastructure to beat the United States, and those who want us to retreat in this battle are going to be saddened by the consequences if they have their way. President Obama said invest this money in putting Americans to work to build our infrastructure, rebuild our schools, build our neighborhoods in a way that serves us for years to come.

The President is also sensitive to the fact that in many parts of America, including Illinois, there are school districts and towns that have had to lay off teachers and firefighters and policemen. It doesn't make us any safer, and it doesn't make our schools any more effective. Part of the President's jobs package is to make sure, for those teachers as well as policemen and firefighters, at least some of their jobs will be saved. In Illinois, over 14,000 of those jobs will be saved by the President's bill.

What really brings this bill to a screeching halt in the debate is the fact the President said we should pay for this. Let's come up with the money that is going to pay for the things I just described. And his proposal is a simple one. It says those who make over $1 million a year will pay a surtax of 5.6 percent—over $1 million a year in income. That is over $20,000 a week in income. These folks would pay a 5.6-percent surtax, and that surtax would pay for the jobs bill.

If the jobs bill works, and I believe it will, I guarantee a thriving American economy will be to the benefit of those same wealthy people. So asking them to sacrifice a little in this surtax is not too much to ask.

Unfortunately, although some 59 percent of Republicans support this millionaires' surtax, not one of them serves in the Senate. We need to have a bipartisan effort to make sure this is paid for in a reasonable way. The alternative we have heard from the other side that mounted this filibuster against President Obama's jobs bill is, we ought to return to the old way of doing things: tax cuts for wealthy people—not new burdens but tax cuts for wealthy people.

They argue the people who make over $1 million a year are the job creators. That is a phrase they use, ''job creators.'' A survey came out yesterday from the Government Accountability Office, and what it said was 1 percent of those making over $1 million a year actually own small businesses. Most of them are investors. Although there is, I am sure, a worthy calling in being an investor, they are not the job creators they are described to be.

So I say to my friends on the other side of the aisle, this notion of protecting those making over $1 million a year at the expense of a jobs program to move America forward is backwards. We have to come together, and I hope we can start as early as next week. We have to find provisions in this jobs bill we can agree on.

I hope the Republicans would agree we should modernize our schools and build our infrastructure in this country. I hope they agree we should not shortchange our schools and our communities when they need teachers and policemen and firefighters. I hope they would agree that it is a national priority to put our returning veterans to work. I certainly think that should be a bipartisan issue.

But the filibuster this week that stopped the President's jobs bill has stopped the discussion. The trade bills yesterday will not make up the difference. We have to focus on putting Americans to work with good-paying jobs right here in our Nation, creating new consumer demand for goods and services which will help businesses at every single level. The President has put his proposal forward and has challenged our friends on the other side of the aisle to step up and put their proposals forward.

My suspicion is that most people in America would be delighted to see a breakthrough in Washington, DC, where Democrats and Republicans actually sat down at the same table and tried to work out a plan to put America back to work. We can do this. In order to do it we have to give on both sides. We have to forget about the election that is going to occur in November 2012 and focus on the state of America's economy right now in October 2011. If we put aside the campaign considerations and focus on the economy, I think we can get a lot done. I trust that there are some on the other side of the aisle who feel the same way. I hope they will break from their leadership on their filibuster and join us in this effort.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on the nomination of Alison Nathan to be the United States District Court Judge for the Southern District of New York. This is a highly important position. It is one of the more prestigious courts in the country that handles the Nation's most complex cases. It is my observation, having practiced for over 15 years full time trying cases before Federal judges, that this position is of extreme importance and you need good judgment, good experience, good integrity, proven stability before you give a person a lifetime appointment to such a position. It is an important matter.

I overwhelmingly vote for the nominees of the President. I believe in giving the President deference in those nominations. However, I do believe we need to hold Presidents accountable and to scrutinize the nominations in a fair way and not hesitate to push back and say no if a nominee does not meet those requirements that are necessary to be a good judge.

I believe Ms. Nathan is one of a number of President Obama's nominees who believes that American judges should look to foreign law in deciding cases. She has other indications that suggest she is not committed in a deep and understanding way to the oath Federal judges take. That oath is that you serve under the Constitution and under the laws of the United States. That is so simple and so basic that it goes almost without saying, but it is a part of the historic oath judges take. I believe that oath and commitment to serving under the U.S. Constitution, under the U.S. laws, is critical to the entire foundation of the American rule of law. It is so magnificent. We have the greatest legal system in the world. By and large our Federal judges are excellent and it is a strength both for liberty and civil rights and economic prosperity that we maintain a judiciary at a high level.

One of the things that causes me concern—there are several, but this one I will mention—is her belief that American judges should look to foreign law in deciding cases. This is not a little bitty matter. It is a matter of real national import. It offends people. Some people, nonlawyers, get offended. They think they should not do that. They are right, but just because people are upset about it and get angry about it doesn't mean it is not a deep, legitimate concern and can be a disqualifying factor as to whether a person should be on the bench. What law do they follow? The U.S. law or foreign law?

In a book chapter published less than 2 years ago, Ms. Nathan suggested that the cases leading up to the Supreme Court case of Roper v. Simmons, which was a death penalty case, showed legal progress. In Roper the Court held it is unconstitutional to impose a death penalty even for the most heinous crime if the defendant is under the age of 18 years.

As a matter of policy, I am not sure we should be executing people under 18, although a lot of people think that certain crimes are so bad they ought to be executed. We can disagree. That is a political decision. The question is, does the Constitution prohibit that? I suggest it does not. But if it does, it ought to be interpreted in light of its own words and the laws of the United States, its own import of the Constitution of the United States. Ms. Nathan seemed to commend the decision, however, on a different basis in her chapter. She commended it for ''elaborating upon relevant international and foreign law sources and defending the relevance of the Court's consideration of those sources.''

When describing Justice Kennedy's change of opinion on the issue—he reversed himself—she said it was ''a change that can be attributed to the international human rights advocacy and scholarship that had taken place outside the courtroom walls.''

She also praised the Roper attorneys for their ''strategic and savvy reference to international norms in litigating the case.''

She asserted that the strategy's ''effectiveness holds promise and lessons for future advancement of international law.''

She went further and suggested the reason the Supreme Court does not look to foreign law more often is because the Justices simply do not understand international law arguments—she has been practicing law about 10 years, or 9 at the time she wrote this, so she knows more about the issues related to international law than the Justices who have been on the bench for decades, many of them constitutional professors—rather than demonstrating a knowledge that the judge must serve under the U.S. Constitution and U.S. law and recognizing that foreign law has no place in deciding what our Constitution means.

She stated:

> As these trends [in international law] continue, surely the Court will increase its understanding and 'internationalization' of international human rights law arguments.

She then concluded:

> The presence of the Chinese judicial delegation at the Supreme Court on the day of

the Roper arguments wonderfully symbolized the rich dialogue between international and constitutional norms.

So what she is calling for there is a dialog, presumably between international law and constitutional norms—pretty plain in her writing—not just an off-the-cuff comment but in a serious book expressing her philosophy and approach to law.

I am troubled by that. I believe judges have to be bound by the law and the Constitution. They are not free to impose their view. Justice Scalia and others have criticized—devastated—this international law argument. In my view, the debate that has gone forward in circles including the academy and law schools has clearly been a victory for the people who understand it is our Constitution that governs. We didn't adopt the laws of China, if they were ever enforced, which they are not except by the government when it suits them. We didn't adopt laws in France. We didn't adopt laws in Italy or Brazil or Yugoslavia. That is not what binds us. That is not what judges serve under. They serve under our law.

I think it is a dangerous philosophy. It strikes at the heart of what the Anglo-American rule of law is all about—that law is adopted by the people of the United States and that is the law judges must enforce—laws passed by the people of the United States.

Reliance on foreign law, I believe, has been shown to be nothing more than a tool that activist judges who seek to reach outcomes they desire utilize. It is a way to get out from under the meaning of U.S. law. Why else would one cite it? If they cannot find a basis for their decisions in American law and legal tradition, they look to the laws and norms of foreign countries to justify their decisions. As Justice Scalia aptly described it—and he has hammered this theory—courts employing foreign law, including his own court—the U.S. Supreme Court—are merely ''look[ing] over the heads of the crowd and pick[ing] out its friends.''

What did he mean by that? He means the law, the foundation principles of deciding cases. If they don't like what they find in the United States, they look out over their heads and they find somebody in Italy or Spain or China or wherever, and they say: We need to interpret our law in light of what they do in Germany. How bogus is that as an intellectual legal argument?

Judges who engage in this type of activism violate their judicial oath, I believe. The oath is to serve under our Constitution, our laws. It requires judges to evaluate cases in that fashion—not the laws of other countries. Other countries don't have the same legal heritage we have. They don't value the same liberties and the same fundamental freedoms that are enshrined in our Constitution. The decisions of foreign courts have absolutely no bearing on a decision of a judge in a U.S. court, and nominees who disagree with that fundamentally can disqualify themselves from the bench.

It is very hard for me to believe I should vote to confirm a nominee who is not committed to following our law, who believes they have a right to scrutinize the world, find some law in some other country and bring it home and use that law so they can achieve a result they wanted in the case.

There are a number of other concerns I have with Ms. Nathan's record, not the least of which are her views on an individual's right to bear arms. We have a constitutional amendment on the right to keep and bear arms. The right to keep and bear arms should not be abridged. That is an odd thing, compared to France or Germany or Red China. But it is our law and we expect judges to follow it whether they like it or not. That is what our Constitution says.

Suffice it to say, I believe her record evidences an activist viewpoint. Perhaps if she had more legal experience, she would have a better understanding of the role of a judge. She only just became a lawyer in 2000—11 years ago—and has had limited time in a courtroom.

Evidently, the American Bar Association recognizes this. The ABA gives ratings to judges, and a minority of the members of that committee—not the majority but a minority—rate her ''not qualified.'' Frankly, they are a pretty liberal group, so I don't know if it is so much her views on some of these issues, but probably an actual evaluation of the kind of experience and background she brings and whether she would be qualified to sit on an important Federal district court—the Southern District of New York, one of the premier trial benches in the world, and even in America—and I think it is a matter we should consider.

This is a very serious shortcoming for a number of reasons. Litigating in court is valuable experience. It provides insights to someone who would be a judge. It helps make them a better judge if they have had that experience. It gives them a strong understanding that words have meaning and consequences. When we see people get prosecuted for perjury or we see million-dollar contracts decided this way or that way based on the plain meaning of words, we learn to respect words.

Some of these people out of law schools, with their activist philosophy, seem to think a judge has a right to allow their empathy and their feelings to intervene and decide cases based on something other than the words of the contract or the words of the Constitution. It is a threat to American law. Indeed, it is what President Obama has said a number of times. He believes judges should allow their empathy to help them decide cases.

What is empathy? It is their personal views. Whom do we have empathy for? It depends on whom one likes before they come on the bench. So they are deciding cases based on factors other than the objective facts of the case. I believe the practice of law is a real legal testing ground, in which people can prove their judgment integrity over time. It also provides a maturing experience, where a person learns the import of decisions in how cases turn out and how it impacts their clients.

Let me just say that seasoned lawyers develop reputations. When we have seen them in court many times and they have had experience there, people know if they have good judgment. People know if they are solid. We know they are men and women of integrity. They have that opportunity to establish a reputation. Both the short period of time that Ms. Nathan has spent actually practicing law and some of the troubling positions she has taken over the years justifiably raise serious questions about her understanding of the role of a judge in our system.

Finally, I would note that Concerned Women For America, the Family Research Council, and the Judicial Action Group oppose this nomination. In a letter sent to all Senators today, Concerned Women For America noted that Ms. Nathan's:

> . . . biases are so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

I have reached the view that the facts as I have noted—her open defense of the idea that judges can use sources other than our law to decide cases and her lack of experience and proven record of good judgment and legal skill, the fact that a minority of the ABA Standing Committee on the Federal Judiciary found her not qualified to serve on the bench, justifies a vote in opposition to this nomination. I will not block the nomination. We will have an up-or-down vote. But I do think in my best judgment—and that is all I have, my best judgment—after reviewing her resume, looking at how thin her experience is, and her positions on a number of issues, indicates to me that she has the real potential to be an activist judge, not faithful to the law. For that reason, I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I agree with the Senator from Alabama. In Arkansas, it is so important that we get good judges nominated and confirmed, and that is why I rise in support of Susan Hickey's nomination as U.S. district judge for the Western District of Arkansas.

Judge Hickey's distinguished career interests reflect her pursuit to serve the interests of justice. As an attorney and now as a circuit judge in my home State of Arkansas, she has earned the respect of the Arkansas legal community and proven she is devoted to fulfilling this important role in our judicial system.

I am confident Judge Hickey's extensive experience with the legal system will serve her well on the Federal bench. Her confirmation will fill the seat of retired Judge Harry Barnes, whom she clerked for before her appointment as circuit judge in the Thirteenth Judicial District. She also worked in a private law firm following her graduation from the University of Arkansas School of Law and also served as an in-house counsel for Murphy Oil.

Judge Hickey has strong bipartisan support for good reason: She has established herself as a dedicated public servant who possesses a strong work ethic and commitment to a fair and impartial legal system. Her experience and impartial demeanor and reputation amongst her peers give me faith that Judge Hickey will do a great job as the U.S. district judge for the Western District of Arkansas. When she was nominated for this position, Arkansans from all across the State expressed their support for her confirmation.

I am honored to recommend that the Senate confirm Judge Susan Hickey as a U.S. district judge for the Western District of Arkansas. I am confident her experience and judicial temperament make her the right person to serve Arkansas as a district judge.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I wish to thank my colleague for being here today and expressing his support for Susan Hickey to be a new Federal district court judge in the Western District of Arkansas. She has a strong record in our State. She is exactly what we need in a Federal judge. The fact that we have both home State Senators, one Democrat and one Republican, supportive of the nomination begins to speak volumes about the kind of person and the kind of reputation Susan Hickey has.

She has been in both the public sector and private sector. She has worked inhouse with an oil company, as Senator BOOZMAN said. But she has also law-clerked for a very solid and well-respected Federal judge.

She is now a State court judge in Arkansas at the State trial court level. She has handled 313 felony criminal cases since she has been on the bench. She brings a lot of experience, and she is exactly the kind of person we need to be on the Federal bench.

When I look at a judge candidate, a judge nominee, I always have three sets of criteria: One, are they qualified? Certainly, she is. She brings very strong qualifications and experience to this position.

Second, can she be fair and impartial? I think that is something that comes up with Susan Hickey over and over and over. From her local bar down in south Arkansas, from the people in the community, the folks who have dealt with her, they all say she is an extremely fair person, and they have no doubt she will be impartial as she puts on that Federal district court robe.

Then, my third criterion, does she have the proper judicial temperament? That, obviously, is subjective because that comes down to their personality and their style. But we want a Federal judge who has great demeanor, who is very good with the law, but also very good with lawyers because, obviously, in a trial court they have a lot of type A personalities in the court, and they have to give the proper appearance to the jury. That is critically important for a district court judge. So I would say, absolutely, yes, she has the right judicial temperament.

So I would strongly encourage all of my colleagues to vote favorably for Susan Hickey. Like I said, she has handled 1,690 total matters in the Federal courts since she has been a law clerk there.

Mr. President, 313 total felony cases have been disposed of in her trial court in south Arkansas down in El Dorado. She has a lot of very solid legal experience. The bottom line is, she is just a good person, and people like her and respect her and they trust her.

I think when our Founding Fathers put together the Federal judiciary, this was the kind of person they wanted. She reflects the values and the attitudes of that part of the State. She is smart. She is hard working. She is going to be fair. Really, we could not ask a whole lot more for any Federal judge in any district, and, certainly, she is going to do a great job down there.

So I am proud to be joined by my friend and colleague from Arkansas to support this nomination. If we support her, and if we confirm her today, we will be joining thousands and thousands of people in south Arkansas who have supported her. We have had hundreds, I know, express support for her in my office. I am certain Senator BOOZMAN has had many support her in his office as well.

I encourage my colleagues to give her very strong consideration. She has been rated unanimously ''qualified'' by the American Bar Association.

There, again, in that both home State Senators support her, the American Bar Association supports her, the Arkansas bar—not the association because they do not do those types of endorsements—but every lawyer I have talked to who knows Susan Hickey thinks she will do an outstanding job, I would like to ask my colleagues to vote for her nomination and I appreciate their consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise to speak today in support of two excellent nominees for the bench from the Southern District of New York. These two women, Alison Nathan and Katherine Forrest, have different backgrounds, but each in her own way represents the best the New York bar has to offer.

Katherine Forrest is a young lawyer but an extraordinarily accomplished lawyer whose practice has been particularly well suited to the needs of litigants in the Southern District. She was born in New York City, received her BA from Wesleyan University, and her law degree from NYU Law School, one of the best in the country. She has spent the majority of her career in private practice at the prestigious, top-line firm of Cravath, Swaine & Moore, where she was on the National A List of Practitioners. She was named one of the American Lawyer's ''Top 50 Litigators Under 45.'' She currently serves as a Deputy Assistant Attorney General in the Antitrust Division of the Department of Justice, where I know she is very well regarded and has served with great distinction. I look forward to Ms. Forrest's transition from position of service to our country to the other.

I also rise in support of Alison Nathan. I would like to counter some of the arguments that have been made against her on the floor here today.

First, Alison Nathan has tremendous legal experience, albeit that she is young. She is a gifted young lawyer whom New Yorkers would be fortunate to have on the bench, hopefully for a long time. Although she is a native of Philadelphia, she has called New York City her home for some time. She graduated at the top of her class from both Cornell University and Cornell Law School, where she was editor-in-chief of the Cornell Law Review. She worked as a litigator for 4 years at the preeminent firm of WilmerHale and has also served in two of the three branches of government. Ms. Nathan clerked for Ninth Circuit Court of Appeals Judge Betty Fletcher and then for Supreme Court Justice John Paul Stevens. Recently, she served with distinction as a Special Assistant to President Obama and an Associate White House Counsel. She is currently special counsel to the solicitor general of New York. Now, that is a world of experience. It is hard to find better experience from somebody being nominated to the bench.

Some of my colleagues have said: Well, her rating from the ABA was not as good and that was based on experience. That is what the ABA does. They claim, these colleagues, that Ms. Nathan lacks the experience to be confirmed as a judge because only a majority of the ABA rated her qualified, while a minority rated her not qualified.

However, Ms. Nathan has the same qualification ratings as Bush administration judges whom this body confirmed. Specifically, the Senate confirmed 33 of President Bush's nominees with ratings equal to Ms. Nathan, including Mark Fuller and Keith Watkins of Alabama, Virginia Hopkins of the Northern District of Alabama, Paul Cassell of Utah, Frederick Martone of Arizona, and David Bury of Arizona. Are we going to have a different standard for Ali Nathan than for other judges? I sure hope not.

Then some have brought up only recently—actually, very recently—the thought that Ms. Nathan would apply foreign law to our own laws. It is patently false to say that Ms. Nathan has suggested or that she believes it is appropriate for U.S. judges to rely on foreign law or that she herself would ever consider doing so. To the contrary. In response to written questions from Senator GRASSLEY, she said explicitly:

If I were confirmed as a United States District Court Judge, foreign law would have no relevance to my interpretation of the U.S. Constitution.

Let's go through that quote again. This is in reference to a question from Senator GRASSLEY:

If I were confirmed as a United States District Court Judge, foreign law would have no relevance—

''No relevance,'' my emphasis—

to my interpretation of the U.S. Constitution.

My colleagues are also wrong in their suggestion that Ms. Nathan has in the past either relied on foreign law herself or suggested that courts should do so. In the Baze vs. Rees case, she merely described the fact that others, including a law school clinic and Human Rights Watch, had argued in their own briefs that international law could be considered when dealing with questions of pain and suffering. Similarly, in her analysis of the Roper case, Ms. Nathan made an observation about what the Supreme Court had done—specifically, that the Supreme Court had cited foreign law as nondispositive support for their conclusion about the national consensus in the United States about the death penalty. That my colleagues jumped from these two instances in which Ms. Nathan described other peoples' opinions to conclusions about Ms. Nathan's own belief leads me to ask, are judicial candidates not allowed to describe the arguments that others have made? That would be rather absurd. I cannot imagine it is the outcome my colleagues would want, but it is the one to which their arguments naturally lead.

Finally, on national security, where again some from the outside who have criticized Ms. Nathan have brought up national security, here is what she has said:

I think it is important for a Federal district judge to follow the Supreme Court. It is important to our national security for there to be judges who follow the law in this area—

National security—

to the extent questions come before them and that Congress acts as it has in this area.

That is good reason that she is supported by all of the law clerks she served with, including those of Justices Thomas, Scalia, Kennedy, and O'Connor. And obviously those Justices are not Justices who agree with some of the other Justices on the Court, but their law clerks uniformly supported Ali Nathan.

So I would urge my colleagues to support Ali Nathan. She will be an outstanding addition to the bench in the Southern District of New York, as well as Katherine Forrest, who will also be an outstanding addition.

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

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Alison J. Nathan, of New York, to be United States District Judge for the Southern District of New York?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Indiana (Mr. LUGAR), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 44, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—48

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	McCaskill	Udall (NM)
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden

NAYS—44

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

NOT VOTING—8

Coburn	Lieberman	Stabenow
Hagan	Lugar	Vitter
Harkin	Manchin	

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas?

The Senator from Vermont.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Indiana (Mr. LUGAR), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—83

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Ayotte	Gillibrand	Nelson (NE)
Barrasso	Graham	Nelson (FL)
Baucus	Hatch	Portman
Begich	Heller	Pryor
Bennet	Hoeven	Reed
Bingaman	Hutchison	Reid
Blumenthal	Inhofe	Risch
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Snowe
Chambliss	Kohl	Tester
Coats	Landrieu	Thune
Cochran	Lautenberg	Toomey
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wicker
Durbin	Mikulski	Wyden
Enzi	Moran	

NAYS—8

Burr	Kyl	Paul
DeMint	Lee	Shelby
Grassley	McCain	

NOT VOTING—9

Boxer	Harkin	Manchin
Coburn	Lieberman	Stabenow
Hagan	Lugar	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each during that time.

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

The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. With regard to our policy toward Iran and the recent revelation of a potential attack involving not just foreign embassies and ambassadors but Americans, potentially Senators, being killed by a plot hatched by the Iranian Revolutionary Guard and Quds Force, there should be consequences, not just concerns expressed from the administration. We have witnessed a growing aggressiveness by the Iranian regime toward the United States and toward their own people.

For example, recently, an Iranian actress who appeared uncovered in an Australian film was then sentenced to 90 lashes for her so-called crime. With regard to the 330,000 Baha'is, a religious minority in Iran, first they were excluded from all public contracting, then they were told all their children had to leave Iranian universities, and then all their home addresses were registered in secret by the Iranian Interior Ministry.

I would suggest we have seen this movie before in a different decade wearing different uniforms. But this is the bureaucracy necessary to carry out a Kristallnacht in Farsi.

We have seen, for example, the Persian world's first blogger, Hossein Ronaghi, who was thrown into jail simply for expressing tolerance toward other peoples and other religions. Probably most emblematic, we saw the jailing of Nasrin Sotoudeh, a young mother and a lawyer, whose sole crime was to represent Shirin Ebadi, a Noble Prize winner, in the courts of Iran.

We hear and have watched unclassified reports of an acceleration of uranium enrichment in Iran. We even have the irony, according to the International Monetary Fund, that despite comprehensive U.N. and U.S. sanctions—according to the IMF—Iran had greater economic growth last year than the United States and the Iranian indebtedness is only a fraction of U.S. indebtedness. According to the IMF, the United States owes about 70 percent of its GDP in debt held by the public. For Iran, it is only 5.5 percent.

Now the United States has enacted a new round of sanctions against Iran. President Obama signed it into law last year. There were 410 votes in the House, and it was unanimous in the Senate. I worked for many years on a predecessor to that legislation when I was a Member of the House. The record of the administration, and especially our very able Under Secretary of the Treasury David Cohen, has been very good at implementing that bill. He has been very successful in reducing formal banking contacts between American, European and Asian banks and Iran. It is very important, when we look at the situation of how to deal with Iran, that we not see it from Washington's view, looking toward Iran, in which we see an awful lot of banks and an awful lot of transactions shut down, but look at it from Tehran's view, looking back from the United States, and we will see a quickly growing Iranian economy, a growing record of brazen oppression, actresses sentenced to 90 lashes, Noble Prize-winning attorneys thrown in jail, an accelerating nuclear program, and then a decision by the head of the Iranian Revolutionary Guard Corps, Quds Force, to attack the United States.

Long ago, I thought it was a mistake to have the Drug Enforcement Agency left outside of the U.S. intelligence community. Luckily, we reversed that decision and we brought DEA back into the intelligence community. It was a lucky strike that the person who was contacted by the Quds Force to carry out an attack on the United States actually contacted a confidential informant working for the DEA. It was on that lucky break that we had the ability to break this plot. But if we read Attorney General Holder's complaint against the defendant involved, we will see—I believe it is on page 12—a rendition of how, if they could not kill the Ambassador outside the restaurant, it was perfectly OK with the Quds Force operator that a bomb go off involving dozens—if not over 100—of Americans killed. The bonus, he thought, maybe a large number of Senators would be involved. If that was necessary to kill this Ambassador, all the better.

The Treasury Department has designated, finally, the head of the Quds Force under our law. But it is ironic that when we look at the comprehensive record of designations, the Europeans, who actually are not known for their strong-willed backbone on many international questions, have a more far-reaching effect on calling it the way they see it in Iran. Both Europe and America now have a regime to bring forward sanctions and designations against Iranians who are ''comprehensive abusers of human rights.''

Currently, our government has only designated 11 Iranians, where the European Union has designated over 60. One of the people missed by our administration is the President of Iran, Mahmud Ahmadinejad, who often talks about ending the state of Israel. Probably the only head of state of a member of the United Nations who regularly talks about erasing another member of the United Nations from the planet. We also have not designated President Ahmadinejad's chief of staff. We have not designated dozens of people that even the European Union has designated as comprehensive abusers of human rights.

So what should we do when we have uncovered a plot to attack the United States in which the highest levels of the Iranian Revolutionary Guard Quds Force was involved? Thank goodness for the DEA and the rest of the law enforcement and intelligence community of the United States, the plot was foiled, and so no attack was carried out. In my mind, we should take the toughest action possible, short of military action. Is there consensus in the Congress behind what that action should be? I would argue yes.

Senator SCHUMER and I, this summer, put forward what we feel is one of the real, most crippling sanctions the United States could deliver against Iran; that is, to ensure that any financial institution that has any contact with the Central Bank of Iran be excluded from the U.S. market. Because the United States is the largest economy on Earth, we believe nearly every financial institution on the planet will cut its ties to the Central Bank of Iran. That, most likely, would cripple Iran's currency and cause chaos within their economy. You know what. Iran might actually suffer a recession, which it currently is not in, and I think that would be an appropriate price to pay.

When Senator SCHUMER and I reached out to the Senate to ask for support, I was very surprised at the answer because all but eight Senators signed our letter. There were 92 Republicans and Democrats who signed the letter stating it should be the policy of the United States to collapse the Central Bank of Iran, to cripple its currency. After what we learned this week of a plot to kill Americans and to carry out terrorist attacks on the Capital City of the United States, I think that represents appropriate consequences, not just concerns.

We heard from the administration this morning—and while I was encouraged by the diligent work, especially of the Treasury Department, I was concerned about another thing. There are press reports that the administration

learned about this plot in June and only revealed it to us the day before yesterday. So the administration has had months to understand what this plot meant and plan for the consequences. Yet except for minor actions against a small airline in Iran called Mahan Air, except for actually finally designating the head of the Iranian Revolutionary Guards' Quds Force, we have no comprehensive action by the United States.

My recommendation to this House and to the administration is we should take yes for an answer. With 92 Republicans and Democrats all standing behind an effort to collapse the Central Bank of Iran, this is the appropriate sanction. On top of that, we have the Menendez bipartisan legislation to close loopholes in the sanctions already cosponsored by 76 Senators. This is a tough time of partisanship in Washington. We don't get bipartisan issues such as this that often. I am surprised, it having known about this plot since June, the administration has not already put forward action, but I would urge them to do so. This was not a multilateral attack by a collection of countries on the United States; therefore, I don't think we should wait for multilateral approval before the United States acts against the Iranian Revolutionary Guard Corps and the highest levels of the Iranian Government. We should designate the full list of comprehensive abusers of human rights the way the EU has done. We should exclude any financial institution from the United States that does business with the Central Bank of Iran. We should make sure that in the case of high-level Iranian officials who have plotted an attack, potentially involving dozens of American deaths right here in the Capital City of the United States, there should be severe consequences, they should be fairly swift, and our inaction should not be mistaken for weakness in the face of what is one of the most brazen international acts we have seen in recent times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for up to 20 minutes as if in morning business.

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

Mr. INHOFE. Let me make one comment to the Senator from Illinois. I am glad he said what he did. It is very significant. People don't look at Iran as seriously as they should. It is not even classified that Iran is going to have the capability of a weapon of mass destruction and a nuclear warhead and a delivery system by 2015. That was the very reason they were going to have a ground-based interceptor in Poland, so we can defend against something coming from that direction, since all our ground-based interceptors are on the west coast in Alaska and southern California.

When we see things such as this, and the fact that they are coming out and doing things they haven't done before, that just tells me our expectations of their nuclear capability are very true and it is very serious

JOBS BILL

That is not what I want to talk about. In the wake of the defeat of President Obama's jobs bill, I wished to give a couple thoughts here and then talk about something we better look out for in the future. That jobs bill failed by a large margin, and we heard the President say: Pass the bill, pass the bill, pass the bill. We didn't pass the bill. I can see why the President wants to consider passing some kind of jobs bill right away, when we stop and remember what he did with the last one. The last stimulus bill was $825 billion. This package was rammed through the Congress shortly after he entered office. The Recovery Act, as it was called, had only $27 billion out of $825 billion for roads and highways. The occupier of the chair is very well aware of my concern over infrastructure in America.

I remember when that bill was on the floor and Senator BOXER, from California, and I had an amendment to increase that amount. It was only 3 percent of the total of $825 billion that would go to roads, highways, maintenance, bridges, and this type of thing—only 3 percent. We were trying to raise that to 30 percent. If that had happened, then look where we would be today. We would have the jobs, we would have all the shovel-ready jobs throughout America.

In my State of Oklahoma, our portion of that would have been well spent just distributed in the way that we had the formula after the 2005 highway reauthorization bill. Anyway, that actually was only 3 percent. It was only $27 billion out of $825 billion. The one we just defeated was a $447 billion stimulus bill. It only had $27 billion in roads, highways, construction, maintenance—the things that provide jobs and the things this country needs.

I have been ranked as the most conservative Member of the Senate seven different times in the past. Yet I readily say I am a big spender in two areas: One is national defense and the other is infrastructure. I think that is what we are supposed to be doing here. We are in a desperate situation with our infrastructure around the country.

So one might say, well, the President had the $825 billion stimulus package and only $27.5 billion went to roads and highways. What happened to the rest of it? Well, the rest of it, in spite of what he said—I am going to read what he said—right after the passage of the bill, when he was signing the bill, the $825 billion stimulus bill, he said:

> What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

Well, stop and remember as I tell my colleagues what this actually went for. It is clear the most recent example was this loan guarantee with Solyndra. Everyone here is aware of what happened with Solyndra. We know it was a firm that was producing supposedly green energy. We know the people who were behind this loan guarantee of $535 million were big contributors to the administration, and they went ahead and were able to get bailed out—not bailed out, but get their loan guarantee—costing the taxpayers $½ billion, and that is part of what was in this bill. That is where the money was. The genesis of that was the $825 billion stimulus bill.

I am reminiscing a little bit about what happened back in the middle 1990s, back when Bill Clinton was President of the United States, when we had a very similar thing happen at that time. There is a company called the Loral Corporation. The Loral Corporation is headed up by Bernard Schwartz. Bernard Schwartz was one of the biggest contributors to the Democratic national party and to Bill Clinton. Bernard Schwartz, the company, the Loral Corporation, built a guidance system for a missile so that missile could be more accurate. Even though China wanted to have that system so they would be able to guide their missiles more accurately, for obvious reasons we didn't want them to have it. So it took a waiver signed by the President of the United States. President Bill Clinton did it. He signed the waiver and they got the money. I see similarities in here. I think, again, everyone is familiar with that.

How did they get the money? Where did it come from? The $825 billion in the stimulus bill.

Let's look. Since the President gave that statement, which I will read again—he said:

> What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending.

What do we call the Solyndra thing? It is porkbarrel spending.

What about the earmarks? This is a confusing thing for most people because my well-meaning conservative friends in the House of Representatives a couple of years ago put a 1-year moratorium on earmarks, and earmarks would be defined, of course, as appropriations or authorizations. By doing that, it totally contradicts what the Constitution, article I, section 9, says we are supposed to be doing here. It says we are supposed to be doing the appropriations and the authorizations. That is specifically precluded from the President in the article of the Constitution. So it is one that was very obvious. We find out later that the person who was behind that was none other than President Obama.

There is a reason for this. Because most people don't understand there are two different kinds of earmarks. One is congressional earmarks. That is when

a Congressman, a lot of times in the dark of night, will try to put something down that maybe is not in the best interests of the United States but helps his district. That occasionally happens. It shouldn't happen. Under our system, it won't happen if we require all appropriations to be authorized. But the other kind, in addition to the congressional earmarks, are bureaucratic earmarks. That is what the President can do.

I will give an example. I am on the Armed Services Committee. The President's budget comes out. He says what we should spend money on to defend America. A couple of years ago, before this moratorium the Republicans put on in the House, one of the lines he had in his budget was $330 million for a launch system called a bucket of rockets. It was a good system, and I would like to have that system for defending America. But we thought in our committee that the same $330 million would be better spent on buying six new FA–18E/F model strike fighters for our Air Force. Well, we could do that, except that would be called an earmark. When we destroy an earmark, we don't save any money, we just say, Mr. President, we are not going to do it, so you go ahead and you do it. Consequently, we were able to take the $330 million and put it in the FA–18s, but after that would pass, that would be called an earmark, and so the President would have all the power.

If we look back at the $825 billion stimulus bill, we can look at some of the things that were in there. He said he wasn't going to have any earmarks. These are Presidential earmarks: $219,000 to study the hookup behavior of female college co-eds in New York; $1.1 million to pay for the beautification of Los Angeles' Sunset Boulevard; $10,000 to study whether mice become disoriented when they consume alcohol in Florida; $712,000 to develop machine-generated humor in Illinois; $259,000 for foreign bus wheel polishers in California. It goes on and on.

There is $150,000 for a Massachusetts middle school to build a solar array system on its roof; $1 million to do research on fossils in Argentina. Here is a good one. I will not attribute this to my two good friends who are Senators from Wyoming, but $1.2 million to build an underpass for deer in Wyoming.

That is what the President put in. Those are all earmarks. Consequently, I think what we are trying to get to here is if he had been successful in the $447 billion stimulus bill earlier this week, then we could anticipate the same type of thing happening.

I want the conservatives of America to wake up to the fact that the problems we have, when they talk about earmarks, are not congressional earmarks, they are bureaucratic earmarks.

It wasn't long ago that Sean Hannity on his show had a feature, I think it took him several nights to do it. It was the 102 most egregious earmarks. He named all of these earmarks, one after another, and went on and on and on. I came down to the Senate floor the morning after that and I read that same list. There were 102 earmarks, very similar to what I read. The interesting thing about it—and I said this on the Senate floor at that time—what did these 102 earmarks have in common? Not one was a congressional earmark. They were all bureaucratic earmarks.

We are going to be attempting to do something about this, because it is something that almost everyone would agree needs to be done. What we are going to introduce and the bill I am working on now, and I am gathering some cosponsors, is legislation that will bring real transparency and accountability to this process. It would do this by involving Congress in the grant-making process.

Right now, agencies are required to disclose a lot of information about grant awards, but not until after they are already awarded. We don't know about them. Even we here in this Chamber don't know about them until some unelected bureaucrat actually makes these what I would refer to as bureaucratic earmarks. So it is setting up a system very similar to the Congressional Review Act.

The Congressional Review Act lets us look at the regulations and have a process by which we can stop the bureaucrats from passing regulations that we may think as elected Members, elected by the people, are not good. This will do essentially the same thing the CRA does for regulations, it would do for these earmarks. So it is something we will be active in. I think back now, if we had not defeated that $447 billion stimulus bill the first part of this week, we would be looking at right now, and I am sure they would be putting together, their list of earmarks.

I think we have an opportunity now to do two things. No. 1, when the President—and I say when, and not if—when the President comes up with another jobs bill, let's look at it very carefully to make sure we have everything specifically in there if it is going to be deserving of our votes. I say that to each individual, Democrat and Republican, in this Chamber.

The second thing is make sure we don't open the door for him to be able to come up with another several hundred billion dollars of earmarks as we did in the $825 billion stimulus bill 2 years ago.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. INHOFE. Madam President, since there is no one seeking time right now, even though I have used my time, I ask unanimous consent to be recognized again for up to 10 minutes.

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

ENERGY

Mr. INHOFE. Madam President, I heard a report today from Senator MURKOWSKI. Apparently, the Energy Committee had a hearing on the 90-day shale gas report. I think this is very significant. I am sure she will come down and talk about it in detail. I didn't even know about it until noon today when she gave her report and I happened to be there, but it is something that is very significant.

In this country we talk about energy and the fact that we have enough energy we can produce domestically in the United States of America to run this country for 100 years in terms of gas, with present consumption, and 50 years as far as oil is concerned, and we are dependent upon oil, gas, and coal to run this country, and those are something—a lot of people are saying we have to do away with fossil fuels. Every time I hear people say that, it is kind of laughable, when they say we have to do something about our dependence on foreign oil by doing away with our own production in this country.

Our problem is not that we do not have the amount of coal, oil, and gas that we need to be totally independent from anybody. We do. But, politically, we have obstacles. There is not one other country in the world where the politicians will not let that country develop its own resources except for the United States of America.

It is kind of interesting. It was not too long ago when President Obama, who is very much in line with some of the far-left environmentalists who want to do away with fossil fuels, was realizing people were catching on, and people knew that with all the shale deposits that are out there—and every week that goes by, we find another great big opportunity for shale; this is both oil and gas—and the President said gas is plentiful, and we need to use more gas, and all that. But at the end of his speech, he said: We have to do something about that procedure called hydraulic fracturing.

Anyone who understands energy knows that to get at all of these deposits—these shale deposits of gas or oil—you have to use a procedure called hydraulic fracturing. It happens we know something about it in my State of Oklahoma because in 1948 the first well was cracked, and we have not had one documented case in 60 years of ground water contamination as a result of hydraulic fracturing. So it is something that does work.

But those individuals who want to make people think they are wanting us

to develop our own resources then turn around and say we are going to stop or have the Federal Government regulate hydraulic fracturing. It is totally inconsistent, and I think it is a direct effort to misinform the people.

So in this meeting today, Senator MURKOWSKI did a handout, and I am going to read a couple of the quotes from some of the people who had previously testified before the committee. Keep in mind, this is after a 90-day shale gas report. They talked about hydraulic fracturing and all of that.

One quote is from Dr. Daniel Yergin, who is chairman of IHS Cambridge Energy Research Associates, and he is a bestselling author. He said:

There's a gap in perception—this idea that oil and gas is not regulated. We were all impressed by the quality and the focus, the long experience of the states in regulating oil and gas. . . . There's a strong backbone to it and that is not as well recognized in some circles. So I think there is a very strong fabric here.

Here is a quote. This is from Kathleen McGinty. I remember her from when she was an aide to Al Gore. She was chair of the Council on Environmental Quality during the Clinton administration. She said:

We didn't come up with any conclusion—

This is the 90-day shale report—

that the deck chairs need to be shuffled around. . . . There was nothing in the testimony that we heard or in the substance that we focused on or in the ''what'' needed to be done that led to a glaring conclusion that there was an actor missing from the scene.

Well, this is someone who comes from, completely, the other side. So I think it is very important. The more times you look at this thing, the more there is an awareness of the people—that is heightened almost on a daily basis—that we have all this opportunity, and we are not doing it just because of the political obstacles.

Dr. Stephen Holditch is the petroleum engineering department head, Samuel Roberts Noble chair, and professor of petroleum engineering at Texas A&M University. He said:

Local control, local understanding of best practices is really the best way to go. . . . There's nothing broken with the system now.

My State of Oklahoma is an oil State. A lot of our stuff is pretty shallow. On the other hand, in the Anadarko Basin, we have some of the more deep things. But if you look, for 60 years the States have regulated hydraulic fracturing, and it has worked very well. It is not one of these one-size-fits-all because in some States—when you get in New York and Pennsylvania, now, and the Marcellus Shale, the stuff is pretty deep, but it is abundant. Well, the regulation there would be different than it would be in my State of Oklahoma or in Louisiana or in New Mexico or any of the other oil States.

I was really glad to see this come out, and I am glad Senator MURKOWSKI is now letting people become aware of it because we have enough oil, gas, and coal to be totally independent, if we can just get the obstacles out of the way. One of the techniques used in being able to recover this, of course, is hydraulic fracturing. So that is why a lot of the people who are trying to shut down fossil fuels are trying to shut down that process.

I had an experience—I wish I could remember the name of the company, but it was in Broken Arrow, OK—during the recess, where I was calling on different people, and there was a young man who started a company. He had been with a larger one. He is making platforms for hydraulic fracturing. Now, a platform is about one-fourth of the size of this Chamber I am speaking in right now. It is a very large thing. On the platform, so they can hydraulically fracture these wells, they have a very large diesel engine. A regulation came through—I was not even aware of this until I sat down with him; this is less than 1 month ago—he said the regulation was that you can no longer build platforms and use them for hydraulic fracturing unless you have a tier 4 engine.

Well, we went to check, and he was right. There is no tier 4 engine. It is on the drawing boards, but it is not available commercially now. So that is just another way through regulation they are trying to do away with hydraulic fracturing.

So we have to be on our toes, and we have to have a wake-up call for the American people. If we want to have good, clean, abundant, cheap energy, we have it right here in the United States of America, and we need to knock down the political obstacles and develop our own resources like everybody else does.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KERRY. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 287; that the nomination be confirmed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Sung Y. Kim, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. KERRY. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 78; that there be 4 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 78; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. KERRY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. There being no objection, the Senate, at 3:43 p.m., recessed subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE LEE MYUNG-BAK, PRESIDENT OF SOUTH KOREA

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Martina Bradford, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, proceeded to the Hall of the House of Representatives to hear an

address to be delivered by the Honorable Lee Myung-Bak, President of South Korea.

(For the address delivered by the President of South Korea, see today's proceedings of the House of Representatives.)

Whereupon, at 5:03 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak up to 20 minutes in morning business.

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

TRADE MEASURES

Mr. BROWN of Ohio. Mr. President, this Chamber considered trade measures this week for the first time in about 4 years. First, and most important, the bipartisan currency measure passed by an overwhelming majority, 63 to 35. This action on China's currency is long overdue. This is legislation of which I was the prime sponsor. We had major cosponsors in both political parties: LINDSEY GRAHAM of South Carolina, a Republican; CHUCK SCHUMER of New York, a Democrat; DEBBIE STABENOW from Michigan, a Democrat; JEFF SESSIONS from Alabama, a Republican; SUSAN COLLINS, a Republican from Maine; KAY HAGAN, a Democrat from North Carolina; BOB CASEY, Democrat from Pennsylvania. This was a strong bipartisan bill. My junior Senator, ROB PORTMAN from Ohio, former Trade Representative under President Bush, supported the legislation.

Basically it works this way. We know the kinds of job losses in places such as Duluth, MN or Toledo, OH, because China cheats. Pure and simple, they cheat. They depreciate or overappreciate their currency, making a weaker renminbi. That is the name of their currency term. When a company in Dayton, OH, or Youngstown, OH, sells a product into the Chinese market that the people of Xian or Wuan might consider buying, this company is faced with a 25- to 30- to 35-percent currency tax, currency tariff, making the product more expensive, making it much harder for the U.S. company to sell the product to China. At the same time going back the other way, the company in China, or the government in some cases, selling into the U.S. market gets a 25-, 30-, 35-percent subsidy, making it so much easier to sell.

I will give one perfect example, a regrettable example. There is a company about 20 miles from where I live in Brunswick, OH, owned by the Bennett Brothers whom I met fairly recently in Cleveland, 25 miles outside of Cleveland, called Automation Tool and Die. The Bennett Brothers had a million dollar sale that they thought they were about to fill and at the last minute a Chinese company came in and underpriced them by 20 percent. That was the currency subsidy that Chinese company had. What is fair about that?

I learned today a paper company in Hamilton, OH, right smack in the middle of the home county and home district of the Speaker of the House, announced its closing. One of the main factors was low-cost imports from China.

When it comes to paper, here is what the Chinese do. They buy their pulp in Brazil, they ship it from Brazil to Chinese paper mills—in some sense across two oceans. They mill it, they ship it back to the United States, and yet they underprice us. Even though labor is 10 percent of the cost of paper production, they underprice us because apparently they subsidize water and energy and land and capital, plus they get this 25-percent currency subsidy.

Our trade deficit with China, which has more than tripled in the last decade after China was let into the World Trade Organization, pledging to follow the rule of law but breaking that pledge every day of the year—our trade deficit with China, now $275 billion for the year, has risen through the economic food chain all the way through advanced technology products. What used to be made in China 10 years ago was similar—the Presiding Officer remembers growing up in Minnesota in the 1950s and 1960s when ''Made in Japan'' always used to mean something was cheap and sort of badly made. ''Made in China'' 10 years ago usually meant the cheapest products, the tchotchke kind of products. Today, with ''Made in China,'' they have worked their way up the technology chain so they compete with our wind turbine component production and they compete on all kinds of high-level kinds of goods.

In addition to paper, steel, aluminum, glass, and cement, all the things that have created the middle class in my State for decades, we are competing with China for jobs in solar and wind and clean energy component manufacturing and in the auto supply chain. We can compete on productivity. We have skilled workers. We have world-class infrastructure—although God knows it needs renovation and modernization. But how do you compete against an automatic across-the-board 25- to 30-percent subsidy?

I thank my colleagues this week for voting for that legislation—63, including the Presiding Officer's support—including the support to manufacturing. We need to pass that bill in the House of Representatives. The Speaker of the House has so far said he is not inclined to bring it up. I think the White House has so far not supported this legislation, but we know the kind of broad bipartisan support it has and how important it is so we can begin to reenergize manufacturing in this country.

At the same time we took a step back this week, after the China trade currency bill, which was very progressive, important legislation for our manufacturing—we took a step back by passing trade deals with Colombia, South Korea, and Panama that will do more harm than good.

It is kind of amazing. Probably the too often used quote from Einstein where he said the definition of insanity is doing the same thing over and over and expecting a different result is exactly what has happened in trade agreements. Go back 20 years—18 years, in 1993, President Clinton—mimicking President Bush, who had negotiated the agreement—said the North American Free Trade Agreement would create 200,000 jobs in our country quickly. We have lost 600,000 net jobs because of NAFTA. That same model of NAFTA with investor-state relations—with investor-state provisions and other things, gave rise to the Central America Trade Agreement and other agreements that cost us jobs. Every time the administration—either party, it doesn't matter—promises these trade agreements will create jobs, they never do. This body, again—Colombia, North Korea, Panama—a strong majority of Senators again bought that line, ''Hey, this is going to create jobs,'' and it never does.

The same promises, businesses promise jobs will increase exports. They only talk about half of it. They say NAFTA, CAFTA, the Korea Free Trade Agreement, the Panama Free Trade Agreement, Colombia Free Trade Agreement, are going to mean more exports. Talking only about exports is like telling a baseball score and only reporting half of the score. Yesterday, the season obviously mercifully ended for the home team of the Presiding Officer, but it is like saying yesterday the Twins scored eight runs. Good for them, but the Indians scored 12. But they only told you about the Twins' runs. You don't report baseball scores that way. You report scores like the Twins got 12, the Indians only got 8, and it was 12 to 8 or the Tigers won 3 to 2.

With trade, the people who support these trade agreements are the same ones who say it lets us increase the exports. Maybe it is, but imports are increasing much more dramatically.

President Bush once said $1 billion in trade surplus or trade deficit translated into 13,000 jobs. If you have a $1 billion trade deficit, if you are selling more than you are buying, that creates 13,000 jobs. If you are buying more than you are selling, if you have a $1 billion trade deficit, you lose 13,000 jobs. You know our deficit is in the range of $600 billion. Do the math. Each time we

pass one of these trade agreements—and it will probably happen with Korea and Colombia and Panama—each time we do it, the trade deficit rises. Our trade deficit with China has more than tripled. Before NAFTA we had a trade surplus with Mexico and small trade deficit with Canada. After NAFTA, which was a trade agreement among the United States, Canada, and Mexico, the trade deficit with Canada exploded. The trade surplus with Mexico went from a surplus to a deficit. We know this does not work.

We have a serious jobs crisis on our hands, 14 million people out of work. We hear Senators talking about that all the time—another 15 million underemployed or stopped searching for work. The economy must have 150,000 new jobs each month simply to keep up with population growth. So what do we do? We add a Korea agreement, a Colombia agreement, a Panama agreement, none of which will create jobs. They never do. They promise them, but they never do. That is because these trade agreements do not tell the whole story about how a trade agenda can actually create jobs.

I want trade, I want more trade. I think the American people want more trade, but the American people know these trade agreements don't serve us as a nation. It is impossible. I know you hear this in Duluth, you hear it in Rochester, you hear it in Minneapolis. I hear it in Cincinnati, I hear it in Columbus, I hear it in Zanesville. When unemployment is far too high, our constituents demand that Washington do its job and help folks get back to work.

We tried to do that this week on another issue and that was the President's jobs bill. When I heard Senator MCCONNELL, the Republican leader, say—it is almost a direct quote—my No. 1 goal in 2011 and 2012 is to make sure Barack Obama doesn't get reelected—I never heard a leader in the U.S. Senate to my knowledge in history ever say that was his No. 1 goal. Of course, the Presiding Officer and I will support Barack Obama. That is what happens in politics—you hear the leader of one political party say my No. 1 goal is to defeat the sitting President of the United States. And he rounds up his troops to vote no against any job creation bill that President Obama offers. In fact, he didn't just vote against this bill and led every Republican to do that, he led his Republican troops to say: No, we are not going to let it come to the floor to be debated.

Senator CARDIN was speaking earlier, and I was presiding. He was incredulous in many ways—that the leader of one party would say on the jobs bill, of all things, we are not even going to allow it to come to the floor to debate and offer amendments. Senator CARDIN had several amendments I thought sounded like a good idea. A lot of us have amendments to the jobs bill, and we wanted a chance to offer them. Yet Republicans—because of this dysfunctional rule that we have to have 60 votes to even put up a bill for debate—the Republicans say: No, we are not even going to debate it.

Let me take one part of that bill that is particularly important. The average U.S. public school building is 40 years old. Many are older; some are newer. The average public school building is 40 years old. I know what I preach to my kids. I know what my neighbors preach. I know what we preach as politicians. I know what almost everybody says in this country. We say to our children and the pages—people who are 15, 16, 17 years old—education is the most important goal to pursue, the most important in our country.

What do we do? We send them to crumbling old school buildings that are not easy places in which to learn. It is pretty clear that when the average school building is 40 years old, it is going to cost real money to fix them. Conservative estimates suggest it would cost $270 billion to maintain and repair them.

With the slowly recovering economy, we know that too many school districts have been forced to cut budgets and lay off teachers, let alone make improvements to our schools. I introduced Fix America Schools Today, the FAST Act, that would help localities make critical repairs to schools. It will support more than 12,000 jobs in Ohio.

I introduced the bill a few weeks ago. Soon after, the President was at Fort Hayes Public School in Columbus, OH, in the central part of my State. The President talked about the FAST Act, about how we should do school renovation as part of his jobs bill.

I would plead with my colleagues on the Republican side of the aisle—the same colleagues who worked with me on a bipartisan basis to pass the biggest bipartisan jobs bill, the China currency bill of this session—to work on this bill. At least, if they will not let us debate the jobs bill as a whole, let us pass the Fix America's Schools Today, the FAST Act, it will make the kinds of repairs—it will create jobs because workers will rebuild these schools and renovate them. It will create jobs in manufacturing as companies all over my State that make steel, plastic, cement, and brick will go to work to create and make these products, and it will lay the groundwork for prosperity.

We know in the 1950s, 1960s, 1970s, and 1980s, the United States of America built infrastructure the likes of which the world had never seen. That is why we had that kind of prosperity in this country. When the Presiding Officer and I were in high school and college and were young adults, we had that kind of prosperity brought about because we had the best infrastructure in the world. We have to rebuild and modernize the infrastructure to create opportunities for young people. We need to pass the FAST Act. It will make such a difference for our country in the years ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INTERNATIONAL TRADE

Ms. LANDRIEU. Madam President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: international trade. From its founding, Louisiana has been a hub for trade and entrepreneurship. In fact, the French explorer Bienville chose the site for the city of New Orleans in 1718 because, at a crescent bend in the Mississippi River, it is close to the Gulf of Mexico but safe from tidal waves. President Thomas Jefferson later made the Louisiana Purchase in 1813 to increase opportunities for U.S. traders and protect U.S. access to the Port of New Orleans. Ever since then, Louisiana and the Mississippi River have been the gateway to the economic heartland of the United States. For example, 60 percent of all grain exported from the United States is shipped via the Mississippi River. It is also a little known fact that the Port of New Orleans imports more steel than any other port in the country. This crucial port sees more goods leave its docks each day than almost anywhere in the Nation. Studies have found that the Port of New Orleans pumps $882 million into the Louisiana economy and helps sustain more than 160,000 jobs. The reality is Louisiana's ports are America's ports and the gateway to the world. There are 31 ports in the State of Louisiana and some of the busiest in the world in terms of gross tonnage. Five of the 31 ports in Louisiana, from the Gulf of Mexico to Baton Rouge, are deepwater ports. We are home to 5 of the country's top 13 ports, exporting more than $40 billion in goods last year alone and making Louisiana the fourth largest exporting State in the country. Louisiana sends everything from sugar to oil to more than 200 countries worldwide. Port Fourchon supports infrastructure that provides 18 percent of the Nation's entire oil supply. The Port of South Louisiana exports more than any other port in the country. When combined with the nearby Port of New Orleans, these ports form the fourth largest port system in terms of volume handled. Today New Orleans hosts an Australian Trade Office, a Mexican Consulate, a French Consulate, and countless honorary consuls. For all of these reasons, I do all I can here in the U.S. Senate to promote exports from Louisiana. These exports mean jobs in my State—from the suppliers, to the manufacturers, to the shipping companies, to the port workers.

I support the trade promotion agreements with Colombia, South Korea, and Panama. This is because I believe that these agreements are fair and present excellent opportunities for Louisiana companies. Since coming to the Senate in 1996, I have been a strong supporter of free trade. However, my first priority is our local businesses and workers in Louisiana. For example, I voted against the Central American Trade Promotion Agreement in 2005. I voted against this agreement because I did not feel that the agreement was fair. Free trade requires that all players operate on as level a playing field as possible—accountable to the same labor laws, environmental standards, and governmental intervention.

A main reason that I am able to strongly support these three agreements is that the Congress just passed the extension of the Trade Adjustment Assistance, TAA, Program. Congress created TAA in 1962 to help workers and firms adjust to dislocation that may be caused by increased imports. The program assists workers who lose their jobs or whose hours of work and wages are reduced as a result of imports. In 2010 alone, 12 TAA petitions were certified in Louisiana, providing almost $5 million in Federal funds, and most importantly, assisting 1,309 workers.

An example of a key business that benefitted from TAA is the Georgia Pacific plywood plant in Logansport. Georgia Pacific was the largest employer in Logansport and in October 2007 it announced that it was immediately closing its local plywood operation, putting 280 employees out of work. The Department of Labor determined an increase in imports contributed to the plant closure, making these workers eligible for TAA benefits. Furthermore, in November 2008, over 500 workers in Bastrop were laid off because of the closure of the International Paper Mill. I worked closely with U.S. Representative RODNEY ALEXANDER to secure TAA assistance for these workers in 2009. These workers in Logansport and Bastrop are but two examples of how important this program has been in assisting workers in Louisiana impacted by increased imports.

In terms of the pending trade promotion agreements, in my view, Colombia presents the most economic opportunities for Louisiana businesses. Colombia is a fast-growing market of 45 million consumers. This makes it the second largest country in Latin America and the third largest economy in the region. It purchases more U.S. products than Russia, Spain, Indonesia, or Thailand. The United States is also Colombia's largest trading partner in terms of exports and imports. Two-way trade between the countries accounted for more than $28 billion.

While these figures sound promising for U.S. exports to Colombia, they do not tell the whole story. In order to keep competing for Colombia's consumers, we must view trade with Colombia as a marathon, not a sprint. The United States is Colombia's top supplier today but China is closing fast on our heels. China has increased its share of the Colombian market sixfold in the last 10 years. Imports from China increased 47 percent in 2010, compared to the previous year. At the current pace, China will displace the United States as Colombia's main trading partner in less than a decade. For my part, I do not intend to concede the race before it is won. Colombia has long been one our closest allies in South America and is making great strides in curbing decades of violence caused by drug cartels, paramilitaries. To concede the Colombian market to China after years of cooperation on economic and strategic interests is unwise. It is particularly unwise and shortsighted as Colombia is an emerging market close to our shores. Colombia has also recently signed agreements with Canada, the European Union, and South Korea that present challenges to U.S. companies competing in the country. Other countries are not standing still on trade opportunities with Colombia and neither should the United States.

As of 2010, Colombia was Louisiana's 12th largest export market with $727 million in exported goods. This is down from highs of $856 million in 2007 and $1.5 billion in 2008. The decline in exports is attributed in large measure to a reduction in U.S. agricultural market share in Colombia since 2008. U.S. farmers saw their market share decrease from 46 percent in 2008 to 21 percent in 2010. The reduction stems in part from Colombian agreements with other countries, such as Argentina and Brazil as well as tariffs on U.S. goods as high as 20 percent. Tariffs result from the absence of a bilateral trade promotion agreement, TPA, between the United States and Colombia. That is a major reason I believe the Colombian Trade Promotion Agreement can benefit Louisiana.

According to the U.S. Department of Agriculture, Louisiana is currently the third largest exporter of rice in the United States with $136 million in total rice exports. However, U.S. rice exports to Colombia currently face tariff rates from 5 to 20 percent. Under the TPA, Colombia will establish a 79,000-ton, zero-duty rice tariff rate quota, TRQ, that will grow 4.5 percent annually for 19 years. Louisiana rice exports to Colombia could increase by more than $3.2 million per year. Funds from companies bidding on rights to export rice to Colombia duty free will go to research boards in the six biggest rice production States, including Louisiana. This is estimated to be as much as $10 to 12 million per year.

As with other agricultural products, since 2008, U.S. soybean exports were down significantly to Colombia as the United States lost market share in the country and tariffs ran as high as 20 percent. In 2010, the United States exported $103 million of soybeans and soybean products. This was a 21-percent drop in U.S. soybean exports from 2009 to 2010 and followed a 51-percent drop from 2008 to 2009. Under the TPA, Colombia will immediately eliminate duties on soybean imports from the United States. Colombia will also establish a 31,200-ton, zero-duty rice tariff rate quota for crude soybean oil that will grow 4.5 percent annually. Louisiana soybean exports to Colombia could increase by more than $600,000 per year. Lastly, the country will also phase out its 24-percent tariff for refined soybean oil over 5 years.

Furthermore, in 2010, the United States exported $100 million of cotton to Colombia. Under the TPA, Colombia will immediately eliminate duties on cotton. Louisiana cotton exports to Colombia could increase by more than $710,000 per year. This provides duty-free opportunities for Louisiana cotton producers to gain a new partner to spin, cut, and sew our Louisiana cotton for textiles instead of exporting raw cotton to China. This could provide a double benefit to the U.S. economy as our cotton exports to Colombia are used in many apparel items that Colombia then exports back to the U.S. market.

Outside of agricultural products, there are also benefits to other industries in Louisiana from increased opportunities in Colombia. For example, according to the U.S. International Trade Commission, the TPA will result in an annual increase of 23 percent, to $1.9 million, in U.S. exports in chemical, rubber, and plastic goods to Colombia. Why is this important to Louisiana? As you may know, Louisiana hosts 90 major chemical plants and 300 petrochemical manufacturers that directly employ 27,000 skilled workers. The State supplies infrastructure required for world-class manufacturing combined with the necessary service providers—more than 1,000 Louisiana service companies support the petrochemical industry. From 2008 to 2010, 15 percent of the $937 million in goods exported to Colombia consisted of chemical products. Colombian tariffs on Louisiana chemical exports range as high as 20 percent. Under the TPA, 86 percent of U.S. chemical exports would immediately receive duty-free treatment. This will significantly help Louisiana chemical companies looking to export to Colombia.

Next, under the TPA, Colombia will immediately eliminate its tariffs on 75 percent of U.S. plastics exports. An example of how this benefits one Louisiana product is that the State exported almost $6 million worth of polyethylene, a plastic widely used in packaging materials, to Colombia in 2010. This product would see almost $900,000 in duty savings.

Louisiana companies in the oil and gas machinery and services industries also stand to benefit greatly from the TPA. According to the ''Oil and Gas Journal,'' Colombia has 1.9 billion barrels of proven crude oil reserves in 2011,

the fifth largest in South America. These reserves are expected to increase with the exploration of several new blocks that were auctioned in 2010. The Energy Information Administration projects that Colombian oil production will surpass the 1 million barrel per day mark during the third quarter of 2012. Also, as of 2010, there were natural gas reserves in Colombia of 4 trillion cubic feet. Because of the huge potential of these reserves, the Colombian Government has made oil and gas exploration and production a top priority.

Currently, Louisiana companies exporting oilfield equipment to Colombia face tariffs of 10 percent or higher. They also face growing competition, with 11 percent of the market in 2009 from Chinese companies at lower costs, but lower quality and reliability in relation to U.S. products. Under the TPA, Colombia will immediately eliminate tariffs on 52 percent of U.S. energy equipment exports. Tariffs on an additional 6 percent of exports would be eliminated after 5 years and the remaining 42 percent would be eliminated after 10 years. This allows our highly skilled oilfield companies in Louisiana to get more of their quality products into the Colombian market at lower prices.

I also understand that the U.S.-Colombia Trade Promotion Agreement includes strong protections for workers rights. These protections were strengthened further this year by a labor action plan agreement between President Obama and President Santos. The concerns this plan addresses are: violence against Colombian labor union members, inadequate efforts to bring murder suspects to justice, and insufficient protection of workers rights in Colombia. The action plan included major steps that the Colombian Government had to undertake before the trade promotion agreement would enter in force. Key to these reforms included the creation of three ministries: Labor, Justice and Housing. The new Labor Ministry will be responsible for implementing programs to protect labor rights. I also believe that the Colombian Government's efforts to turn the tide on the long-running terrorist insurgency will promote long-term stability in Colombia and the region. This is because a great deal of the violence seen in Colombia over the past decades was fueled by drug money funneled to paramilitary groups and criminal organizations. As the Colombian Government has recovered more control over its territory and demobilizing these groups, it is seeing increased security, social progress and economic growth.

I have presented facts and figures, but let me give you an example of a Louisiana company that has already had success in Colombia. Textron Marine and Land Systems, based in New Orleans, manufactures armored personnel carriers and armored security vehicles. They are four-wheeled vehicles that have multiple layers of armor to defend against small arms fire, land mines, and explosive devices. Both of these vehicles have an impressive track record around the world and are vital to the U.S. and coalition forces in Iraq and Afghanistan. Textron builds these vehicles for the U.S. Army at their plants in eastern New Orleans and Slidell.

With the help of the U.S. Foreign Commercial Service, Textron was able to secure a $45.6 million contract in 2009 to provide 39 armored personnel carriers for the Colombian Army. These vehicles were delivered to the Colombian Army and see daily service throughout the country protecting their soldiers. Not only did these exports help promote peace and security in Colombia, but they allowed Textron to maintain its workforce and continue the vehicle line into the future. Textron was so successful with this first order that Colombia has requested another 38 armored security vehicles. The combined value of both contracts is more than $80 million. In addition to these vehicles, Textron is working closely with the Colombian Government to create a Center of Excellence for vehicle maintenance in the country. This center would develop maintenance and supply systems to cover all the Colombian armored security vehicles with the potential to cover all other vehicle fleets owned by the government. The company also helped lead a 2009 trade mission of 12 Louisiana companies to Colombia. I applaud Textron, as well as our local U.S. Foreign Commercial Service staff in New Orleans, for promoting these exports in Colombia. Textron is a great example of a Louisiana company that has not just succeeded in tapping this market—they continue to succeed in Colombia. Under the trade promotion agreement, I am optimistic that more Louisiana companies will be able to follow in Textron's successful footsteps.

In regards to the South Korea Trade Promotion Agreement, this is another promising, high-growth market for U.S. companies. Korea has an economy at close to $1 trillion and is the eighth largest trading partner of the United States. Korea's economy grew 5.8 percent in the second quarter of 2010 and the International Monetary Fund expects it to grow by 6.1 percent in 2010. There also is currently a trade deficit between Korea—$11 billion in 2009. The trade promotion agreement is estimated by the International Trade Commission to improve the trade balance with Korea by $3.3 billion to $4 billion. Lastly, I am aware that as in Colombia, the European Union, EU, signed a trade promotion agreement with South Korea on July 1, 2011. This agreement eliminated 98.7 percent of the Korean tariffs on EU products. U.S. companies are now at a sharp competitive disadvantage in this growing market. We used to be Korea's top trading partner but now have taken a backseat to China, Japan, and the EU. Over the last decade, China's market share increased in Korea from 7 percent to 18 percent alone while U.S. market share flipped from 21 percent to 9 percent. So this is another instance where inaction on a bilateral agreement could cost the United States dearly on Korean market share, missed export opportunities, and most importantly, lost job opportunities here at home.

Overall, I note that Korea bought $3.9 billion in agricultural products in 2009, making Korea our fifth largest agricultural export destination. This is despite the fact that Korea's tariffs on imported agricultural products average 54 percent, compared to the average 9 percent levied by the United States on the same type of imports. According to the American Farm Bureau Federation, exports by American's ranchers and farmers to Korea will increase by almost $1.8 billion every year under the agreement. This is attributed to increases in exports of grain, oilseed, fiber, fruit, vegetable, and livestock products.

Louisiana farmers stand to benefit greatly from these reductions in agricultural tariffs in Korea. For example, as the agreement eliminates tariffs and other barriers on most agricultural products, this increases export opportunities for Louisiana cotton, beef and soybeans. I have heard from my soybean farmers in Louisiana that they have tried in the past to develop a market in Korea, but have had difficulty. They are optimistic that the agreement will help efforts to establish a market in Korea—particularly with getting soybean products into Korea's livestock industry.

One company that should benefit from the Korea Trade Promotion Agreement is Pontchartrain Blue Crab. As you know, Korea is the fifth largest market for U.S. fish and fish product exports. Gary Bauer, owner of Pontchartrain Blue Crab, PBC, has been in the blue crab fishery for nearly 29 years. He began working in the industry as a commercial fisherman in 1979, where he worked part time to support his family. Mr. Bauer then established a seafood dock to service fishermen from Lake Pontchartrain. Pontchartrain Blue Crab has grown from 4 employees to now more than 70 employees.

In 2002, PBC was able to create a blue crab processing plant located in Slidell, LA, which then allowed the company to pasteurize crab into exportable containers. Like other businesses in south Louisiana, however, it had to rebuild its facilities following Hurricane Katrina. With assistance from the Small Business Administration, SBA, Mr. Bauer and his company were able to export into the Korean market. Their success in Korea has encouraged PBC to also look into expanding into the European market in the near future. So although PBC is already in the Korean market, reductions in Korean tariffs offer new opportunities for the company.

There are also benefits to non-agricultural businesses from this trade

promotion agreement. One area that will greatly assist Louisiana companies is reductions on tariffs on chemical exports. Currently chemical product exports accounted for an average of $360 million per year of Louisiana's exports to Korea between the years of 2008 to 2010. However, Korean chemical tariffs average 6 percent but can run as high as 50 percent. As such, U.S. exporters of chemicals and related products, including chemicals, organic chemicals, plastics, and fertilizers will see significant reductions in tariffs on their exports to Korea. First, 50 percent of U.S. chemical exports will receive duty-free treatment immediately after the agreement enters into force. The remaining tariffs will be phased out over 10 years. Tariffs on such products as silicon and plastics will also be eliminated immediately.

The third trade promotion agreement is with Panama. It is my understanding that Panama is already a great market for U.S. exports, even with an uneven playing field. U.S. products entering Panama are subject to tariffs, but most products from Panama receive duty-free treatment when entering the United States. The trade promotion agreement will encourage further expansion and diversification of U.S. exports in the country. With a major expansion of the Panama Canal, a huge subway project in Panama City and development of the world's fifth largest copper mine underway, the opportunities ahead for U.S. companies in Panama are significant. By entering into a bilateral agreement with Panama, the United States also ensures that our companies can compete for contracts on the $5.25 billion Panama Canal expansion project. EU and Canadian companies currently have the inside track on these contracts because of their bilateral agreements with Panama.

In terms of Louisiana, agricultural exports to Panama stand to benefit greatly from the trade promotion agreeement. While the benefits for the Louisiana rice industry as not as great as with Colombia, duties on U.S. rice exports will be phased out over 20 years. There will also be two separate tariff rate quotas established—one for rough rice and one for milled rice. The milled rice TRQ in year one of the agreement is 4,240 metric tons and will increase 6 percent each year before becoming duty free in year 20. This TRQ qill allow for improved access for Louisiana milled rice starting in the agreement's first year of implementation. As I have indicated before, in 2010 Louisiana exported $427 million in soybeans and soybean products abroad. The Louisiana soybean industry will also see Panama lock in its current zero-tariff treatment for soybeans and soybean meal after the agreement is implemented. Panama is a smaller market than Korea or Colombia but the country's geographic proximity to Louisiana presents unique opportunities for our companies.

With that in mind, let me give you an example of a Louisiana company currently working in Panama. Baker Sales Inc. of Slidell, LA, is a small business that distributes imported steel tubing and fencing. When construction slumped during the recession, so did demand for steel products. They saw their sales drop 20 percent last year when oil/gas contractors pulled orders after the Deepwater Horizon disaster. For 30 years, Baker Sales has imported steel products and sold them to customers largely within a 200-mile radius of Slidell. The company has always wanted to export—particularly recently as they identified opportunities in Panama, where South American immigrants are moving in, necessitating new housing developments and high-rises.

President Robert Baker paid $800 for U.S. Commercial Service's Gold Key Service last March. He met with a dozen potential clients in Panama over 2 days and one developer he met is interested in ordering $100,000 aluminum fencing. Thanks to the higher loan limits authorized by the Small Business Jobs Act passed by Congress last year, Baker Sales Inc. received a $3 million U.S. Small Business Administration 7(a) loan that will help them expand their business by facilitating export transactions with buyers in Panama. They immediately hired two more employees because of the loan. As sales to Panama increase—and potential sales to South Korea materialize—the company expects to hire more employees.

In closing, as chair of the U.S. Senate Committee on Small Business and Entrepreneurship, I am aware that cash registers are not ringing like they used to for our small businesses around the country. For this reason, exporting has become a practical solution for small businesses looking to survive and grow. Small businesses across the country have not only used exporting to weather the economic storm, they have proven that what helps our entrepreneurs helps our entire economy. According to the U.S. Department of Commerce, U.S. exports supported an estimated 9.2 million jobs in 2010—up from 8.7 million in 2009. Furthermore, for every billion dollars of exports, over 5,000 jobs are supported. As our country digs out of the economic crisis, helping more small businesses export for the first time and current exporters reach new countries, should be a top priority. I believe that small businesses can lead us out of this recession by creating new and higher paying jobs and lessening this trade deficit. These three trade promotion agreements will further promote small business exports and help our companies compete in these growing markets.

RECOGNIZING MARTIN'S POINT HEALTH CARE

Ms. COLLINS. Madam President, I rise today to commend Martin's Point Health Care in Portland, ME, for its outstanding accomplishment of scoring two five-star ratings from the Centers for Medicare & Medicaid Services, CMS, for its Medicare Advantage health plans.

This is truly an accomplishment as a five-star designation is quite a rarity. With fewer than ten plans nationwide receiving this top rating, Martin's Point Medicare Advantage plans are among a very select group. They are also the only Maine health care organization to receive this distinction for 2012.

The CMS five-star rating system was developed to help demonstrate the value of Medicare plans and to help ensure that they meet specific quality standards. It provides the nation's nearly 48 million Medicare beneficiaries with a tool to compare the quality of care and customer service that Medicare health and drug plans offer. The rating system considers several quality measures, such as success in providing preventive services like screenings and vaccines; chronic illness management; and ratings of plan responsiveness, care, and customer service.

Martin's Point is a not-for-profit health care organization committed to providing the best possible health care experience to its patients and members. The organization is comprised of a multispecialty medical group with nine primary care health centers in Maine and New Hampshire. Martin's Point also administers three health plans: a Medicare Advantage plan in Maine, the U.S. Family Health Plan for military families and retirees throughout New England, and a new innovative program called MaineSense for small to medium employers in Maine. Its Medicare Advantage plans cover more than 12,500 Medicare beneficiaries across the State of Maine.

Martin's Point began in the early 1960s in the Camden/Rockport, ME, area when Dr. Niles Perkins obtained federal funding under the Great Society Act of Congress to provide health care services to uninsured or underinsured indigent individuals. These individuals, many of them fisherman and employees of a local fish processing plant, didn't qualify for Medicare, but also couldn't afford health insurance on their own. With the Federal funding obtained, Dr. Niles formed Penobscot Bay Medical Association.

Meanwhile in 1982, Dr. Johann Brower, a colleague of Dr. Perkins at Penobscot Bay Medical Associates, wrote a proposal to purchase some of the land and facilities at Martin's Point from the U.S. Government. Despite the fact that several other organizations, including Mercy, applied for the grant, Dr. Brower's application was the only one submitted on time and was accepted. The purchase price was $1.00, under the conditions that Penobscot Bay Medical Associates would operate the facility as a not-for-profit for 30 years.

Penobscot Bay Medical Associates, doing business as Martin's Point, became a designated uniform service treatment facility. Maine military retirees were able to come from all over the State to the facility and have their care paid for by CHAMPUS. Access to primary care—family medicine, internal medicine and pediatrics—along with on-site laboratory, dental, optometry, pharmacy and radiology was made available to all patients utilizing the facility.

In 1996, under the U.S. Family Health Plan, Martin's Point was authorized as a TRICARE prime provider and awarded their first multimillion-dollar, multiyear contract with the Department of Defense. This all happened under the direction of Dr. David Howes, who became the president and CEO of Martin's Point in 1996.

In the 2000s, Martin's Point expanded their USHFP membership—they now have over 35,000 members in Maine, New Hampshire, Vermont, New York, and the northern tier of Pennsylvania

Then, in 2006, they launched their Generations Advantage plans. These are Medicare Advantage options for seniors and persons with disabilities in six Maine counties. They have since expanded so that in 2010, their Medicare Advantage plans are offered in all 16 counties in Maine. They serve over 12,500 members.

In 2008, Martin's Point became one of the first 40 organizations to become a prototyping organization in the Institute for Healthcare Improvements Triple Aim initiative. In 2009, they affiliated with Bowdoin Medical Group, a large group of physicians with five health centers in southern and coastal Maine communities. This acquisition essentially doubled Martin's Point provider base and patient count—bringing their total number of health centers up to 9.

In November 2010, Martin's Point opened the doors of their new, state-of-the-art primary care facility on the Veranda St. peninsula at Martin's Point. This flagship facility, designed with input from providers, patients and other clinical employees, is a fitting tribute to the patient-focused philosophy of Martin's Point and helps them to realize their unending commitment to providing a better health care experience for their patients.

Today, Martin's Point's Medicare Advantage plans are in the top 3 percent nationally based on quality. I am delighted to recognize Martin's Point for this accomplishment, and I wish them all the best in the coming years.

NATIONAL TRADEMARK EXPO

Mr. WARNER. Madam President, I would like to recognize and express my support of the U.S. Patent and Trademark Office's, USPTO, National Trademark Expo.

Trademarks are characteristics of a good or service such as a name, symbol, or sound that identify and distinguish one party's goods and services from those of others and help many of us distinguish between authentic and counterfeit merchandise. On any given day, an individual may be exposed to as many as 1,500 trademarks.

Trademarks are useful tools against counterfeit goods, which cost the United States billions of dollars and many jobs each year, as well as undermine consumer confidence in brand integrity when purchasers encounter imitation goods of lesser quality. Through the USPTO's efficient approval process and registration of trademarks, the agency assists businesses in protecting their investments, promoting goods and services, and safeguarding consumers against confusion and deception in the marketplace.

This year's National Trademark Expo will be held on Friday, October 14, from 10 a.m. to 6 p.m., and Saturday, October 15, from 10 a.m. to 4 p.m., at the USPTO headquarters in Alexandria, VA. The Expo will feature educational seminars, children's workshops, story time, guided tours and presentations from some of America's leading large corporations, small businesses, governmental agencies and nonprofit corporations.

I hope my colleagues will join me in recognizing the USPTO for its continued efforts to educate the public on the important role of trademarks, as well as the benefits of the National Trademark Expo.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL ALFRED FLOWERS

• Mr. COCHRAN. Madam President, I take this opportunity to congratulate MG Alfred K. Flowers, U.S. Air Force, for his dedicated service to our country. General Flowers has the distinct honor of being the longest serving member in the history of the U.S. Air Force, and he is the longest serving active duty member in the Department of Defense.

In his present assignment, General Flowers serves as the Deputy Assistant Secretary for Budget and is responsible for planning and directing the Air Force's budget. Over the last 2 years in this role, he led a team of over 160 military, civilian and contractor professionals charged on behalf of the Secretary and Chief of Staff of the Air Force to present to the Congress the funding of all Air Force programs. It is his responsibility to organize and present to the Congress annual appropriations submissions as well as various overseas contingency operations requests. His leadership and his keen understanding of the Congress has served the Air Force and the security interests of our country very well during appearances of the senior leadership of the Air Force before committees of the House and Senate. General Flowers' vision, inspirational leadership, and unselfish devotion to duty have resulted in important improvements in the resourcing of and strategic direction of Air Force's missions.

General Flowers began his career as an enlisted supply warehouseman in August 1965 at Grand Forks Air Force Base. He then served as an air transportation specialist for 4 years beginning in September 1967. In 1971, General Flowers became an accounting specialist for the Air Force and served 7 years in that role. After his selection to the grade of master sergeant, General Flowers was commissioned, following graduation from Officer Training School as a distinguished graduate in December 1978. In his first three assignments as a budget officer, he served at the squadron, major command and air staff levels. In 1990, he was assigned as Chief of the Budget Operations Division for Air Combat Command, where he later served as the chief of budget.

The general has served on the Joint Staff as a defense resource manager, and in 1999 was the director of budget programs for the Department of the Air Force. General Flowers also served as the Air Education and Training Command comptroller. His other assignments include director, Center for Force Structure, Requirements, Resources and Strategic Assessments at Headquarters U.S. Special Operations Command, and commander, Air Force Officer Accession and Training Schools. Prior to his current assignment, the general was commander, 2nd Air Force, at Keesler Air Force Base, MS.

Of distinct importance and significance, as the comptroller for Headquarters Air Education and Training Command, he budgeted and managed funding of the largest flying hour program in the Air Force, involving 542,000 hours annually and 38 percent of the Air Force's total flying hour program and spanning 21 major weapons systems. As director, Center for Force Structure, Requirements and Strategic Assessments, U.S. Special Operations Command, he spearheaded the largest increase in resources and force structure for Special Operations Forces in the history of U.S. Special Operations Command. His insightful vision and tireless dedication were instrumental in garnering 13,000 additional personnel and $11 billion in additional funding to enhance and expand Special Operations Forces to successfully execute the Global War on Terrorism.

As the 2nd Air Force Commander, General Flowers led the largest transformation of basic military training in 50 years, expanding training from 6.5 to 8.5 weeks. This modernization was vital to providing realistic expeditionary combat skills training to prepare enlisted airmen for their deployments. His support of combatant commanders included providing over 14,000 joint expeditionary tasking airmen to the area of responsibility and reshaped the role of the Air Force in Operations Iraqi Freedom and Enduring Freedom.

Following these assignments, General Flowers was well prepared to assume his current position as the director of the Air Force budget. Under his direction, this organization developed, established, and cultivated professional relationships within the air staff, the Office of the Secretary of Defense, the Joint Staff, the Army, the Navy, the Marine Corps, and with Members and staff of the U.S. Congress, significantly improving the record of approval of resources necessary to support key warfighter programs. He provided critical oversight and direction for over 30 Air Force appropriations to accurately deliver a nearly $800 billion Future Years' Defense Program budget to the Office of the Secretary of Defense on time and on target. He has successfully completed annual budget submissions of close to $170 billion for fiscal years 2011, 2012, and 2013 and justified them to the Secretary of Defense, the Office of Management and Budget, the Congressional Defense Appropriations and Authorization Subcommittees and the Congressional Budget Office. General Flowers' leadership, sound judgment, and wise counsel will be sorely missed by all.

I am pleased to commend General Flowers for his historic and outstanding service to our country, which is a great example of distinguished military service. On the occasion of his upcoming retirement, I wish General Flowers and his family all the very best in the years to come.●

100TH ANNIVERSARY OF WASHINGTON HIGH SCHOOL

● Mr. KOHL. Madam President, today I recognize and congratulate Washington High School on the occasion of its 100th anniversary. As a proud alumnus, I take these moments to reflect on the purple and gold's story, success and accomplishments that have endured these past 100 years.

Located in the Sherman Park Neighborhood of Milwaukee, WI, Washington High School, with its never-ending commitment to excellence, has welcomed students through its doors and ushered them out to embrace bright futures for ten decades. Throughout its evolution and changes, Washington High School has always provided its students with a first class education, instilling values and providing skills that help students pursue employment, higher education and individual dreams.

Well-known for its focus on technology, the innovative high school created the first Career Specialty Program in 1976 focusing on computers and earning the school its reputation as ''the computer school.'' It has been nationally recognized for its curriculum which builds knowledge and critical thinking skills through the use of technology.

The school proudly acclaims each graduating class including notable alumni who achieved excellence in business, attained the office of Governor of Wisconsin, served at the highest level of our military, became Commissioner of Baseball, reached stardom on Broadway and in Hollywood, joined the ranks of professional athletes, and even one who got elected U.S. Senator; each and every graduate a remarkable person who graduated from a remarkable place, Washington High School.

Wisconsin's strong tradition of excellence in education has been shaped by Washington High School's rich, long history filled with a century of proud, hopeful students, and extremely dedicated faculty and staff. As alumni from varied graduating classes and walks of life, we gather as one body to celebrate collectively the spirit of our high school years, and the achievements, made individually and collectively by a century of alumni.

As all Washington High School alumni have done before, we cheer for the purple and gold, the Purgolders and everything this fine institution represents.

With a warm welcome to all who cherish and gather to remember, I proudly congratulate Washington High School, my alma mater, on its 100th anniversary, and my sincere best wishes for 100 more exceptional years.●

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2433. An act to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

ENROLLED BILLS SIGNED

At 1:38 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 bills:

H.R. 2832. An act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An act to implement the United States-Korea Free Trade Agreement.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2433. An act to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–63. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for an amendment to the United States Constitution to balance the federal budget and restrict tax increases; to the Committee on the Judiciary.

CONCURRENT RESOLUTION NO. 201

Whereas, the Legislature of the state of Utah acknowledges that the United States of America is facing a crippling debt crisis because of unrestrained spending and irresponsible fiscal policies;

Whereas, a majority of sitting United States Senators—including all 47 Republicans, 10 Democrats, and one Independent—have specifically expressed support for a requirement to balance the federal budget; and

Whereas, the 112th Congress is currently considering the following Constitutional Amendment, Senate Joint Resolution 10, which was introduced on March 31, 2011, by United States Senators Orrin Hatch and Mike Lee, both from Utah:

''Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

Article—

Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

Section 2. Total outlays for any fiscal year shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific amount in excess of such 18 percent by a roll call vote.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which—

(1) total outlays do not exceed total receipts; and

(2) total outlays do not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year.

Section 4. Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote. For the purpose of determining any increase in revenue under this section, there shall be excluded any increase resulting from the lowering of the statutory rate of any tax.

Section 5. The limit on the debt of the United States shall not be increased, unless three-fifths of the duly chosen and sworn Members of each House of Congress shall provide for such an increase by a roll call vote.

Section 6. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article for any fiscal year in which a declaration of war against a nation-state is in effect and in which a majority of the duly chosen and sworn Members of each House of Congress shall provide for a specific excess by a roll call vote.

Section 7. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article in any fiscal year in which the United States is engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by three-fifths of the duly chosen and sworn Members of each House of Congress by a roll call vote. Such suspension must identify and be limited to the specific excess of outlays for that fiscal year made necessary by the identified military conflict.

Section 8. No court of the United States or of any State shall order any increase in revenue to enforce this article.

Section 9. Total receipts shall include all receipts of the United States Government except those derived from borrowing or from penalties or fines. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

Section 10. The Congress shall have power to enforce and implement this article by appropriate legislation, which may rely on estimates of outlays, receipts, and gross domestic product.

Section 11. This article shall take effect beginning with the fifth fiscal year beginning after its ratification.'': Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, pursuant to Article V of the United States Constitution, would hereby support a Balanced Budget Amendment to the Constitution of the United States proposed by resolution of the 112th Congress of the United States in Washington, D.C., described herein, on March 31, 2011. Be it further

Resolved, That a copy of this resolution be sent to the legislatures of all 49 other states, all members of Utah's congressional delegation, the majority and minority leaders in the United States Senate and House of Representatives, the Vice President of the United States, and the Speaker of the United States House of Representatives, with a request that it be printed in the Congressional Record.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301. A bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska.

Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri.

Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington.

David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Steven R. Frank, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

Martin J. Pane, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

David Blake Webb, of Pennsylvania, to be United States Marshal for the Eastern District of Pennsylvania for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mr. BURR, and Mr. BENNET):

S. 1700. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to device review determinations and conflicts of interest, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN):

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1702. A bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BEGICH, Mr. COONS, Mr. BURR, and Mr. TESTER):

S. 1703. A bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. AYOTTE (for herself and Mr. REED):

S. 1704. A bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1705. A bill to designate the Department of Veterans Affairs Medical Center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. BLUMENTHAL, and Mr. HARKIN):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to reduce tobacco smuggling, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself, Mr. WEBB, Mr. MORAN, Mr. BOOZMAN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COBURN, Mr. ENZI, Mr. THUNE, Mr. COCHRAN, and Mr. RISCH):

S. 1707. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, and Mr. WHITEHOUSE):

S. 1708. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 1709. A bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1710. A bill to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio:

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; to the Committee on Finance.

By Mr. BROWN of Massachusetts (for himself, Mr. TESTER, Mr. BARRASSO, and Ms. COLLINS):

S. 1712. A bill to increase transparency in the payment of judgments and settlements by agencies, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1713. A bill to establish a timely and expeditious process for voting on the statutory debt limit; 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. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY):

S. Res. 293. A resolution celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada; considered and agreed to.

By Mr. WICKER:

S. Con. Res. 30. A concurrent resolution supporting the goals and ideals of Spina Bifida Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. Con. Res. 31. A concurrent resolution directing the Secretary of the Senate to make

a correction in the enrollment of S. 1280; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 84

At the request of Mr. VITTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 306

At the request of Mr. WEBB, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 471

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 471, a bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 596

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 877

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1241

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1241, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1487

At the request of Mr. JOHNSON of Wisconsin, his name was withdrawn as a cosponsor of S. 1487, a bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1541

At the request of Mr. BENNET, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1675

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1675, a bill to improve student academic achievement in science, technology, engineering, and mathematics subjects.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Georgia (Mr. ISAKSON) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1680, a bill to amend title XVIII of

the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1694

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1694, a bill to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

S. RES. 291

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN).

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms, HABs, and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. This bill addresses not only the mitigation and prevention of HABs and hypoxia, but also prioritizes the effective transition of research products into implementable actions that state and local governments can take to minimize adverse impacts.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. I also want to thank the bill's additional co-sponsors, Senators BEGICH, ROCKEFELLER, WHITEHOUSE, GILLIBRAND and CARDIN for their support.

In New England blooms of Alexandrium algae, more commonly known as ''red tide'' can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning, PSP, a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2009, Maine's shellfish industry experienced a severe economic crisis as result of extensive rainfall and subsequent outbreak of red tide. The resulting closure of 97 percent of the State's shellfish beds and 100 percent of the offshore beds in federal waters for several months during the peak harvesting season was even more damaging to the shellfish industry and coastal economy than previous outbreaks in 2005 and 2008. In December 2010, Department of Commerce Secretary Locke found that the 2009 red tide bloom had caused a commercial fishery failure. Despite the recognition of their losses, fishermen have never received any economic assistance or compensation for the 2009 fishery disaster.

The HABs and hypoxia programs are critical to Maine's $50 million shellfish industry and the 3000 jobs that depend on it. Luckily, we have not experienced strong blooms in 2010 and 2011, and recent years have seen an increase in testing capabilities that allow for finer scale monitoring so that localized areas may remain open during an event. These critical procedures are a direct result of programs established by the Harmful Algal Blooms and Hypoxia Research and Control Acts of 1998 and 2004.

While we have made great strides in bloom prediction and monitoring, it is clear that these problems are continuing to increase in magnitude and demand our ongoing commitment and attention. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as ''dead zones'' are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. This area, averaging 6700 square miles in size over the last 5 years, is exacerbating the already difficult recovery of the Gulf region from last year's devastating oil spill. Dead zones are also occurring in more areas than ever before, including off the coasts of Oregon and Texas, and in the Chesapeake Bay.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among state and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would require development of Regional Research and Action Plans to identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events. Finally, this bill would provide for research, response and mitigation of harmful algal blooms annypoxia in fresh water systems.

If enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard not only their health and the health of the marine environment, but we must also protect the jobs that depend on it. The existing Harmful Algal Bloom and Hypoxia Program has achieved a great deal already, and this authorization will allow it to continue providing such a vital service to the nation. I thank Senator BILL NELSON, and all of my cosponsors again for their efforts in developing this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1701

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 ''Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011''.

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. FINDINGS.

Section 602 is amended to read as follows:

''§ 602. Findings

''Congress finds the following:

''(1) Harmful algal blooms and hypoxia—

''(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

''(B) pose a threat to the health of coastal and Great Lakes ecosystems;

''(C) are costly to coastal economies; and

''(D) threaten the safety of seafood and human health.

''(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

''(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

''(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

''(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least $82,000,000 due to the economic impacts of harmful algal blooms.

''(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

''(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

''(A) provide data for forecast models;

''(B) improve the monitoring and prediction of these events; and

''(C) provide essential decision making tools for managers and stakeholders.''.

SEC. 4. PURPOSES.

The Act is amended by inserting after section 602 the following:

''§ 602A. Purposes

''The purposes of this title are—

''(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

''(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

''(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.''.

SEC. 5. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking ''the following representatives from'' and inserting ''a representative from'';

(2) in paragraph (11), by striking ''and'';

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

''(12) The Centers for Disease Control; and''; and

(5) in paragraph (13), as redesignated, by striking ''such''.

SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

''§ 603A. National harmful algal bloom and hypoxia program

''(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

''(b) ACTION STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

''(A) is consistent with the purposes under section 602A;

''(B) includes a statement of goals and objectives; and

''(C) includes an implementation plan.

''(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

''(A) submit the action strategy to Congress; and

''(B) publish the action strategy in the Federal Register.

''(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

''(c) TASK FORCE FUNCTIONS.—The Task Force shall—

''(1) coordinate interagency review of plans and policies of the Program;

''(2) assess interagency work and spending plans for implementing the activities of the Program;

''(3) review the Program's distribution of Federal grants and funding to address research priorities;

''(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

''(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

''(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

''(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

''(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

''(9) establish such interagency working groups as it considers necessary.

''(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

''(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

''(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

''(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

''(3) administer merit-based, competitive grant funding—

''(A) to support the projects maintained and established by the Program; and

''(B) to address the research and management needs and priorities identified in the regional research and action plans;

''(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

''(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

''(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

''(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

''(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

''(9) support regional efforts to control and mitigate outbreaks through—

''(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

''(B) overseeing the development, review, and periodic updating of regional research and action plans;

''(10) convene at least 1 meeting of the Task Force each year; and

''(11) perform such other tasks as may be delegated by the Task Force.

''(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

''(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

''(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

''(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

''(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities; and

''(5) increase the availability to appropriate public and private entities of—

''(A) analytical facilities and technologies;

''(B) operational forecasts; and

''(C) reference and research materials.

''(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices,

centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

''(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

''(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

''(2) research the ecology of freshwater harmful algal blooms;

''(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

''(4) mitigate and control freshwater harmful algal blooms; and

''(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President's annual budget request to Congress.

''(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.''.

SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6 of this Act, is further amended by inserting after section 603A the following:

''§ 603B. Regional research and action plans

''(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

''(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

''(2) oversee the development and implementation of the regional research and action plans.

''(b) PLAN DEVELOPMENT.—The Under Secretary shall—

''(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

''(2) identify appropriate elements for each region, including—

''(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

''(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

''(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

''(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

''(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

''(D) State, tribal, and local government actions that may be implemented—

''(i) to support long-term monitoring efforts and emergency monitoring as needed;

''(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

''(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

''(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

''(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

''(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

''(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

''(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

''(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) coordinate with State coastal management and planning officials;

''(2) coordinate with tribal resource management officials;

''(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

''(4) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

''(5) consult with—

''(A) public health officials;

''(B) emergency management officials;

''(C) science and technology development institutions;

''(D) economists;

''(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

''(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(G) other stakeholders.

''(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

''(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

''(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

''(e) SCHEDULE.—The Under Secretary shall—

''(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

''(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

''(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011; and

''(4) ensure that each regional research and action plan developed under this section is—

''(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

''(B) updated not less than once every 5 years after the completion of the regional research and action plan.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

''(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

''(3) ELIGIBLE ORGANIZATION.—In this subsection, the term ''`eligible organization'''' means—

''(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

''(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.''.

SEC. 8. REPORTING.

Section 603 is amended by adding at the end the following:

''(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

''(1) the proceedings of the annual Task Force meetings;

''(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

''(3) the progress made on implementing the action strategy; and

''(4) any need to revise or terminate activities or projects under the Program.

''(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

''(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

''(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities' efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

''(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

''(4) describes advances in capabilities for monitoring, forecasting, modeling, control,

mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

''(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

''(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

''(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

''(8) describes extramural research activities carried out under section 605(b); and

''(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.''.

SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

''SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

''(a) TASK FORCE INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(b) CONTENTS.—Each report required under this section shall—

''(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

''(2) evaluate lessons learned; and

''(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.''.

SEC. 10. INTERAGENCY FINANCING.

The Act, as amended by section 9 of this Act, is further amended by inserting after section 604 the following:

''SEC. 604A. INTERAGENCY FINANCING.

''The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of the account from which such transfer was made.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

''§ 605. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, $30,000,000, of which—

''(1) $2,000,000 may be used for the development of regional research and action plans and the reports required under section 603B;

''(2) $3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at the National Oceanic and Atmospheric Administration research laboratories;

''(3) $7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

''(4) $4,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

''(5) $1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (NGOMEX);

''(6) $4,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

''(7) $4,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

''(8) $1,000,000 may be used to carry out the Event Response Program; and

''(9) $3,000,000 may be used to carry out the Infrastructure Program.

''(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.''.

SEC. 12. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act is amended by inserting after section 605 the following:

''§ 605A. Definitions

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) HARMFUL ALGAL BLOOM.—The term 'harmful algal bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

''(3) HYPOXIA.—The term 'hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

''(4) PROGRAM.—The term 'Program' means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

''(5) REGIONAL RESEARCH AND ACTION PLAN.—The term 'regional research and action plan' means a plan established under section 603B.

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

''(7) TASK FORCE.—The term 'Task Force' means the Inter-Agency Task Force established by section 603(a).

''(8) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

''(9) UNITED STATES COASTAL WATERS.—The term 'United States coastal waters' includes the Great Lakes.''.

(b) CONFORMING AMENDMENT.—Section 603(a) is amended by striking ''(hereinafter referred to as the 'Task Force')''.

SEC. 13. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

''SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

''Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.''.

By Mr. PRYOR (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BEGICH, Mr. COONS, Mr. BURR, and Mr. TESTER):

S. 1703. A bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I rise today along with Senators BINGAMAN, MURKOWSKI, BEGICH, COONS, TESTER and BURR to introduce the Quadrennial Energy Review Act of 2011.

One of the big gaps in federal energy policy is the lack of an overarching vision and coordination among federal agencies to define how the United States produces and uses energy. Every president since Richard Nixon has called for America's independence from oil. We also need to make sure that our nation has a 21st century electric grid that matches supply with demand. If we want to create a more secure energy future for America then we need to develop a national energy plan that coordinates and integrates the energy policies of the various federal agencies. The development of such a policy would enhance our energy security, create jobs and mitigate environmental harm.

In the fall of 2009, Secretary of Energy Steven Chu asked the President's Council of Advisors on Science and Technology, PCAST, to review the energy technology innovation system to identify and recommend ways to accelerate the large scale transformation of energy production, delivery, and use to a low carbon energy system. In response, PCAST formed a working group and in 2010 issued its ''Report to the President on Accelerating the Pace of Change in Energy Technologies through an Integrated Federal Energy Policy''. PCAST's most important recommendation is that the Administration establish a new process that can forge a more coordinated and robust Federal energy policy, a major piece of which is advancing energy innovation. The report recommends—

The President should establish a Quadrennial Energy Review, QER, process that will provide a multiyear roadmap that lays out an integrated view of short-, intermediate-, and long-term energy objectives; outlines

legislative proposals to Congress; puts forward anticipated Executive actions coordinated across multiple agencies; and identifies resource requirements for the development and implementation of energy technologies.

Last month, the American Energy Innovation Council (AEIC) released a report, Catalyzing American Ingenuity (http://www.americanenergyinnovation.org/2011-report/), which noted:

The nation needs a robust National Energy Plan to serve as a strategic technology and policy roadmap . . . [to] ''provide a clear, integrated road map with short-, intermediate-, and long-term objectives for federal energy policies and technology programs, along with a structured, time-bound plan to get there. We support DOE's Quadrennial Technology Review, QTR, which we see as an important and meaningful first step toward developing a national energy strategy. The federal government should build on the QTR and move quickly toward a government-wide QER.

AEIC is a group of prominent business leaders who came together last year to call for a more vigorous public and private sector commitment to energy technology innovation. AEIC members include: Norm Augustine, former chairman and chief executive officer of Lockheed Martin; Ursula Burns, chairman and chief executive officer of Xerox; John Doerr, partner at Kleiner Perkins Caufield & Byers; Bill Gates, chairman and former chief executive officer of Microsoft; Charles O. Holliday, chairman of Bank of America and former chairman and chief executive officer of DuPont; Jeff Immelt, chairman and chief executive officer of GE; and Tim Solso, chairman and chief executive officer of Cummins Inc.

A Quadrennial Energy Review could establish government-wide energy goals, coordinate actions across agencies, and lead to the development of a national energy policy.

As the lead agency in support of energy science and technology innovation, the Department of Energy has taken the first step to developing a national energy plan by conducting a Quadrennial Technology Review of the energy technology policies and programs of the Department. The QTR serves as the basis for DOE's coordination with other agencies and on other programs for which the Department has a key role.

The next step is to build upon DOE's report and perform a Quadrennial Energy Review that would establish government-wide energy objectives, coordinate actions across Federal agencies, and provide a strong analytical base for Federal energy policy decisions.

Our bill, the Quadrennial Energy Review Act of 2011, would authorize the President to establish an Interagency Working Group to submit a Quadrennial Energy Review to Congress by February 1, 2014, and every 4 years thereafter. The Group would be cochaired by the Secretary of Energy and the Director of the Office of Science and Technology Policy, OSTP, and consist of level I or II Executive Schedule members representing the Departments of Commerce, Defense, State, Interior, Agriculture, Treasury, and Transportation, Office of Management and Budget, National Science Foundation, Environmental Protection Agency, and other Federal organizations, departments and agencies that the President considers to be appropriate.

The bill lists what information, at a minimum, shall be reported in the Quadrennial Energy Review and requires the Secretary of Energy to provide the Executive Secretariat and for agency heads to cooperate with the Secretary.

We live in a global world with global demands on energy. The country that best manages its energy resources will lead the 21st century and provide its people a secure energy future. The U.S. needs to win the energy race and this bill will help the United States remain that country.

By Ms. AYOTTE (for herself and Mr. REED):

S. 1704. A bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force; to the Committee on Armed Services.

Ms. AYOTTE. Mr. President, I am pleased to introduce today, along with my colleague Senator REED, the Strategic Airlift Force Structure Reform Act of 2011.

Current Federal law U.S. Code Title 10, 8062(g)(1) sets the Air Force's minimum number of strategic airlift aircraft at 316. However, based on the Mobility Capabilities and Requirements Study-2016, Department of Defense and Air Force officials have testified approximately 300 aircraft can meet our nation's strategic airlift capacity requirements.

During a July 13, 2011, Senate Armed Services Subcommittee hearing, Christine Fox, Director of Cost Assessment and Program Evaluation, CAPE, in the Office of Secretary of Defense; General Duncan McNabb, Commander of U.S. Transportation Command, TRANSCOM; and General Raymond Johns, Commander of Air Mobility Command, AMC, testified that reducing the number to around 300 aircraft would allow the Air Force to meet airlift requirements while saving over $1.2 billion and not increasing operational risk. In fact, General Johns testified that strategic airlift aircraft in excess of 301 were ''over capacity'' that forces ''extra workload on our airmen to keep that capability when we don't need to utilize it.''

Based on this testimony, the Strategic Airlift Force Structure Act of 2011 would reduce the strategic airlift aircraft floor from 316 to 301.

In this time of fiscal austerity, Congress needs to stop forcing the Pentagon to spend defense dollars maintaining aircraft that our warfighters say they don't need. Every defense dollar wasted deprives our warfighters of the resources they have actually requested. Reducing the aircraft floor is a commonsense step that would save taxpayers millions of dollars while ensuring that our military continues to meet strategic airlift requirements.

I encourage my colleagues to carefully review our legislation and I welcome their comments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1704

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 ''Strategic Airlift Force Structure Reform Act of 2011''.

SEC. 2. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE OF THE AIR FORCE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''Effective October 1, 2009, the Secretary'' and inserting ''The Secretary''; and

(2) by striking ''316 aircraft'' and inserting ''301 aircraft''.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1705. A bill to designate the Department of Veterans Affairs Medical Center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today I am proud to introduce legislation to name the Department of Veterans Affairs Medical Center in Spokane, WA, after two Medal of Honor recipients, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff. My colleague Senator CANTWELL is joining me to introduce this bill in the Senate. This proposal has received widespread support from the Washington state chapters of several key national veterans service organizations, including the Veterans of Foreign Wars, American Legion, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Vietnam Veterans of America.

I would like to share something about these two heroes. Private Mann was born in Reardan, Washington, and served in the 101st Airborne Division during World War II. While attempting to seize the bridge across the Wilhelmina Canal, his platoon was isolated, surrounded, and outnumbered by enemy forces. Despite heavy enemy fire, he bravely advanced to within rocket-launching range of the enemy as the lead scout. Private Mann was wounded four separate times while destroying an enemy artillery position near Best, Holland. Despite his wounds, he volunteered to stay on sentry duty that night with both his arms bandaged to his body. The following day when the final assault came, an enemy grenade was thrown in his vicinity. Unable to throw it to safety due to his

wounds and bandages, Private Mann threw himself on the grenade, sacrificing his life to save the lives of his fellow soldiers.

Sergeant Grandstaff was born in Spokane, Washington, and served in the 4th Infantry Division. While leading a reconnaissance mission near the Cambodian border, Sergeant Grandstaff's platoon was ambushed by heavy automatic weapons and small arms fire from three directions. He ran through enemy fire to rescue his wounded men, but was only able to save one. Twice he crawled outside the safety of his unit's position to mark their location with smoke grenades for aerial fire support, and twice he was wounded. His second marker successfully notified the helicopter gunships of his location, but drew even more enemy fire. Seeing the enemy assault about to overrun his position, Sergeant Grandstaff inspired his remaining men to continue the fight against enemy forces. He called in an artillery barrage on himself to thwart the enemy forces, and continued to fight until he was finally and mortally wounded by an enemy rocket. Although every man in his unit was a casualty, survivors testified that his spirit and courage inspired the unit to inflict heavy casualties on the assaulting enemy even though the odds were stacked against them.

I am especially proud to introduce this bill. Its purpose is to honor not just one American hero, but two native sons of Washington who gave their lives fighting on behalf of our nation. Also, both of these men now rest in peace approximately 10 minutes away from the Spokane VA Medical Center, which serves veterans of all generations, from World War II to Vietnam to our newest generation of American heroes.

Above all else, this bill is intended to honor both Private Mann and Sergeant Grandstaff for their ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty.'' By renaming the Spokane VA Medical Center as the Mann-Grandstaff VA Medical Center, we will honor the service and ultimate sacrifice provided by these two local heroes. I urge my colleagues to support this legislation and thank them for their continued support of our dedicated men and women in uniform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1705

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

SECTION 1. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference to in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

By Mr. REED (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, and Mr. WHITEHOUSE):

S. 1708. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am introducing legislation for the creation of the John H. Chafee Blackstone River Valley National Historical Park, along with my colleagues from Rhode Island and Massachusetts, Senators WHITEHOUSE, KERRY, and SCOTT BROWN. Our legislation seeks to preserve the industrial heritage and natural and cultural resources of the Blackstone Valley, help provide economic development opportunities for the local economies, and build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor.

Samuel Slater built his mill in 1793 and started the American Industrial Revolution in Rhode Island along the Blackstone River. Today, the John H. Chafee Blackstone River Valley National Heritage Corridor contains an exceptional concentration of surviving mills and villages that illustrate this chapter of American history.

The Blackstone Valley is a national treasure, which also includes thousands of acres of beautiful, undeveloped land and waterways that are home to diverse wildlife.

The extensive work of the National Park Service and the tireless efforts of Federal, State—both Rhode Island and Massachusetts—and local officials, developers, and volunteers have resulted in the recovery of dozens of historic villages, riverways, and rural landscapes throughout the Corridor. These types of economic redevelopment and environmental restoration efforts reflect the ongoing story of the Blackstone River and the valley.

The Ashton Mill in Cumberland is one such example of local redevelopment. With the designation of the National Heritage Corridor, the cleanup of the Blackstone River, the creation of the Blackstone River State Park in Lincoln, Rhode Island, and the construction of the Blackstone River Bikeway, the property was restored for adaptive reuse as rental apartments. Once again the mill and its village are a vital part of the greater Blackstone Valley community.

Great progress has also been made in restoring the environmental resources of the river valley. As a result, people are once again enjoying the river, whether in kayaks or canoes, or through other means. I have been pleased over the years to help support the preservation and renewed development of the Blackstone River Valley.

In 2005, I cosponsored legislation introduced by my then-colleague Senator Lincoln Chafee to conduct a Special Resource Study of the Corridor to determine which areas within the Corridor were nationally significant and whether they were suitable to become part of the National Park Service. When it was released this July, the study recommended the creation of a new national historic park whose boundaries would encompass both Rhode Island and Massachusetts, including the Blackstone River and its tributaries; the Blackstone Canal; the historic districts of Old Slater Mill in Pawtucket; the villages of Slatersville and Ashton in Rhode Island; and the villages of Whitinsville and Hopedale in Massachusetts.

The partnership park described in the Special Resource Study clearly stated the importance of the rural and urban areas, the landscape, and the river in telling the story of the Blackstone River Valley.

It will build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor and the workers and volunteers in all the surrounding communities, in restoring the Corridor.

Designating these areas as a national historical park has important economic, environmental, historical, and educational benefits for the region. This is a two state initiative, and truly a national initiative, that will embrace both Rhode Island and Massachusetts, and ensure the preservation of the industrial and natural heritage of the Blackstone River Valley for future generations to enjoy.

Establishing a national park will provide opportunities for work, opportunities for recreation, and opportunities to boost economic development, while memorializing the history of this place and its role in the American Industrial Revolution.

The partnerships between the federal, state, local, and private organizations have a proven track record of success with the Corridor, and I expect that the communities in Rhode Island and Massachusetts that have been engaged on this endeavor for many years will continue to partner with the National Park Service going forward.

Creating a national historic park sets a clear path to preserve our cultural heritage, improve the use and enjoyment of these resources, including offering outdoor education for young people, and increase the level of protection for our most important and nationally significant cultural and natural resources.

I have been proud to introduce this bipartisan legislation in honor of my late-colleague John H. Chafee, who years ago had a great vision, shared with many others in Rhode Island and Massachusetts, to preserve and protect the Blackstone Valley.

I look forward to working with all of my colleagues to create the John H.

Chafee Blackstone River Valley National Historical Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1708

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 ''John H. Chafee Blackstone River Valley National Historical Park Establishment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the John H. Chafee Blackstone River Valley National Historical Park—

(1) to help preserve, protect, and interpret the nationally significant resources in the Blackstone River Valley that exemplify the industrial heritage of the John H. Chafee Blackstone River Valley National Heritage Corridor for the benefit and inspiration of future generations;

(2) to support the preservation, protection, and interpretation of the urban, rural, and agricultural landscape features (including the Blackstone River and Canal) of the region that provide an overarching context for the industrial heritage of the National Heritage Corridor;

(3) to educate the public about—

(A) the industrial history of the National Heritage Corridor; and

(B) the significance of the National Heritage Corridor to the past and present; and

(4) to support and enhance the network of partners who will continue to engage in the protection, improvement, management, and operation of key resources and facilities throughout the National Heritage Corridor.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''John H. Chafee Blackstone River Valley National Historical Park'', numbered NEFA962/111015, and dated October 2011.

(2) NATIONAL HERITAGE CORRIDOR.—The term ''National Heritage Corridor'' means the John H. Chafee Blackstone River Valley National Heritage Corridor.

(3) PARK.—The term ''Park'' means the John H. Chafee Blackstone River Valley National Historical Park established under section 4.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(5) STATE.—The term ''State'' means each of the States of Massachusetts and Rhode Island.

SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established in the States a unit of the National Park System, to be known as the ''John H. Chafee Blackstone River Valley National Historical Park''.

(b) BOUNDARIES.—The Park shall be comprised of the following sites and districts, as generally depicted on the map:

(1) Old Slater Mill National Historic Landmark District.

(2) Slatersville Historic District.

(3) Ashton Historic District.

(4) Whitinsville Historic District.

(5) Hopedale Village Historic District.

(6) Blackstone River and the tributaries of Blackstone River.

(7) Blackstone Canal.

(c) AVAILABILITY OF MAP.—The map shall be available for public inspection in the appropriate offices of the National Park Service.

(d) ACQUISITION OF LAND.—The Secretary may acquire land or interests in land within the boundaries of the Park by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this Act;

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(C) any cooperative agreements entered into under subsection (f).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the Park—

(i) in consultation with the States; and

(ii) in accordance with—

(I) any cooperative agreements entered into under subsection (f); and

(II) section 12(b) of the National Park System General Authorities Act (16 U.S.C. 1a–7(b)).

(B) REQUIREMENTS.—To the maximum extent practicable, the plan prepared under subparagraph (A) shall consider ways to use preexisting or planned visitor facilities and recreational opportunities developed in the National Heritage Corridor, including—

(i) the Blackstone Valley Visitor Center in Pawtucket, Rhode Island;

(ii) the Captain Wilbur Kelly House at Blackstone River State Park in Lincoln, Rhode Island;

(iii) the Museum of Work and Culture in Woonsocket, Rhode Island;

(iv) the River Bend Farm/Blackstone River and Canal Heritage State Park in Uxbridge, Massachusetts; and

(v) the Worcester Blackstone Visitor Center, located at the former Washburn & Moen wire mill facility in Worcester, Massachusetts.

(f) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the States, political subdivisions of the States, nonprofit organizations (including the Blackstone River Valley National Heritage Corridor, Inc.), and private property owners to provide technical assistance and interpretation in the Park and the National Heritage Corridor.

(g) FINANCIAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary may provide financial assistance, on a matching basis, for the conduct of resource protection activities in the National Heritage Corridor.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1710. A bill to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Environment and Public Works.

Mr. BEGICH. Mr. President, I come to the floor today to introduce a piece of legislation honoring a great Alaskan. James Martin Fitzgerald was a giant of my State's judicial community for 5 decades—almost as long as Alaska has been a State. This legislation, naming the Anchorage federal courthouse facility in Judge Fitzgerald's honor, is a fitting tribute to his legacy.

James Fitzgerald first came to Alaska in the 1950s. He was a decorated World War II Marine veteran, an accomplished lawyer, an Assistant U.S. Attorney, and became Alaska's first Commissioner of Public Safety. From November 1959 until his retirement until 2006, he served with distinction as a State and Federal judge unanimously praised for his fairness, brilliance and humility.

Judge Fitzgerald served as a judge on the Alaska Superior Court, Third District, from 1959 through 1972. He was the presiding judge on that court from 1969 through 1972. At that time, he became an Alaska Supreme Court Justice, where he would serve until 1975.

President Gerald Ford nominated Judge Fitzgerald to be a Judge of the United States District Court for the District of Alaska in December of 1974. He was quickly confirmed by the U.S. Senate and received his commission to the Federal bench. Judge Fitzgerald served on this Federal court until his retirement in 2006 and also spent 5 years as the chief judge of the court.

In addition to his impressive record of accomplishments and his years of public service, Judge Fitzgerald was also known for his integrity and character. His colleagues on the bench, the lawyers who testified in his courtroom and his friends and neighbors all knew him to be a humble, kind, thoughtful and generous man. For decades he was praised for his legal brilliance and his respect for all those who sought justice in his court. His contributions to the State of Alaska will not be forgotten.

Naming the Anchorage federal courthouse in Judge Fitzgerald's honor is broadly supported by Alaskans. In fact, I assembled a small committee of outstanding Alaska leaders to review this proposal and they strongly endorsed extending this honor to Judge Fitzgerald. I would like to thank the committee members for their public service: Anchorage attorney Lloyd Miller, Judge John D. Roberts, Juneau Mayor Bruce Botelho, and Liz Medicine Crow of the First Alaskans Institute.

For all these reasons, today I am proud to introduce this legislation to designate the United States Courthouse in Anchorage as the James M. Fitzgerald United States Courthouse. He was a great man and this is a fine way to remember all he did for my State.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1710

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

SECTION 1. JAMES M. FITZGERALD UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, shall be known and designated as the ''James M. Fitzgerald United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''James M. Fitzgerald United States Courthouse''.

By Mr. BROWN of Ohio:

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; to the Committee on Finance.

Mr. BROWN of Ohio. Mr. President I rise to talk about our Nation's flawed approach to trade and its damaging effects on economic growth and job creation. Yesterday, this body approved three trade agreements that will do far too little to create manufacturing jobs here in the United States. In fact, it is clear these more-of-the-same agreements will cost manufacturing jobs in Ohio and across the nation.

In towns and cities across Ohio, workers have the proud tradition of manufacturing products that matter to America.

From steel tubes made in Lorain that equip our energy markets, to car parts made in Moraine that move our auto industry forward, Ohio manufacturers represent the heart of our nation's economy.

Ohio manufacturers and workers are some of the most industrious and innovative in the United States.

Our companies and the people who fill our factories can compete across the world—but only if your government implements trade policies that create a level playing field.

However, Republican and Democratic administrations alike, along with Congress, have signed and passed trade agreements premised on hollow promises.

Supporters of free market policies promised that past trade pacts like NAFTA would stimulate growth and create jobs.

Some companies and constituents in Ohio would argue these assertions—and the assurances that accompany current trade agreements—could not be further from the truth.

Once successful companies in my state are now collapsing under the weight of misguided trade policies.

Working families in West Chester, Pickerington, Lima, and Akron are holding on for dear life in the face of our government failing to negotiate and enforce trade deals.

A rational trade agreement should open new markets, include standards on labor and safety that are at least as strong as the commercial provisions, and help U.S. companies expand their consumer base around the world.

However, recent trade pacts have slashed tariffs for foreign competitors while doing little to address the tariff and nontariff barriers that U.S. businesses face with our trading partners. Nothing in these newly approved agreements will change this pattern.

All too often, U.S. trade negotiators have been willing to open our markets to a flood of imports while failing to win the concessions required to make trade work for America.

A quick glance at our Nation's trade statistics makes it clear that we need a new gameplan when it comes to trade.

The U.S. merchandise trade deficit has surged 46 percent over the last decade, reaching an astronomical $634 billion in 2010.

Since the implementation of NAFTA in 1994, the U.S. has lost more than three million manufacturing jobs.

Behind these numbers are the faces of middle-class Americans who have lost their job because of ill-advised trade agreements.

Whether it is the worker getting laid off at a manufacturer providing energy appliances, or the person losing their job at a steel plant, the loss of a job due to trade can be a devastating experience for families across America.

Two examples of our nation giving too much, for too little in return can be seen with the U.S.-Korea free trade agreement.

South Korea has the lowest level of import penetration for auto sales—at just 4.4 percent—of any developed country.

In 2009, the U.S. exported fewer than 6,000 cars to Korea. In the same year, Korea exported 476,000 cars to the U.S.

While a marginal improvement, the U.S.-Korea free trade agreement would allow each American-based automaker to export 25,000 cars to South Korea free of burdensome regulations.

However, it is clear that this ''concession'' does not do enough to shift the imbalanced trade in the auto sector in our direction.

In addition—much like China—South Korea would still be able to manipulate its currency—thwarting the ability of American companies to compete and hire workers.

Instead, South Korea will be able to exploit this trade agreement and make the limited market access we would have meaningless.

It is time that our free trade agreements increase market access to U.S. goods so that we're exporting goods—not jobs.

The American people are demanding a plan to make trade work.

It is time for Congress to meet the demands of the American people and take action to ensure a level playing field for our businesses and workers.

That is why I'm introducing the Reciprocal Market Access Act.

The Reciprocal Market Access Act would require the reduction or elimination of U.S. duties to be reciprocated by the nation with which we are entering into a trade pact.

In the event that a trading partner does not adhere to this requirement, the U.S. Trade Representative would be authorized to withdraw tariff concessions if a trading partner has failed to eliminate relevant tariff and non-tariff barriers.

This requirement will make sure that any type of barrier doesn't put American products at a disadvantage before we open our doors to American goods.

The U.S. should no longer acquiesce to demands to further open our market—already the most open market in the global economy—without gaining meaningful market access for American manufacturers in exchange.

In addition, this bill would instruct the International Trade Commission to assess the impact of a potential trade agreement on opportunities and barriers for U.S. products that will be affected by the trade agreement.

If Congress is committed to creating jobs and reducing the trade deficit, we've got to make sure we have the policies that put us on a level playing field with our trading partners.

If we are serious about standing up for workers, small business and manufacturers who continue to play be the rules, we need to pass this legislation.

It is time to take action to help rebuild the economic foundation of the middle class.

It is time we negotiate trade agreements that put American workers and American businesses first.

It is time to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1711

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 ''Reciprocal Market Access Act of 2011''.

SEC. 2. PURPOSE.

The purpose of this Act is to require that United States trade negotiations achieve measurable results for United States businesses by ensuring that trade agreements result in expanded market access for United States exports and not solely the elimination of tariffs on goods imported into the United States.

SEC. 3. LIMITATION ON AUTHORITY TO REDUCE OR ELIMINATE RATES OF DUTY PURSUANT TO CERTAIN TRADE AGREEMENTS.

(a) LIMITATION.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act, the President may not agree to a modification of an existing duty that would reduce or eliminate the bound or applied rate of such duty on any product in order to carry out a trade agreement entered into between the United States and a foreign country until the President transmits to Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification by the President that—

(1) the United States has obtained the reduction or elimination of tariff and nontariff barriers and policies and practices of the government of a foreign country described in subsection (a) with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in subsection (a); and

(2) a violation of any provision of the trade agreement described in subsection (a) relating to the matters described in paragraph (1)

is immediately enforceable in accordance with the provisions of section 4.

SEC. 4. ENFORCEMENT PROVISIONS.

(a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the President does agree to a modification described in section 3(a), and the United States Trade Representative determines pursuant to subsection (c) that—

(1) a tariff or nontariff barrier or policy or practice of the government of a foreign country described in section 3(a) has not been reduced or eliminated, or

(2) a tariff or nontariff barrier or policy or practice of such government has been imposed or discovered,

the modification shall be withdrawn until such time as the United States Trade Representative submits to Congress a certification described in section 3(b)(1).

(b) INVESTIGATION.—

(1) IN GENERAL.—The United States Trade Representative shall initiate an investigation if an interested party files a petition with the United States Trade Representative which alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a), and which is accompanied by information reasonably available to the petitioner supporting such allegations.

(2) INTERESTED PARTY DEFINED.—For purposes of paragraph (1), the term ''interested party'' means—

(A) a manufacturer, producer, or wholesaler in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(B) a certified union or recognized union or group of workers engaged in the manufacture, production, or wholesale in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(C) a trade or business association a majority of whose members manufacture, produce, or wholesale in the United States a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought; and

(D) a member of the Committee on Ways and Means of the House of Representatives or a member of the Committee on Finance of the Senate.

(c) DETERMINATION BY USTR.—Not later than 45 days after the date on which a petition is filed under subsection (b), the United States Trade Representative shall—

(1) determine whether the petition alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a); and

(2) notify the petitioner of the determination under paragraph (1) and the reasons for the determination.

SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL TRADE COMMISSION.

(a) IN GENERAL.—The International Trade Commission shall conduct an assessment of the impact of each proposed trade agreement between the United States and a foreign country on tariff and nontariff barriers and policies and practices of the government of the foreign country with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(b) IDENTIFICATION.—In conducting the assessment under subsection (a), the International Trade Commission shall identify the tariff and nontariff barriers and policies and practices for such products that exist in the foreign country and the expected opportunities for exports from the United States to the foreign country if existing tariff and nontariff barriers and policies and practices are eliminated.

(c) CONSULTATION.—In conducting the assessment under subsection (a), the International Trade Commission shall, as appropriate, consult with and seek to obtain relevant documentation from United States domestic producers of products having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(d) REPORT.—Not later than 45 days before the date on which negotiations for a proposed trade agreement described in subsection (a) are initiated, the International Trade Commission shall submit to the United States Trade Representative, the Secretary of Commerce, and Congress a report on the proposed trade agreement that contains the assessment under subsection (a) conducted with respect to such proposed trade agreement. The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 293—CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA

Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

Resolved, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

SENATE CONCURRENT RESOLUTION 30—SUPPORTING THE GOALS AND IDEALS OF SPINA BIFIDA AWARENESS MONTH

Mr. WICKER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas according the Centers for Disease Control and Prevention, there are approximately 166,000 individuals living in the United States with a form of spina bifida, the United States most common permanent birth defect;

Whereas the risk of spina bifida can be reduced by up to 70 percent if women consume 400 micrograms of folic acid daily, before and during pregnancy;

Whereas there are 65,000,000 women of childbearing age in the United States, all of whom are potentially at risk of having a child with spina bifida;

Whereas 1,500 children are born each year with spina bifida;

Whereas, according to the Spina Bifida Association, spina bifida is a complicated condition, adversely impacting virtually every organ system and requiring multiple clinical specialists to provide lifelong comprehensive, quality medical and psychosocial care;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well-being, and quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida.

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, reduce morbidity and mortality from spina bifida, and increase the efficiency and decrease the cost of care by supporting the

collection of longitudinal-treatment data, developing quality measures and treatment standards of care and best practices, identifying ''centers of excellence'' in spina bifida, evaluating both the clinical and cost-effectiveness of treatment of spina bifida, and exchanging evidence-based information among health-care providers across the United States;

Whereas the Spina Bifida Association is the only national voluntary health agency working for people with spina bifida and their families through education, advocacy, research, and service; and

Whereas October is designated as National Spina Bifida Awareness Month to help increase awareness and the prevention of spina bifida, as well as enhancing the quality of life of persons living with spina bifida: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Spina Bifida Awareness Month;

(2) recognizes the importance of highlighting the occurrence of spina bifida, bringing to light the struggles and successes of those who live with spina bifida, and advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve treatments for both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the excellent work of the Spina Bifida Association to educate, support, and provide hope for people with spina bifida and their families.

SENATE CONCURRENT RESOLUTION 31—DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF S. 1280

Mr. ISAKSON submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(e) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(g) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking ''The President shall annually conduct'' and inserting ''Annually through September 30, 2018, the President shall conduct'';

(2) in subsection (d)—

(A) in subparagraph (A), by striking ''a biennial report'' and inserting ''a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018,''; and

(B) in subparagraph (B), by striking ''not later than two years after the date of the enactment of this section and every three years thereafter'' and inserting ''not later than two years and five years after the date of the enactment of this section''; and

(3) by adding at the end the following new subsection:

''(e) PORTFOLIO REVIEWS.—

''(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

''(A) An evaluation of the country's commitment to the Peace Corps program.

''(B) An analysis of the safety and security of volunteers.

''(C) An evaluation of the country's need for assistance.

''(D) An analysis of country program costs.

''(E) An evaluation of the effectiveness of management of each post within a country.

''(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

''(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.''.

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting ''through September 30, 2018,'' after ''annually''.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

AMENDMENTS SUBMITTED AND PROPOSED

SA 738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause and insert the following:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $4,798,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $11,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,514,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,946,000.

OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, $1,421,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $1,351,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $36,031,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,935,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $848,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $21,558,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $764,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space

into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $230,416,000, to remain available until expended, of which $164,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 for payment to the Department of Homeland Security for building security activities; and of which $52,146,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: *Provided further*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,792,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $28,165,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,676,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $8,105,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $84,121,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $39,345,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $848,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $77,723,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $152,616,000, of which up to $41,639,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,094,647,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $709,825,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $236,334,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $32,934,000; for payments to eligible institutions (7 U.S.C. 3222), $50,898,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $4,181,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,830,000; for competitive grants (7 U.S.C. 450(i)(b)), $265,987,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,944,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,081,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,801,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $961,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,774,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,790,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,530,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,239,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,219,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,194,000; for a secondary agriculture education program and 2-year post-secondary education, (7 U.S.C. 3152(j)), $981,000; for aquaculture grants (7 U.S.C. 3322), $3,920,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,471,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,336,000, to remain available until expended (7 U.S.C. 2209b); for capacity building grants for non-land-grant colleges of agriculture (7 U.S.C. 3319i), $5,000,000, to remain available until expended; for competitive grants for policy research (7 U.S.C. 3155), $4,000,000, which shall be obligated within 120 days of the enactment of this Act; for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,335,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $898,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $749,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $856,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,497,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,246,000; and for necessary expenses of Research and Education Activities, $11,006,000, of which $2,645,000 for the Research, Education, and Economics Information System and $2,089,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law

103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

For the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund under section 1456 (7 U.S.C. 3243) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, $10,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $478,179,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $295,800,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,312,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $67,934,000; payments for the pest management program under section 3(d) of the Act, $9,918,000; payments for the farm safety program under section 3(d) of the Act, $4,610,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,660,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,730,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,975,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $461,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $3,929,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,039,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,696,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,735,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $42,592,000, provided that each institution receives no less than $1,000,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $8,388,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $25,948,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $17,964,000, including $8,982,000 for the water quality program, $2,994,000 for regional pest management centers, $1,996,000 for the methyl bromide transition program, and $3,992,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $998,000; $998,000 for the regional rural development centers program; and $5,988,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2013.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $848,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $820,110,000, of which $1,000,000, to be available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (''contingency fund'') to the extent necessary to meet emergency conditions; of which $17,848,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $7,000,000, to remain available until expended, shall be for Animal Disease Traceability; of which $891,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $48,733,000, to remain available until expended, shall be used to support avian health; of which $4,474,000, to remain available until expended, shall be for information technology infrastructure; of which $153,950,000, to remain available until expended, shall be for specialty crop pests; of which $9,068,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $58,962,000, to remain available until expended, shall be for tree and wood pests; of which $3,568,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $1,000,000, to remain available until expended, shall be for wildlife services methods development; of which $1,500,000, to remain available until expended, shall be for the wildlife services damage management program for aviation safety; and of which $5,000,000, to remain available until expended, shall be for the screwworm program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2012, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,176,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $82,211,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,101,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,198,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $38,248,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of

buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $770,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,006,503,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2012 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $848,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,181,781,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,759,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,817,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,975,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $475,000,000 shall be for direct loans; operating loans, $2,519,982,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans, and $1,019,982,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, $22,800,000; operating loans, $83,525,000, of which $26,100,000 shall be for unsubsidized guaranteed loans, and $57,425,000 shall be for direct loans; and Indian highly fractionated land loans, $193,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $297,237,000, of which $289,728,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $74,900,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $848,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $828,159,000, to remain available until September 30, 2013: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $848,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $182,023,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $5,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $24,900,000,000 for loans to section 502 borrowers, of which $900,000,000 shall be for direct loans, and of which $24,000,000,000 shall be for unsubsidized guaranteed loans; $10,000,000 for section 504 housing repair loans; $64,478,000 for section 515 rental housing; $130,000,000 for section 538 guaranteed multi-family housing loans; $10,000,000 for credit sales of single family housing acquired property; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $42,570,000 shall be for direct loans; section 504 housing repair loans, $1,421,000; and repair, rehabilitation, and new construction of section 515 rental housing, $22,000,000: *Provided*, That hereafter, the Secretary may charge a guarantee fee of up to 4 percent on section 502 guaranteed loans: *Provided further*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97, Public Law 110–5, and Public Law 111–80 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $16,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $430,800,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $904,653,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not less than $2,000,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $2,000,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: *Provided further*, That any unexpended balances remaining at the end of such 1-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2012 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multifamily housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $13,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $11,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $2,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $30,000,000, to remain available until expended: *Provided*, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self- Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $34,271,000, to remain available until expended: *Provided*, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for

the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $1,300,000,000.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $26,274,000, to remain available until expended: *Provided*, That $4,242,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $5,938,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,369,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $79,665,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $475,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,900,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $20,661,000. For the cost of direct loans, $7,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,000,000 shall be available through June 30, 2012, for Federally Recognized Native American Tribes and of which $2,000,000 shall be available through June 30, 2012, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,684,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $155,000,000 shall not be obligated and $155,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $27,915,000, of which $2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $2,938,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,005,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $4,500,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $509,295,000, to remain available until expended, of which not to exceed $422,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $844,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $67,200,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated

Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further*, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,750,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2011, shall be available through June 30, 2012, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $424,286,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $594,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $36,382,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $282,686,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $28,570,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That $3,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $8,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $770,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $18,151,176,000, to remain available through September 30, 2013, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That the total amount available, $1,000,000 shall be available to implement section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq): *Provided further*, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, ''except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21''.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,582,497,000, to remain available through September 30, 2013: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), of the amounts made available under this heading, not less than $60,000,000 shall be used for breast-feeding peer counselors and other related activities: *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $80,402,722,000, of which $3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $242,336,000, to remain available through September 30, 2013: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2011 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2013: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $140,130,000: *Provided*, That$2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $176,347,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,666,000, shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses'': *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,562,000,000, to remain available until expended.

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $188,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,465,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,129,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $336,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,859,402,000: *Provided*, That of the amount provided under this heading, $702,172,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2013 but collected in fiscal year 2012; $57,605,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $21,768,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,706,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; $477,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended; $12,364,000 shall be derived from food and feed recall fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; $14,700,000 shall be derived from food reinspection fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended; and $71,066,000 shall be derived from voluntary qualified importer program fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act (Public Law 75–717), as amended by the Food Safety Modernization Act (Public Law 111–353), and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2012 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2012 received during fiscal year 2012, including any such fees assessed prior to fiscal year 2012 but credited for fiscal year 2012, shall be subject to the fiscal year 2012 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $944,979,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $978,205,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $52,947,000 shall be available for the Office of Generic Drugs; (3) $328,886,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $166,365,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $356,659,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,039,000 shall be for the National Center for Toxicological Research; (7) $454,751,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $133,879,000 shall be for Rent and Related activities, of which $43,981,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $209,392,000 shall be for payments to the General Services Administration for rent; and (10) $226,247,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds be may transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,982,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations

made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 708. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 709. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2013, for information technology expenses.

SEC. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 713. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 715. Funds provided by this Act may be used notwithstanding the requirements of 7 U.S.C. 1736f(e)(1).

SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies in writing the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 717. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SEC. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 720. Notwithstanding any other provision of law, school food authorities which received a grant for equipment assistance under the grant program carried out pursuant to the heading ''Food and Nutrition Service Child Nutrition Programs'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) shall be eligible to receive a grant under section 749 (j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

SEC. 721. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 722. There is hereby appropriated $600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of

growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 723. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives in writing from the Committee on Appropriations of both Houses of Congress confirmation of receipt of the notification required in this section.

SEC. 724. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.

SEC. 725. The Secretary may reserve, through April 1, 2012, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security Act of 1985 (16 U.S.C. 3838d–3838g) in excess of $809,000,000;

(2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));

(3) The Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa–8) in excess of $1,400,000,000: *Provided*, That up to $20,000,000 of the funds made available for the Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa(8)) may be transferred to a program as authorized by 16 U.S.C. 1301–1311 to enroll agricultural lands that experienced significant flooding, as determined by the Secretary, in calendar year 2011: *Provided further*, That no more than $10,000,000 may be used for agreements entered into with owners or operators in any one State;

(4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of $150,000,000;

(5) The Grassland Reserve Program as authorized by sections 1238O–1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o–3838q) in excess of 140,907 acres in fiscal year 2012;

(6) The Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 185,800 acres in fiscal year 2012;

(7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1)) in excess of $50,000,000;

(8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb–5);

(9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of $75,000,000;

(10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of $34,000,000;

(11) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;

(12) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of $2,500,000 for the Natural Resources Conservation Service; and

(13) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246 in excess of $948,000,000, as follows: Child Nutrition Programs Entitlement Commodities—$465,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2012: *Provided further*, That $133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110–246: *Provided further*, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: *Provided further*, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110–246, $150,000,000 are hereby rescinded.

SEC. 727. Hereafter, notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 728. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 729. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in the heading, by striking ''fiscal years 2008 through 2012'' and inserting ''certain fiscal years''; and

(2) in the text, by striking ''2012'' and inserting ''2014''.

(b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking ''2012'' and inserting ''2014''.

(c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended by striking ''2012'' and inserting ''2014''.

(d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2014''.

(e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2012,'' and inserting ''2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)),''; and

(2) in paragraph (4)(E), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2014''.

(f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking ''2012'' and inserting ''2014''.

SEC. 730. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.

SEC. 731. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 are hereby rescinded.

SEC. 732. There is hereby appropriated for the ''Emergency Conservation Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $78,000,000, to remain available until expended: *Provided*, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That there is hereby appropriated for the ''Emergency Forest Restoration Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $49,000,000, to remain available until expended: *Provided further*, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That there is hereby appropriated for the ''Emergency Watershed Protection Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $139,000,000, to remain available until expended: *Provided further*, That this amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SEC. 733. Unobligated balances not to exceed $31,000,000 for the ''Emergency Watershed Protection Program'' provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: *Provided*, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012''.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $245,250 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $441,104,000, to remain available until September 30, 2013, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That up to $2,500,000 from amounts provided herein may be available for necessary expenses of the Commercial Law Development Program, including those authorized under section 636(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)).

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $11,250 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $98,138,000, to remain available until expended, of which $31,279,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $220,000,000, to remain available until expended.

For an additional amount for ''Economic Development Assistance Programs'' for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $135,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,166,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,732,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $95,119,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $253,336,000: *Provided*, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $690,000,000, to remain available until September 30, 2013: *Provided*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $1,000,000 shall be transferred to the

Office of the Inspector General for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $45,568,000, to remain available until September 30, 2013: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are hereafter available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $2,706,313,000 to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2012, so as to result in a fiscal year 2012 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2012, should the total amount of offsetting fee collections and the surcharge provided herein be less than $2,706,313,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,706,313,000 in fiscal year 2012 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of the Patent and Trademark Office shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That from amounts provided herein, not to exceed $750 shall be made available in fiscal year 2012 for official reception and representation expenses: *Provided further*, That in fiscal year 2012 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for PTO's specific use shall be recognized as an imputed cost on PTO's financial statements, where applicable: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2012: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That there shall be a surcharge of 15 percent, as provided for by section 11(i) of the Leahy-Smith America Invents Act: *Provided further*, That hereafter the Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under 35 U.S.C. 41(h)(1), so long as the fees of the prioritized examination program are set to recover the estimated cost of the program: *Provided further*, That the receipts collected as a result of these surcharges shall be available within the amounts provided herein to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: *Provided further*, That within the amounts appropriated, $1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services, $120,000,000 to remain available until expended: *Provided*, That of the amounts appropriated herein, $120,000,000 shall be for the Hollings Manufacturing Extension Partnership.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,134,327,000, to remain available until September 30, 2013, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2014: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $109,098,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That of the $3,250,425,000 provided for in direct obligations under this heading $3,134,327,000 is appropriated from the general fund, and $109,098,000 is provided by transfer and $7,000,000 is derived from recoveries of prior year obligations: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $41,105,000: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $219,291,000: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), $1,833,594,000, to remain available until September 30, 2014, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the $1,841,594,000 provided for in direct obligations under this heading, $1,833,594,000 is appropriated from the general fund and $8,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in

support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY FUND

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2013: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations, for restoration of populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $56,726,000.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended), $26,946,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. All balances in the Coastal Zone Management Fund, whether unobligated or unavailable, are hereby permanently cancelled, and notwithstanding section 308(b) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456a), any future payments to the Fund made pursuant to sections 307 (16 U.S.C. 1456) and 308 (16 U.S.C. 1456a) of the Coastal Zone Management Act of 1972, as amended, shall, in this fiscal year and any future fiscal years, be treated in accordance with the Federal Credit Reform Act of 1990, as amended.

SEC. 110. There is established in the Treasury a non-interest bearing fund to be known as the ''Fisheries Enforcement Asset Forfeiture Fund'', which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38 or of any other marine resource law enforced by the Secretary of Commerce, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and with the exception of collections pursuant to 16 U.S.C. 1437, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1861 or any other marine resource law enforced by the Secretary of Commerce with the exception of 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Fisheries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 111. There is established in the Treasury a non-interest bearing fund to be known as the ''Sanctuaries Enforcement Asset Forfeiture Fund'', which shall consist of all sums received as fines, penalties, and forfeitures of property for violations of any provisions of 16 U.S.C. chapter 38, which are currently deposited in the Operations, Research, and Facilities account: *Provided*, That all unobligated balances that have been collected pursuant to 16 U.S.C. 1437 shall be transferred from the Operations, Research, and Facilities account into the Sanctuaries Enforcement Asset Forfeiture Fund and shall remain available until expended.

SEC. 112. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration is authorized to receive and expend funds made available by any Federal agency, State or subdivision thereof, public or private organization, or individual to carry out any statute administered by the National Oceanic and Atmospheric Administration: *Provided*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 113. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (''Commission'') and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagics Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories provided that such arrangements shall impose no requirements regarding where such vessels must fish or land their catch and shall be funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

(1) is authorized to accept and deposit into the Western Pacific Sustainable Fisheries Fund funding for arrangements pursuant to subsection (b);

(2) shall use amounts deposited under paragraph (1) that are attributable to a particular U.S. Participating Territory only for implementation of that Territory's Marine Conservation Plan adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824); and

(3) shall recommend an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and associated regulations, to implement this section.

(d) Subsection (b) shall remain in effect until such time as—

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Management Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, allocation, and management of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

(2) the Secretary of Commerce approves the amendment as recommended; and

(3) such implementing regulations become effective.

This title may be cited as the ''Department of Commerce Appropriations Act, 2012''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $115,886,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That $18,903,000 is for Department Leadership; $8,311,000 is for Intergovernmental Relations/External Affairs; $12,925,000 is for Executive Support/Professional Responsibility; and $75,747,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, $20,000,000: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $47,000,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nationwide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $87,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $294,082,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,563,453,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,199,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,577,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $846,099,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $7,500 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program $3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $159,587,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $108,000,000 in fiscal year 2012), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $51,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,891,532,000: *Provided*, That of the total amount appropriated, not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than $43,184,000 shall be used for salaries and expenses for assistant

U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $234,115,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $234,115,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,071,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,227,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,101,041,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $20,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $12,000,000, to remain available until expended; of which not less than $9,696,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $86,007,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $516,962,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $7,785,000,000, of which not to exceed $150,000,000 shall remain available until expended: *Provided*, That not to exceed $153,750 shall be available for official reception and representation expenses.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally owned buildings; and preliminary planning and design of projects; $75,000,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,900,084,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $75,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; $10,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,090,292,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed $20,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2012: *Provided further*, That, beginning in fiscal year 2012 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would

compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,589,781,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $4,500 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2013: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $90,000,000, to remain available until expended, of which not less than $66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $417,663,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $194,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act, of which, notwithstanding such part T, $10,000,000 shall be available for programs relating to children exposed to violence;

(2) $25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act;

(5) $45,913,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $5,000,000 is for a homicide initiative;

(6) $25,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $4,000,000 is for enhanced training and services to end violence against and abuse of

women in later life, as authorized by section 40802 of the 1994 Act;

(11) $11,250,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) $5,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $4,000,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act, of which $1,000,000 is to be used for a family court initiative;

(14) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) $1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, $20,580,000.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION, AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act)''; the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); and other programs; $121,000,000, to remain available until expended, of which—

(1) $45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $36,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) $40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: *Provided*, That of the amounts provided under this heading, $5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) $1,000,000 is for an evaluation clearinghouse program; and

(4) $35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); and other programs; $1,063,498,000, to remain available until expended as follows—

(1) $395,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act); and, notwithstanding such subpart 1, to support innovative, place-based, evidence-based approaches to fighting crime and improving public safety, of which $3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $4,000,000 is for a State and local assistance help desk and diagnostic center program, $5,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies, and $3,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR): *Provided*, That funds made available under this heading may be used at the discretion of the Assistant Attorney General for the Office of Justice Programs to train Federal law enforcement under the VALOR Officer Safety Training Initiative;

(2) $273,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $20,000,000 for the Northern and Southwest Border Prosecutor Initiatives to reimburse State, county, parish, tribal or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $21,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(5) $10,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164: *Provided*, That no less than $4,690,000 shall be for victim services grants for foreign national victims of trafficking;

(6) $35,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(7) $9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(8) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) $4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405;

(10) $10,000,000 for economic, high technology and Internet crime prevention grants, as authorized by section 401 of Public Law 110–403;

(11) $5,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(12) $23,000,000 for activities, including sex offender management assistance, authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322);

(13) $10,000,000 for an initiative relating to children exposed to violence;

(14) $20,000,000 for an Edward Byrne Memorial criminal justice innovation program;

(15) $24,850,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(16) $1,000,000 for the National Sex Offender Public Web site;

(17) $10,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(18) $10,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(19) $8,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(20) $15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(21) $131,000,000 for DNA-related and forensic programs and activities, of which—

(A) $123,000,000 is for the purposes of DNA analysis and DNA capacity enhancement as defined in the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program), of which not less than $85,500,000 is to be used for grants to crime laboratories for purposes under 42 U.S.C. 14135, section (a); not less than $11,000,000 is to be used for the purposes of the Solving Cold Cases with DNA Grant Program; not less than $11,000,000 is to be used to audit and report on the extent of the backlog; and the remainder of funds appropriated under this paragraph may be used to support training programs specific to the needs of DNA laboratory personnel, and for programs outlined in sections 303, 304, 305 and 308 of Public Law 108–405;

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108–405.

(22) $2,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(23) $1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(24) $3,000,000 for grants and technical assistance in support of the National Forum on Youth Violence Prevention:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); and other juvenile justice programs, $251,000,000, to remain available until expended as follows—

(1) $45,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process;

(2) $55,000,000 for youth mentoring grants;

(3) $33,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $15,000,000 shall be for the Tribal Youth Program;

(B) $8,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities; and

(C) $10,000,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(4) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $30,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(6) $8,000,000 for community-based violence prevention initiatives; and

(7) $60,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, $118,572,000.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $231,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided:

(1) $1,500,000 is for research, testing, and evaluation programs regarding law enforcement technologies and interoperable communications, and related law enforcement and public safety equipment, which shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office;

(2) $10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(3) $20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(4) $200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided,* That notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: *Provided further,* That notwithstanding 42 U.S.C. 3796dd–3(c), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000, unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further,* That within the amounts appropriated, $28,000,000 shall be used for the hiring and rehiring of tribal law enforcement officers: *Provided further,* That within the amounts appropriated, $10,000,000 is for community policing development activities.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, $24,500,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons

to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for ''Research Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) Up to 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance;

(2) Up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs, and of such amounts, $1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and

(3) 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading ''State and Local Law Enforcement Assistance''; or

(B) under the headings ''Research, Evaluation and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. Notwithstanding any other provision of law, section 20109(a), in subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)), shall not apply to amounts made available by this title.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing ''appropriated'' with ''used from appropriations'', and by inserting ''(2),'' before ''(3)''.

SEC. 217. (a) Within 30 days of enactment of this Act, the Attorney General shall report to the Committees on Appropriations of the House of Representatives and the Senate a cost and schedule estimate for the final operating capability of the Federal Bureau of Investigation's Sentinel program, including the costs of Bureau employees engaged in development work, the costs of operating and maintaining Sentinel for 2 years after achievement of the final operating capability, and a detailed list of the functionalities included in the final operating capability compared to the functionalities included in the previous program baseline.

(b) The report described in subsection (a) shall be submitted concurrently to the Department of Justice Office of Inspector General (OIG) and, within 60 days of receiving such report, the OIG shall provide an assessment of such report to the Committees on Appropriations of the House of Representatives and the Senate.

This title may be cited as the ''Department of Justice Appropriations Act, 2012''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,100 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,100,000,000, to remain available until September 30, 2013, of which up to $10,000,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of re-establishing facilities to produce fuel required for radio-isotope thermoelectric generators to enable future missions: *Provided*, That the development cost (as defined under 51 U.S.C. 30104) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subparagraph (c)(2)(E) of section 30104 of title 51 as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104 of title 51.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $501,000,000, to remain available until September 30, 2013.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $637,000,000, to remain available until September 30, 2013.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,775,000,000, to remain available until September 30, 2013: *Provided*, That not less than $1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than $1,800,000,000 shall be for the heavy lift launch vehicle system which shall have a lift capacity not less than 130 tons and which shall have an upper stage and other core elements developed simultaneously, $500,000,000 shall be for commercial spaceflight activities, and $275,000,000 shall be for exploration research and development: *Provided further*, That $192,600,000 of the funds provided for commercial spaceflight activities shall only be available after the NASA Administrator certifies to the Committees on Appropriations, in writing, that NASA has published the required notifications of NASA contract actions implementing the acquisition strategy for the heavy lift launch vehicle system identified in section 302 of Public Law 111–267 and has begun to execute relevant contract actions in support of development of the heavy lift launch vehicle system: *Provided further*, That funds made available under this heading within this Act may be transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities related to the Orion multipurpose crew vehicle and the heavy lift launch vehicle system: *Provided further*, That funds so transferred shall be subject to the 5 percent but shall not be subject to the 10 percent transfer limitation described under the Administrative Provisions in this Act for the

National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,285,000,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not more than $650,900,000 shall be for Space Shuttle operations, production, research, development, and support, not more than $2,803,500,000 shall be for International Space Station operations, production, research, development, and support, not more than $168,000,000 shall be for the 21st Century Launch Complex, and not more than $662,600,000 shall be for Space and Flight Support: *Provided further*, That funds made available under this heading for 21st Century Launch Complex may be transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities only at NASA-owned facilities: *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Aeronautics and Space Administration, shall be available until September 30, 2017, and shall be treated as a reprogramming under section 505 of this Act.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $138,400,000, to remain available until September 30, 2013.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,043,073,000: *Provided*, That not less than $39,100,000 shall be available for independent verification and validation activities: *Provided further*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $422,000,000, to remain available until September 30, 2017: *Provided*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: *Provided further*, That such proceeds shall be available for obligation for fiscal year 2012 in an amount not to exceed $3,960,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,300,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Section 40902 of title 51, United States Code, is amended by adding at the end the following:

''(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2012 for the purpose of the Endeavor Science Teacher Certificate Program.''.

Section 20145(b)(1) of title 51 is amended by inserting ''(A)'' before ''A person'' and adding at the end thereof the following new subparagraph (B) as follows:

''(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.''.

The spending plan required by section 540 of this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,443,000,000, to remain available until September 30, 2013, of which not to exceed $550,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than $146,830,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69: *Provided further*, That up to $100,000,000 of funds made available under this heading within this Act may be transferred to ''Major Research Equipment and Facilities Construction'': *Provided further*, That funds so transferred shall not be subject to the transfer limitations described in the Administrative Provisions in this Act for the National Science Foundation, and shall be available until expended only after notification of such transfer to the Committees on Appropriations.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $117,055,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $829,000,000, to remain available until September 30, 2013: *Provided*, That not less than $54,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of

the Department of Homeland Security for security guard services; $290,400,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2012 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,440,000: *Provided*, That not to exceed $2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $14,200,000.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2012''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, $800,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and nonmonetary awards to private citizens, $329,837,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $1,875 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, $29,400,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $1,875 for official reception and representation expenses, $80,062,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $396,106,000, of which $370,506,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2011 and 2012, respectively.

Section 504 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''):'' the following: ''that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15) in a manner'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,025,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $46,775,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $93,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,019,000, of which $500,000 shall remain available until September 30, 2013: *Provided*, That not to exceed $1,875 shall be available for official reception and representation expenses.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SALARIES AND EXPENSES

For necessary expenses to carry out the activities of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent, as authorized by section 541 of this Act, $1,700,000 shall be available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous

appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $705,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from

the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2012, from the following account in the specified amount:

(1) ''National Telecommunications and Information Administration, Information Infrastructure Grants'', $2,000,000; and

(2) ''National Oceanic and Atmospheric Administration, Foreign Fishing Observer Fund'', $350,000.

(b) Of the amounts made available under section 3010 of the Deficit Reduction Act of 2005 (47 U.S.C. 309 note), $4,300,000 in unobligated balances are hereby rescinded.

(c) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2012, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $40,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $620,000,000;

(3) ''United States Marshals Service, Salaries and Expenses'', $7,200,000;

(4) ''Drug Enforcement Administration, Salaries and Expenses'', $30,000,000;

(5) ''Federal Prison System, Buildings and Facilities'', $35,000,000;

(6) ''Office of Justice Programs'', $42,600,000;

(7) ''Community Oriented Policing Services'', $10,200,000; and

(8) ''Office on Violence Against Women'', $5,000,000.

(d) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(e) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 533. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 535. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 536. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 537. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

SEC. 538. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 539. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 540. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 30 days of enactment of this Act.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SEC. 541. (a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c) ESTABLISHMENT OF THE COMMISSION.—

(1) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this section, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this section; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) SUBSEQUENT MEETINGS.—Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) PERSONNEL AND ADMINISTRATIVE PROVISIONS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012''.

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,202,000, of which not to exceed $2,618,000 shall be available for the immediate Office of the Secretary; not to exceed $981,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,515,000 shall be available for the Office of the General Counsel; not to exceed $11,004,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,544,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,469,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,046,000 shall be available for the Office of Public Affairs; not to exceed $1,649,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,492,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,578,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,768,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such

transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $550,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: *Provided further*, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $4,990,000, to remain available through September 30, 2013.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $10,000,000, to remain available through September 30, 2013.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,648,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $9,000,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,596,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $351,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,068,000, to remain available until September 30, 2013: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $143,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

(RESCISSION)

SEC. 104. Of the amounts made available by section 185 of Public Law 109–115, all unobligated balances as of the date of enactment of this Act are hereby rescinded.

SEC. 105. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 106. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the minutes of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,635,710,000, of which $5,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,560,815,000 shall be available for air traffic organization activities; not to exceed $1,253,381,000 shall be available for aviation safety activities; not to exceed $15,005,000 shall be available for commercial space transportation activities; not to exceed $112,459,000 shall be available for financial services activities; not to exceed $98,858,000 shall be available for human resources program activities; not to exceed $337,944,000 shall be available for region and center operations and regional coordination activities; not to exceed $207,065,000 shall be available for staff offices; and not to exceed $50,183,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than May 31, 2012, the Administrator shall submit to the House and Senate Committees on Appropriations a comprehensive report that describes all of the findings and conclusions reached during the Federal Aviation Administration's efforts to develop an objective, data-driven method for placing air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy, lists all available options for establishing such method, and discusses the benefits and challenges of each option: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year, and a benchmark for assessing the amount of time aviation inspectors spend directly observing industry field operations: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,630,731,000, of which $474,000,000 shall remain available until September 30, 2012, and of which $2,156,731,000 shall remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2013 through 2017, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $157,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,691,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2012, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $101,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $29,250,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse

amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2012, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at 20 percent.''.

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. (a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, may be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Airport and Airway Trust Fund after 11:59 p.m. on July 22, 2011, through August 5, 2011, are hereby ratified and approved, if otherwise in accord with the provisions of the Airport and Airway Extension Act of 2011, part IV (Public Law 112–27).

(c) TRUST FUND CODE.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(d)(1)) is amended by inserting ''or the Department of Transportation Appropriations Act, 2012'' before the semicolon at the end of subparagraph (A).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $415,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2012: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

LIQUIDATION OF CONTRACT AUTHORIZATION

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

EMERGENCY RELIEF

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $1,900,000,000, to remain available until expended, for expenses resulting from a major disaster designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided*, That notwithstanding section 125(d)(1) of title 23, United States Code, for an event resulting from a disaster eligible under section 125 of title 23, United States Code, in a State occurring in fiscal years 2011 or 2012, the Secretary of Transportation may obligate under the Emergency Relief Program more than $100,000,000 for eligible expenses: *Provided further*, That notwithstanding section 120 of title 23, United States Code, for expenses resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012, the Secretary shall extend the time period in 120(e) in consideration of any delay in the State's ability to access damaged facilities to evaluate damage and estimate the cost of repair: *Provided further*, That notwithstanding sections 120(a) and 120(b) of title 23, United States Code, the Federal share for permanent repairs resulting from a disaster eligible under section 125 of title 23, United States Code, occurring in fiscal years 2011 or 2012 may be up to 100 percent at the Secretary's discretion if the eligible expenses incurred by a State due to such a disaster exceeds twice the State's annual apportionment under the Federal-aid Highway program for the year in which the disaster occurred: *Provided further*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESCISSION

Of unobligated balances of funds made available for obligation from the general fund of the Treasury for programs administered by the Federal Highway Administration in Public Laws 91–605, 93–87, 93–643, 94–280, 96–131, 97–424, 98–8, 98–473, 99–190, 100–17, 100–202, 100–457, 101–164, 101–516, 102–143, 102–240, 103–122, 103–331, 106–346, 107–87, 108–7 and 108–199, excluding any unobligated balance of funds provided for the Appalachian Development Highway System, $73,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2012, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the

funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. Of the funds made available in fiscal year 2012 for the Surface Transportation Research, Development, and Deployment Program, the Secretary of Transportation shall transfer $5,000,000 to the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code: *Provided*, That an equivalent amount of fiscal

year 2012 obligation limitation associated with the funds to be transferred shall also be transferred.

SEC. 125. Section 109 of title 23, United States Code, is amended by adding at the end—

''(r) GUARDRAILS.—The Secretary shall not approve any project that includes beam rail elements and terminal sections that are not galvanized in accordance with AASHTO M–180, Class A, Type II, except that the rail shall be galvanized after fabrication to include forming, cutting, shearing, punching, drilling, bending, welding, and riveting.''.

SEC. 126. Section 127(a)(11) of title 23, United States Code, is amended to read as follows:

''(11)(A) With respect to all portions of the Interstate Highway System in the State of Maine, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.

''(B) With respect to all portions of the Interstate Highway System in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to other State highways shall be applicable in lieu of the requirements under this subsection.''.

SEC. 127. Section 112 of the Surface and Air Transportation Programs Extension Act of 2011 is amended by striking ''$196,427,625'' and inserting ''an amount equal to one-half the sum authorized for such purpose for fiscal year 2011 by section 412(a)(2) of the Surface Transportation Extension Act of 2010''.

SEC. 128. Any road, highway, or bridge that is in operation for less than 30 years or under construction, damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency and shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $250,023,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $250,023,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2014, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2012, and September 30, 2012, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for ''Motor Carrier Safety Grants''; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $32,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That of the prior year unobligated balances for the commercial vehicle information systems and networks deployment program, $1,000,000 is permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 131. Notwithstanding any other provision of law, States receiving funds for core or expanded deployment activities under the Commercial Vehicle Information Systems and Networks program pursuant to sections 4101(c)(4) and 4126 of Public Law 109–59 that did not meet award eligibility requirements set forth in section 4126; received grant amounts in excess of the maximum amounts specified in sections 4126(c)(2) or 4126(d)(3); or were awarded grants either prior to or after the expiration of the period of performance specified in a grant agreement need not repay such funds.

SEC. 132. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $140,146,000, of which $20,000,000 shall remain available through September 30, 2013.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $109,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $109,500,000 for programs authorized under 23 U.S.C. 403 and chapter 303 of title 49, United States Code: *Provided further*, That within the $109,500,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2013 and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $550,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2012, are in excess of $550,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $48,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2013 in accordance with

subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $10,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59: *Provided further*, That of the amounts made available under this heading for ''Safety Belt Performance Grants'', $25,000,000 shall be available until expended for the modernization of the National Automotive Sampling System (NASS), and $5,000,000 shall be available for the development of the Driver Alcohol Detection System for Safety (DADSS), and $8,500,000 shall be available for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $176,596,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $30,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $544,000,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $936,778,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-fourth of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2012 business plan.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $100,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That funds provided under this paragraph may be used for planning activities that lead directly to the development of a

passenger rail corridor investment plan consistent with the requirements established by the Administrator or a State rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That funds made available for planning activities under the previous proviso may be used to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $98,713,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2013 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2013.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,360,565,000 in fiscal year 2012.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $40,000,000, to remain available until expended: *Provided*, That $9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,100,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $6,500,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $25,400,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,955,000,000, to remain available until expended, of which $38,000,000 shall be available to carry out section 5309(e) of such title: *Provided*, That not less than $510,000,000 shall be available for preliminary engineering, final design, and construction of projects expected to receive a Full Funding Grant Agreements during calendar year 2012: *Provided further*, That the funds awarded for preliminary engineering and final design under such a grant shall be made available to cover those costs immediately upon grant award: *Provided further*, That of the funds appropriated under this heading in Public Law 111–8, $27,000,000 are hereby rescinded.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $25,000,000, to remain available through September 30, 2014: *Provided*, That priority shall be given to projects that use innovative and potentially replicable approaches to reducing energy consumption or greenhouse gas emissions.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2014, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2011, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1 percent of the amount made available to carry out section 5316 of title 49, United States Code: *Provided*, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 165. (a) Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 167. Hereafter, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 168. Hereafter, for purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169. Hereafter, all bus new fixed guideway capital projects recommended in the

President's fiscal year 2012 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): *Provided*, That all such projects shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $34,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING RESCISSION)

For necessary expenses of operations and training activities authorized by law, $154,886,000, of which $11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2013 for Student Incentive Program payments at State Maritime Academies, and of which $22,485,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations: *Provided further*, That of the prior year unobligated balances under this heading for information technology requirements of Public Law 111–207, $1,000,000 are permanently rescinded.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $10,000,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, $4,000,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration: *Provided*, That of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, $35,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall hereafter be used to make a determination of the nonavailability of qualified United States flag capacity for purposes of 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve unless as part of that determination the Secretary of Transportation, after consultation with representatives from the United States flag maritime industry, provides to the Secretary of Homeland Security a list of United States flag vessels with single or collective capacity that may be capable of providing the requested transportation services and a written justification for not using such United States flag vessels.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $22,158,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $39,020,000, of which $1,716,000 shall remain available until September 30, 2014: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $118,364,000, of which $21,510,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; of which $93,854,000 shall be derived from the Pipeline Safety Fund, of which $54,265,000 shall remain available until September 30, 2014; of which $3,000,000, to remain available until expended, shall be derived from the Pipeline Safety Design Review Fund, as established by this Act.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2013: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2012 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: *Provided further*, That unobligated balances of funds provided under this paragraph not needed for fiscal year 2012 from the sum made available herein shall remain available until expended to invest in the data management and information technology modernization efforts, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

COST RECOVERY FOR DESIGN REVIEWS

SEC. 180. Section 60117(n) of title 49, United States Code, is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. This authority is in addition to the authority provided in section 60301 of this title.

''(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction.

''(3) DEPOSIT AND USE.—The Secretary shall deposit funds paid under this subsection into the Pipeline Safety Design Review Fund. Funds deposited under this section are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations acts.''.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $15,981,000, of which $9,007,000 shall remain available until September 30, 2014: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $82,409,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code:

(1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and

(2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,310,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than $28,060,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 190. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 191. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 192. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 193. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 194. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings ''National Infrastructure Investments'' and ''Assistance to Small Shipyards'' in this Act: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 195. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 196. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 197. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 198. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

This title may be cited as the Department of Transportation Appropriations Act, 2012.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $549,499,000, of which not to exceed $4,610,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,700,000 shall be available for the Office of Hearings and Appeals; not to exceed $741,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,984,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,380,000 shall be available for the Office of the General Counsel; not to exceed $2,695,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,988,000 shall be available for the Office of Public Affairs; not to exceed $546,000 shall be available to the Office of the Chief Operating Officer, not to exceed $256,744,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $10,476,000 shall be available for the Office of Departmental Operations and Coordination; not to exceed $47,543,000 shall be available for the Office of Field Policy and Management; not to exceed $14,654,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,708,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,448,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,627,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed $5,605,000 shall be available for the Office of Strategic Planning and

Management; not to exceed $7,415,000 shall be available for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed $42,635,000 shall be available for the Office of the Chief Information Officer: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $201,233,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development mission area, $101,076,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $392,796,000, of which $8,200,000 shall be for the Office of Risk and Regulatory Affairs.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $23,016,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $74,766,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $7,502,000.

RENTAL ASSISTANCE DEMONSTRATION

To conduct a demonstration designed to preserve and improve public housing through the voluntary conversion of properties with assistance under section 9 of the U.S. Housing Act of 1937, (hereinafter, ''the Act''), to properties with assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, the Secretary may transfer amounts provided under the headings ''Public Housing Capital Fund'' and ''Public Housing Operating Fund'' to the headings ''Tenant-Based Rental Assistance'' or ''Project-Based Rental Assistance'': *Provided*, That project applications may be received under this demonstration until September 30, 2015: *Provided further*, That any increase in cost for ''Tenant-Based Rental Assistance'' or ''Project-Based Rental Assistance'' associated with such conversion shall be equal to amounts transferred from ''Public Housing Capital Fund'' and ''Public Housing Operating Fund'': *Provided further*, That not more than 60,000 units shall be converted under the authority provided under this heading: *Provided further*, That tenants of such converted properties shall, at a minimum, maintain the same rights under such conversion as those provided under section 9 of the Act: *Provided further*, That the Secretary shall select properties from applications for conversion as part of this demonstration through a competitive process: *Provided further*, That in establishing criteria for such competition, the Secretary shall seek to demonstrate the feasibility of this conversion model to recapitalize and operate public housing properties (1) in different markets and geographic areas, (2) within portfolios managed by public housing agencies of varying sizes, and (3) by leveraging other sources of funding to recapitalize properties: *Provided further*, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration: *Provided further*, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: *Provided further*, That the Secretary may waive or specify alternative requirements for (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) any provision of section 8(o)(13) or any provision that governs the use of assistance from which a property is converted under the demonstration or funds made available under the headings of ''Public Housing Capital Fund'', ''Public Housing Operating Fund'', and ''Project-Based Rental Assistance'', under this Act or any prior Act or any Act enacted during the period of conversion of assistance under the demonstration for properties with assistance converted under the demonstration, upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective conversion of assistance under the demonstration: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the previous proviso no later than 10 days before the effective date of such notice: *Provided further*, That the demonstration may proceed after the Secretary publishes notice of its terms in the Federal Register: *Provided further*, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: *Provided further*, That in the case of a property with assistance converted under the demonstration from assistance under section 9 of the Act, section 18 of the Act shall not apply to a property converting assistance under the demonstration for all or substantially all of its units, the Secretary shall require ownership or control of assisted units by a public or nonprofit entity except as determined by the Secretary to be necessary pursuant to foreclosure, bankruptcy, or termination and transfer of assistance for material violations or substantial default, shall require long-term renewable use and affordability restrictions for assisted units, and may allow ownership to be transferred to a for-profit entity to facilitate the use of tax credits only if the public housing agency preserves its interest in the property in a manner approved by the Secretary: *Provided further*, That the Secretary may permit transfer of assistance at or after conversion under the demonstration to replacement units subject to the requirements in the previous proviso: *Provided further*, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means: *Provided further*, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,872,357,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2011), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2012: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) Not less than $17,143,905,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $103,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section

8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for incremental tenant-based assistance for eligible families currently assisted under the Disaster Voucher Program as authorized by Public Law 109–148 under this heading and the Disaster Housing Assistance Program for Hurricanes Ike and Gustav on the condition that such vouchers will not be re-issued when families leave the program: *Provided further*, That of the amounts made available under this paragraph, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative'';

(2) $75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, $10,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) $1,400,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,350,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $113,452,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $5,000,000 for payments to public housing authorities to be competitively awarded in order to demonstrate the effectiveness of leveraging mainstream resources to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Secretary in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That funds provided under this paragraph shall be awarded to public housing authorities that (1) partner with eligible State and local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services, as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youth Program: *Provided further*, That the funds may also be available to public housing authorities that partner with eligible State Medicaid agencies and State behavioral health entities, as designated by the Secretary of the Department of Health and Human Services, to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services; and

(8) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, $200,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2012: *Provided*, That if insufficient funds exist under these headings, the remaining balance may be derived from any other unobligated balances available under any heading under this title funded in fiscal year 2011 and prior years: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the unobligated balances used to meet this rescission 30 days in advance of such rescission: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $1,875,000,000, to remain available until September 30, 2015: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $10,000,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to

address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2012: *Provided further*, That of the total amount provided under this heading $50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to $5,000,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $3,961,850,000, of which $20,000,000 shall be available until September 30, 2013: *Provided*, That in determining public housing agencies', including Moving to Work agencies', calendar year 2012 funding allocations under this heading, the Secretary shall take into account public housing agencies' excess operating fund reserves, as determined by the Secretary: *Provided further*, That Moving to Work agencies shall receive a pro-rata reduction consistent with their peer groups: *Provided further*, That no public housing agency shall be left with less than $100,000 in operating reserves: *Provided further*, That the Secretary shall not offset excess reserves by more than $750,000,000: *Provided further*, That in implementing such allocation reductions, the Secretary shall establish a process by which public housing agencies can appeal the initial allocation amounts and the Secretary shall consider adjustments based on such factors, including prior funding reservations, commitments related to mixed finance developments, or reporting errors: *Provided further*, That the Secretary shall notify public housing agencies of such process and what documentation may be required as part of such appeal: *Provided further*, That following the appeals process established under the previous two provisos, the Secretary shall make final allocations: *Provided further*, That of the amount provided under this heading up to $20,000,000 may be set aside to provide assistance to any public housing authority who encounters financial hardship as a direct result of an excess reserve offset applied to an allocation of funding under this heading: *Provided further*, That the Secretary shall provide flexibility to public housing agencies to use excess operating reserves for capital improvements.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $120,000,000, to remain available until September 30, 2014: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further*, That for-profit developers may apply jointly with a public entity: *Provided further*, That of the amount provided, not less than $80,000,000 shall be awarded to public housing authorities: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than $5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $650,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $428,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, $386,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,000.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $330,000,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,001,027,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, $2,851,027,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amounts made available under this heading, $90,000,000 shall be made available

for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That $63,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than $15,750,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That $27,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals.

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER FUNDING

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, $400,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,960,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,000,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: *Provided further*, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid: *Provided further*, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: *Provided further*, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction's plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: *Provided further*, That any homeownership units funded under this heading which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant: *Provided further*, That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it is has staff with demonstrated development experience: *Provided further*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $57,000,000, to remain available until September 30, 2013: *Provided*, That of the total amount provided under this heading, $17,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity-building activities: *Provided further*, That $5,000,000 shall be made available for capacity-building activities for a national organization with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $1,901,190,000, of which $1,896,190,000 shall remain available until September 30, 2014, and of which $5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That not less than $286,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That not less than $1,602,190,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2012.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $9,018,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $400,000,000 previously appropriated under this heading that will become available October 1, 2012), and $400,000,000, to remain

available until expended, shall be available on October 1, 2012: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $369,627,000 to remain available until September 30, 2015: *Provided*, That of the amount provided under this heading, up to $91,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $20,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $150,000,000 to remain available until September 30, 2015: *Provided*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects: *Provided further*, That the Secretary shall conduct a demonstration program to make available funds provided under this heading for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $60,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $1,300,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $231,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $9,000,000, to remain available until expended, of which $4,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $5,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $206,586,000, to remain available until September 30, 2013, of which up to $70,652,000 may be transferred to and merged with the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2012, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2012, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $25,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections

204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2013: *Provided*, That $20,000,000 shall be available for personnel compensation and benefits, and other administrative expenses of the Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments will and do exceed $300,000,000,000, an additional $100 for personnel compensation and benefits, and administrative expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000): *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,825,000, to remain available until September 30, 2013: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $64,287,000, to remain available until September 30, 2013, of which $35,940,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $120,000,000, to remain available until September 30, 2013, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $199,035,000, to remain available until September 30, 2013: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: *Provided further*, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $124,750,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

Of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 0.5 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for: (1) research, evaluation, and program metrics; (2) program demonstrations; and (3) technical assistance and capacity building: ''Choice Neighborhoods Initiative'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''HOME Investment Partnerships Program'', ''Self-Help and Assisted Homeownership Opportunity Program'', ''Homeless Assistance Grants'', ''Housing for the Elderly'', ''Housing for Persons With Disabilities'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''Lead Hazard Reduction'', ''Rental Housing Assistance'', and ''Fair Housing Activities'': *Provided*, That of the amounts made available under this paragraph, not less than $45,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, and other technical assistance as determined by the Secretary: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations: *Provided further*, That with respect to amounts made available under this heading for research, evaluation, program metrics, and program demonstrations, notwithstanding section 204 of

this title, the Secretary may make grants or enter into cooperative agreements that include a substantial match contribution.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2012 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2012 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by:

(1) allocating to the city of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and

(2) allocating to the city of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the city of Raleigh, North Carolina, on behalf of the Raleigh-Cary North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210 The President's formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States

Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2012 and 2013, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under section (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2011, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available

remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2012, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of nonentitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2012 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2012.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2012.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''Program Office Salaries and Expenses'' within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2012 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fund-raising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2011 and 2012 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds made available for salaries and expenses under any account or any set-aside within any account under this title under the general heading ''Program Office Salaries and Expenses'', and under the account heading ''Administration, Operations and Management'', to any other such account or any other such set-aside within any such account: *Provided*, That no appropriation for salaries and expenses in any such account or set-aside shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 232. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to $10,000,000 may be transferred to and merged with amounts made available in the ''Working Capital Fund'' account under this title.

SEC. 233. Title II of division I of Public Law 108–447 and title III of Public Law 109–115 are each amended by striking the item related to ''Flexible Subsidy Fund''.

SEC. 234. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations

Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program up to three Public Housing Agencies that are High Performing Agencies under the Public Housing Assessment System (PHAS) or the Section Eight Management Assessment Program (SEMAP). No PHA shall be granted this designation through this section that administers in excess of 10,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 235. Of the unobligated balances remaining from funds appropriated under the heading ''Tenant-Based Rental Assistance'' under the ''Full-Year Continuing Appropriations Act, 2011'', $750,000,000 are rescinded from the $4,000,000,000 which are available on October 1, 2011: *Provided*, That such amounts may be derived from reductions to public housing agencies' calendar year 2012 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including the net restricted assets of MTW agencies (in accordance with VMS data in calendar year 2011 that is verifiable and complete), as determined by the Secretary: *Provided further*, That in making such adjustments, the Secretary shall preserve public housing authority reserves at no less than one month, to the extent practicable.

SEC. 236. The United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) in section 3(a)(1) by inserting before the period at the end of the second sentence the following: '', except in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family's income, the public housing agency or owner shall not be required to conduct a review of the family's income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years'';

(2) in section 3(b)(2) by inserting after the second sentence the following new sentence: ''The term 'extremely low-income families' means very low-income families whose incomes do not exceed the higher of (A) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved; or (B) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes, and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States.'';

(3) in paragraph (2) of section 3(b) by adding at the end the following new sentence: ''The Secretary shall periodically, but not less than annually, determine or establish area median incomes and income ceilings and limits in accordance with this paragraph'';

(4) in section 3(b)(5)(A)—

(A) in clause (i) by striking ''$400'' and inserting in lieu thereof ''$675''; and

(B) in clause (ii), in the matter preceding subclause (I), by striking ''3 percent'' and inserting in lieu thereof ''10 percent'';

(5) in paragraph (1) of section 8(c)—

(A) by inserting ''(A)'' after the paragraph designation;

(B) by striking the fourth, fifth, seventh, eighth, ninth, and tenth sentences; and

(C) by adding at the end the following:

''(B) Fair market rentals for an area shall be published not less than annually by the Secretary on the Department's Web site and in any other manner specified by the Secretary. The Secretary shall publish notice of the publication of such fair market rentals in the Federal Register, and such fair market rentals shall become effective no earlier than 30 days after the date of such publication. The Secretary shall establish a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rental in a jurisdiction. The Secretary shall publish for comment in the Federal Register notices of proposed material changes in the methodology for estimating fair market rentals and notices specifying the final decisions regarding such proposed substantial methodological changes and responses to public comments.'';

(6) in subparagraph (B) of section 8(o)(1) by inserting before the period at the end the following: '', except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced. The Secretary shall allow public housing agencies to request exception payment standards within fair market rental areas subject to criteria and procedures established by the Secretary'';

(7) in subparagraph (D) of section 8(o)(1) by inserting before the period at the end the following: ''except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent, where necessary, as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a disabled family or other family with a person with a disability. In connection with the use of any increased payment standard established or approved pursuant to either of the preceding two sentences as a reasonable accommodation for a person with a disability, the Secretary may not establish additional requirements regarding the amount of adjusted income paid by such person for rent'';

(8) in section 16(a)(2)(A) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families'';

(9) in section 16(b)(1) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families''; and

(10) in section 16(c)(3) by striking ''families whose incomes'' and all that follows through ''low family incomes'' and inserting in lieu thereof ''extremely low-income families''.

SEC. 236. Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) is amended by striking ''October 1, 2011'' each place it appears and inserting in lieu thereof ''October 1, 2015''.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,100,000.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,311,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2013, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2013 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $99,275,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $135,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC'') shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,640,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2012 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2012. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that:

(1) is provided assistance by the Department of Housing and Urban Development; and

(2) is or would be located on property of the Department of Veterans Affairs; or

(3) is subject to an enhanced use lease with the Department of Veterans Affairs.

SEC. 417. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 418. Concurrent with the issuance of any notice of funding availability or any other notice designed to solicit applications for a program through which grants or credit assistance are awarded through a competitive process, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information about such program, including, but not limited to, the goals of the program, the criteria that will be used in awarding grants or credit assistance, and the process by which applications will be selected for the award of a grant or credit assistance: *Provided,* That concurrent with the public announcement of grants or credit assistance to be awarded through such competitive program, the Secretary of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites information on each applicant to be awarded a grant or credit assistance, including, but not limited to, the name and address of the applicant, the amount of the grant or credit assistance to be awarded, the amount of financing expected from other sources, and an explanation of how such award is consistent with program goals.

This Act may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 October 13, 2011, at 10 a.m. to conduct a hearing entitled ''Addressing Potential Threats From Iran: Administration Perspectives on Implementing New Economic Sanctions One Year Later.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate, on October 13, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate, on October 13, 2011, at 2 p.m., in SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Arbitration: Is It Fair When Forced?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on October 13, 2011, at 2:30 p.m. hearing.

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

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy of the Committee on Environment and Public Works be authorized to meet during the session of the Senate, on October 13, 2011, at 10 a.m., in Dirksen 406 to conduct a hearing entitled, ''Innovative Practices to Create Jobs and Reduce Pollution.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a fellow in my office, be granted floor privileges for the duration of the consideration of H.R. 2112, the agriculture appropriations bill.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2112

Mr. REID. Madam President, I ask unanimous consent that at 4 p.m., Monday, October 17, the Senate proceed to the consideration of Calendar No. 155, H.R. 2112—that is the Agriculture Appropriations Act for fiscal year 2012—that the committee amendment be withdrawn and that the chairman of the Appropriations Committee or his designee be recognized to offer amendment No. 738, which consists of the text of the withdrawn amendment as Division A, the text of S. 1572, Calendar No. 170, as Division B, and the

text of S. 1596, Calendar No. 177, as Division C; provided further, that H.R. 2596, as reported by the House Appropriations Committee, and Division C of amendment No. 738 be deemed House-passed text in H.R. 2112 for purposes of rule XVI; finally, that amendment No. 738 for the purposes of paragraph 1 of rule XVI be considered a committee amendment.

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

Mr. REID. I am going to give the Chair a written test on what I just read in a few minutes. OK.

The PRESIDING OFFICER. I will pass with flying colors.

MAKING A CORRECTION IN THE ENROLLMENT OF S. 1280

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 31.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 31) directing the Secretary of the Senate to make a correction in the enrollment of S. 1280.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(e) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

''(g) SUNSET.—This section shall cease to be effective on October 1, 2018.''.

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking ''The President shall annually conduct'' and inserting ''Annually through September 30, 2018, the President shall conduct'';

(2) in subsection (d)—

(A) in subparagraph (A), by striking ''a biennial report'' and inserting ''a report, not later than one year after the date of the enactment of this section, and biennially through September 30, 2018,''; and

(B) in subparagraph (B), by striking ''not later than two years after the date of the enactment of this section and every three years thereafter'' and inserting ''not later than two years and five years after the date of the enactment of this section''; and

(3) by adding at the end the following new subsection:

''(e) PORTFOLIO REVIEWS.—

''(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

''(A) An evaluation of the country's commitment to the Peace Corps program.

''(B) An analysis of the safety and security of volunteers.

''(C) An evaluation of the country's need for assistance.

''(D) An analysis of country program costs.

''(E) An evaluation of the effectiveness of management of each post within a country.

''(F) An evaluation of the country's congruence with the Peace Corp's mission and strategic priorities.

''(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.''.

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting ''through September 30, 2018,'' after ''annually''.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 293.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 293) celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements on this matter be printed in the RECORD.

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

The resolution (S. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

Resolved, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that on Monday, October 17, at 5:15 p.m., the Senate proceed to executive session to consider Calendar No. 271; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on Calendar No. 271; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ORDERS FOR MONDAY, OCTOBER 17, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak therein for 10 minutes each; that at 4 p.m. the Senate proceed to H.R. 2112, the vehicle for the Agriculture, CJS, and Transportation appropriations bills, as provided under the previous order; further, that at 5:15 p.m., the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Madam President, I appreciate the courtesy of the Presiding Officer, the patience of the Chair and all the staff for working through this afternoon to get where we are. It will make next week go smoother.

The next rollcall vote will be at 5:30 on the confirmation of the Bissoon nomination.

ADJOURNMENT UNTIL MONDAY, OCTOBER 17, 2011, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

Thereupon, the Senate, at 6:24 p.m., adjourned until Monday, October 17, 2011, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 13, 2011:

THE JUDICIARY

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

SUSAN OWENS HICKEY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

KATHERINE B. FORREST, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DEPARTMENT OF STATE

SUNG Y. KIM, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

EXTENSIONS OF REMARKS

A TRIBUTE TO MARY ''MITZI'' PERDUE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mary ''Mitzi'' Perdue for her tremendous generosity to personal charities and organizations.

Ms. Perdue was born into a life of privilege, being the daughter of Sheraton Hotel founder Ernest Henderson. With her privileged life, she decided to dedicate herself to public service and philanthropic causes. At a young age her parents instilled a sense of giving that carried with her throughout her life. One of her life mottos is, ''It's the givers of the world who are the happiest''.

Ms. Perdue pursued an education at Harvard. Upon graduation she began a career in communications writing a syndicated column on the environment, first for Capitol News in California and then for Scripps Howard, nationally. At its peak, ''The Environment and You'' went to 420 newspapers, and the total number of columns was more than 1100. The articles focused mainly on how individuals could protect the environment, but they also encouraged students to study science, so they could play a role in saving the planet.

Ms. Perdue also wrote more than 250 columns on charities for my local paper and occasionally for national magazines. The columns and articles provided recognition to the charities and let readers know about each charity's needs and services. Many of the charities couldn't afford a professional writer, and yet they needed to communicate with their supporters.

Ms. Perdue understands the importance of her philanthropic activities that if philanthropies don't develop strong bonds with their donors and volunteers, their supporters may, over time, drift away. To this extent she donates the location, the food, the beverages, the decorations, and the wait staff for parties of between 10–110 guests. In the last four years, Ms. Perdue has entertained close to 4500 people at her home. Ninety-five percent of these events have been charity-related, but some have also been book parties, since, as a (soon-to-be-former) Commissioner of the National Commission on Libraries and Information Science, she loves the idea of encouraging authors.

Another charitable interest of hers is supporting veterans. In the past, Perdue Farms won the nation-wide Pro Patria Award largely because her and her husband wrote personalized monthly letters to overseas Reservists.

In her life, Ms. Perdue lives by one quote by Aristotle, ''the only true success in life is to find yourself in service to the community''. Mr. Speaker, I would like to recognize Ms. Mary ''Mitzi'' Perdue for her dedicated public service and charitable giving.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 3079, the United States-Panama Trade Implementation Act.

OPPOSING NAFTA-STYLE TRADE POLICIES

With all the talk this Congress about addressing the deficit, you might think that Democrat and Republican supporters of these agreements would be even more concerned about a larger deficit that is responsible for the displacement of thousands of American jobs—the trade deficit.

Our rapidly increasing trade deficits with countries like China and Mexico have displaced millions of jobs over the past decade. According to Economic Policy Institute (EPI), the U.S.-China Free Trade Agreement resulted in the displacement of over 2.3 million American workers between 2001 and 2007, as a direct result of the increase in China trade deficits. U.S. producers of apparel, steel and technology (parts) have been the industries most significantly impacted by imports from China. Two-thirds of those jobs displaced were in the manufacturing sector—resulting in the outsourcing of hundreds of thousands of American jobs in the computer and electronic parts, apparel and accessories and fabricated metal production sectors.

It is these same industries that will be further affected by the proposed trade deals with Korea, Panama and Colombia.

Yet today we are considering NAFTA-style free trade agreements that are projected to continue in this tradition. Those of us who were in Congress during the debates on NAFTA and CAFTA have heard the promises of more jobs and economic opportunity from supporters of free trade. These promises have never materialized.

NAFTA's record is clear: it is negative for jobs, negative for democracy and negative for the environment.

PANAMA FREE TRADE AGREEMENT: GOOD FOR MULTINATIONAL CORPORATIONS, BAD FOR THE RULE OF LAW

Madam Speaker, the Panama trade agreement is good for multinational corporations and bad for the rule of law.

An April 2009 report by Public Citizen on the Panama trade agreement found that it would undermine U.S. efforts to stop offshore tax-haven abuse and undermine financial regulations.

Among the key findings: some of the corporations who were the largest recipients of U.S. federal procurement contracts and money under the Troubled Asset Relief Program—including Citigroup—have dozens of subsidiaries in Panama that would be granted expansive new rights under this trade agreement. So firms that were bailed out with U.S. taxpayer dollars, like AIG and Citigroup, are being rewarded with a trade agreement that undermines U.S. efforts to stop offshore tax-haven abuse.

As Public Citizen notes, ''Panama's tiny economy provides no prospects for significant U.S. economic gains. Panama's total annual GDP is about 6 percent of Washington, D.C.'' Like NAFTA, this trade agreement includes provisions that allow investors to challenge the U.S. government in international courts—and demand U.S. taxpayer compensation—for U.S. policies that conflict with their expansive rights under the FTA to ''free transfers'' (i.e.: conflict with their bottom line).

At a time when we should be focusing on strengthening worker's rights and investing in domestic manufacturing and infrastructure and job creation, a trade deal with Panama that is unlikely to have any significant effect at all on creating jobs or increasing imports is the wrong way to go.

It is abundantly clear that this trade agreement is not about expanding opportunity for the American worker, but about expanding opportunity for multinational corporations and their subsidiaries. Just like NAFTA.

REWARDING PANAMA FOR ITS FAILURE TO ABIDE BY INTERNATIONAL TAX NORMS

With the Panama trade agreement, we are rewarding a country for failing to abide by even the minimum transparency standards for tax norms. An April 2009 tax-haven watch list by the Organization of Economic Cooperation and Development (OECD) cites Panama as one of thirty countries that agreed to conform to international tax norms but failed to do so. The OECD reports that Panama made such a commitment in 2002 and has not since completed a single agreement to fulfill its commitment.

According to Public Citizen, Panama is ''one of only 13 countries—and the only current or prospective FTA partner—that is listed on all of the major tax-haven watchdog lists that does not also have U.S. tax transparency treaties.''

If you're still not convinced to vote against the Panama trade agreement, this laundry list from Public Citizen may help: The Panama trade agreement ''includes extreme foreign investor privileges, and offshoring protections and their private enforcement in international tribunals, limits on financial and other service sector regulation, a ban on Buy America procurement preferences, limits on environmental safeguards and imported food and product safety, and drug patent rules that limit generics.''

The AFL-CIO correctly notes that with this agreement, we are rewarding ''a country that has a history of repressing labor rights and has achieved much of its economic growth by making it easy for money launderers and tax dodgers to hide their income from legitimate authorities.''

I urge my colleagues to join me in opposing the Panama free trade agreement.

LABOR RIGHTS IN PANAMA

The rights of workers, which have increasingly come under attack in this country, are

also at risk under these NAFTA-style trade agreements.

In Panama, a 2010 State Department Human Rights report notes that ''the government lacked sufficient mechanisms to ensure that laws prohibiting employer interference in unions and protecting workers from employer reprisals were adequately enforced.''

We should not be entering into a trade agreement with a country that has yet to demonstrate its ability to uphold international standards for labor rights and financial regulation. We cannot afford to reward corporations for offshoring jobs and tax-evasion at a time of historic budget constraints.

Panama's track record on fulfilling its promises is clear: just as it failed to adequately address its status as a tax-haven wonderland; it too has failed in its promise to adequately protect its workers from reprisals due to union activity.

JOBS LOSS UNDER NAFTA

It is undisputable that NAFTA has led to widespread job loss across this country. In a report titled ''Heading South: U.S.-Mexico trade and job displacement after NAFTA,'' EPI estimates that the U.S. trade deficit with Mexico totaling $97.2 billion has displaced nearly 700,000 U.S. jobs. This number takes into account any jobs that were created through U.S. exports to Mexico. Like NAFTA, the Korea and Colombia FTAs are expected to result in the loss of over 200,000 jobs and increase our trade deficit by $16.9 billion.

The majority of those jobs were in the manufacturing sector. Like Korea, much of our trade with Mexico is in the same industries that took a big hit under NAFTA.

We cannot have a strong economy without a strong manufacturing base. Any investments this Congress makes to rebuild our infrastructure and our domestic manufacturing sector would be significantly undermined by the passage of the three free trade agreements we are considering today. NAFTA-style free trade agreements that rapidly increase our trade deficit and lead to the further diminishment of our manufacturing employment base are not the answer.

''WHITE-COLLAR SERVICE JOBS'' VULNERABLE TO BEING OFFSHORED

NAFTA-style trade policies are not just destructive to our domestic manufacturing and textile sectors. So called ''White-Collar'' service jobs are now some of the jobs most vulnerable to offshoring.

Alan S. Binder, a former Clinton advisor and member of the Board of Governors of the Federal Reserve—and supporter of free trade—came up with a list of the top 100 jobs that are most likely to be offshored over the next 10–20 years as a result of our free trade policies. Those jobs include computer programmers, mathematicians, editors, actuaries and even economists. A 2007 paper by the Economic Policy Institute took the research one step further and found that the demographic most vulnerable to offshoring are persons with at least a four-year college degree.

Since the era of the WTO and NAFTA, U.S. wages have been stagnant and barely increased since 1973. Workers in the manufacturing sector displaced by our trade policies and looking for new work will be forced to go into service fields with even lower wages where jobs are not threatened to be offshored, such as in food service and hospitality.

Our $776 billion trade deficit has already displaced hundreds of thousands of American workers. It is time to end expansion of NAFTA to other countries. We have over a decade of evidence and the evidence is clear: this free trade model is damaging for our economy, our workers, the environment and for global economic security. It is time for fair trade, not free trade.

A TRIBUTE TO RITA COSBY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Rita Cosby, a charismatic New Yorker who's energy and passion for her work is an inspiration to us all.

Prior to joining network news, Rita was an anchor/reporter for CBS affiliates in Bakersfield, California and Charlotte, North Carolina. During her tenure there, she broke numerous stories, reporting that Susan Smith drowned her young sons and that the father of NBA superstar Michael Jordan was murdered. Her investigative report inside a Tijuana, Mexico prison exposed government corruption and allowed an American, who was held unlawfully, to be freed.

Honors for the three-time Emmy® winner include the Matrix Award, Headliner Award and Jack Anderson Award for journalism excellence. She was also selected by Cosmopolitan Magazine as a ''Fun and Fearless Female.'' A recipient of the Ellis Island Medal of Honor and the Lech Walesa Freedom Award, she hosts the National Memorial Day Parade broadcast to all US military installations around the world.

A highly sought-after keynote speaker, Rita has talked to major groups all over America, including heads of state in Washington, D.C., ambassadors and foreign ministers at the United Nations, as well as for countless celebrity, charity and especially military/veterans events from coast to coast.

Her first book, Blonde Ambition, was a New York Times bestseller and called ''The most talked about book in America'' by Extra. Her second book, Quiet Hero: Secrets From My Father's Past, is the most personal and important story of her life, as she uncovered an amazing history of heroism and courage involving her own father and shares the incredible journey in this highly acclaimed and poignant memoir. As a result, her father Richard Cosby, was awarded a special recognition by the Medal of Honor Society for his bravery. The book has raised money for the USO to help wounded soldiers and their families.

She has headlined veterans' events with Admiral Mike Mullen, The Chairman of the Joint Chiefs of Staff, as well as with performers such as Tony Orlando and Charlie Daniels. Because of Rita's ''extraordinary journalism and exemplary service on behalf of her community,'' October 11th, 2010 was officially named ''Rita Cosby Day'' in the State of New York.

Rita earned her bachelors' degrees from the University of South Carolina, graduating with honors. She grew up in Greenwich, Connecticut and currently resides in the New York area.

Mr. Speaker, I would like to recognize Rita Cosby for her outstanding contribution to the fields of literature and journalism.

HONORING KAYE FLANAGAN, LYNN KRAEMER GOLDFARB, GAIL KELLY AND DONNA M. LORING

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Kaye Flanagan, Lynn Kraemer Goldfarb, Gail Kelly and Donna M. Loring on being awarded the 50th Annual Deborah Morton Award by The University of New England.

The Deborah Morton Award, first presented in 1961, was the first annual award in Maine to honor women who have achieved high distinction in their careers or whose leadership in civic, cultural or social causes has been exceptional. The award was named in memory of Deborah Morton of Round Pond, valedictorian of the 1879 class of the Westbrook Seminary. Morton was a teacher, dean, linguist, historian and prominent Portland civic leader whose service to the State of Maine spanned more than 60 years.

Kaye, Lynn, Gail and Donna all display the exceptional commitment to public service that Deborah Morton did. Their tireless efforts have improved the lives of thousands of Mainers from all walks of life. While their backgrounds and careers are diverse, their selfless devotion to their communities is a shining example to all of us. Their efforts are a testament to the legacy of Deborah Morton, and I wish them all continued success in the years to come.

Mr. Speaker, please join me again in recognizing Kaye Flanagan, Lynn Kraemer Goldfarb, Gail Kelly and Donna M. Loring for their outstanding commitment to the state of Maine and for the impressive example they set for Maine's young women.

IN SUPPORT OF THE FREE TRADE AGREEMENTS, H.R. 3078, H.R. 3079, H.R. 3080

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. ACKERMAN. Mr. Speaker, I rise in support of the Korea, Colombia and Panama Free Trade Agreements.

Mr. Speaker, global leadership is not attained with mere rhetoric; it is achieved, preserved and strengthened by demonstrating a commitment to action. Today, as the U.S. economy struggles through a prolonged period of slow-growth, our economic competitors are proactively engaged in eliminating or reducing barriers to their exports in foreign markets around the globe, especially in Asia and Latin America. If America intends to remain a global leader we cannot disengage from our critical strategic partnerships with Korea, Colombia and Panama.

Mr. Speaker, decades ago the U.S.-Korean partnership was forged on the battlefield. Soldiers from both of our nations fought and died together defending the freedom of the Korean people. Over the years, our relationship has flourished and Korea is now one of America's most trusted allies in the world. A vote for this trade agreement is a representation of America's ironclad commitment to Korea's future

and a clear demonstration of our enduring friendship with the Korean people.

Colombia and Panama are two of the United States' most critical allies in Latin America. With our help, and aided by their own determination, these two countries have made remarkable progress. Mr. Speaker, these two trade deals will build upon the investments that we have already made in these two countries. Colombia has demonstrated—with concrete actions—a genuine commitment to protecting its own people from violence. The rapidly expanding Panama remains a critical strategic partner and a literal gateway to maritime commerce in the Pacific. These new trade deals demonstrate America's long-term commitment to Colombia and Panama.

Mr. Speaker, I urge all my colleagues to support these Free Trade Agreements.

A TRIBUTE TO LORRAINE CANCRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Lorraine C. Cancro for her outstanding work with Veterans in my Brooklyn District.

Ms. Cancro has been working with returning veterans for most of her professional career—gaining a specialization as a clinician in treatment of returning veterans suffering from Traumatic Brain Injury, TBI, and Post-Traumatic Stress Disorder, PTSD. In this capacity Ms. Cancro has served many in her community that deal with this very serious disorder.

When Ms. Cancro is not dealing with individuals directly she contributes as a mental health editor for Exceptional Parent Magazine, writing articles on topics that include returning veterans who suffer from TBI and PTSD, and chronic pain among other disorders. These articles furthered her efforts to spread awareness of psychiatric disorders which impact the general population as well.

Ms. Cancro also serves as Director of the Global Stress Initiative, GSI, an affiliate of the International Committee against Mental Illness, ICAMI. Together with Emmy Awarding wining Anchor Rita Cosby, they have launched the American Heroes Tour, which is a fundraising arm of the GSI. The Tour will visit Major League Ballparks throughout the country and offer veterans, first responders, and their families' acknowledgement for their heroic efforts to preserve our freedom.

In response to those who suffer from PTSD, Ms. Cancro along with her colleagues spearheaded cutting edge research and treatment for TBI and PTSD. The tour culminated at the 11th Annual World Congress on Disabilities in Atlantic City, New Jersey, September 23rd and 24th, 2011. At last year's event in Dallas, Rita Cosby emceed the event and Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, was the keynote speaker.

Ms. Cancro has a specialty in Journalistic advocacy and development of mental health programs for research and treatment. She is a member of the International Committee Against Mental Illness (ICAMI)—Association for Stress Disorders, The David Lynch Foundation's Operation Warrior Wellness, Autism Speaks and Fountain House, Mental Health Advocacy.

Mr. Speaker, I would like to recognize Ms. Lorraine Cancro for her contribution to the education and awareness of veterans suffering from the various disorders service can create.

PRESIDENT & CEO OF JEMNI, INC., MARK ELLSON, OF WOODBURY, MN

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. BACHMANN. Mr. Speaker, this month, veteran business owners from across the nation are receiving special training through the National Center for the Veteran Institute for Procurement (VIP). Upon completion of this training, these veteran employers are equipped with the knowledge and skills to compete in the federal government contract process. Today it's my honor to recognize one of those veterans, President and CEO of JEMNI Inc., Mark Ellson, of Woodbury, Minnesota upon his graduation from VIP.

As a small-business owner, Mark brings more than 20 years of experience to providing services and products for his customers. Mark was a perfect candidate for the VIP certification because of his distinction as an Army combat and service disabled veteran and his dedication to hiring other disabled veterans. VIP invests in veteran-owned businesses because they know owners, like Mark, will strongly consider hiring and mentoring a veteran for future business growth. This VIP certification strengthens Mark's ability to secure federal government contracts that will grow his business, and in turn, increase job opportunities for veterans.

Mr. Speaker, Mark's dedication to veterans is admirable in every way and it is my sincere wish that the VIP certification will continue to create jobs for these heroes in Minnesota's Sixth Congressional District and beyond. Please join me in congratulating Mark Ellson of JEMNI, Inc. on his graduation from the National Center for the Veteran Institute for Procurement.

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. UPTON. Mr. Speaker, thanks to my good friend and Michigan colleague DAVE CAMP for his leadership on this issue. I come from the State of Michigan, where there is no single issue of greater importance than jobs and the economy.

The fact is hundreds of thousands of American jobs rely on exports, and promoting a robust trade agenda will only help bolster our economy and create more jobs. 95 percent of the world's consumers live outside of the United States, so opening up their markets for our manufactured and agricultural goods is a matter of common sense.

In 2010, U.S. exports totaled more than $1.8 trillion, or 12.5 percent of GDP. Michigan ranks 8th in the nation for the number of export-dependent jobs. In 2008, nearly 12,000 companies exported goods from locations within our state. And last year, Michigan export shipments totaled some $44.5 billion.

The three pending free trade agreements are expected to increase Michigan agriculture exports by $45 million per year—the agreement with South Korea alone will increase Michigan pork exports by $4.5 million annually.

The medical device industry also stands to benefit greatly from these agreements. Demand for medical devices in South Korea is expected to grow by 10 percent each year, and the new duty-free status given to devices will give companies like Stryker, headquartered in my district, unprecedented access to that market. In fact, it is my understanding that medical device sales may increase as much as $1 billion. This legislation finally allows us, the United States, to reverse course and export products rather than jobs. Isn't that a good thing? Of course it is!

By removing barriers to U.S. exports, American job creators will have significant new market access: that' good news for business, jobs, and Southwest Michigan; and the entire country.

A TRIBUTE TO DR. DOUGLAS LAZZARO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mr. Douglas Lazzaro for his exceptional service to Brooklyn and the Greater New York area in the field of corneal transplantation and other complex corneal surgeries.

Dr. Lazzaro, the Richard C. Troutman M.D. Distinguished Chair in Ophthalmology and Ophthalmic Microsurgery, serves as Professor and Chairman of the Department of Ophthalmology at SUNY Downstate. Dr. Lazzaro received his MD degree and his residency training in ophthalmology at SUNY Downstate and then completed a cornea and refractive surgery fellowship at the Manhattan Eye, Ear, and Throat Hospital and Cornell Medical Center.

Dr. Lazzaro has been involved in residency training since 1994 and has served in a variety of roles since then. He was director of surgical training at the Kings County Hospital Center for a decade and has been its Chief of Ophthalmology from 2001 to the present time. This eye service is the largest in the NYC Health and Hospitals Corporation and currently sees over 27,000 outpatients regularly. In addition to being responsible for the design of the clinic, Dr. Lazzaro has been serving as President of the Medical Board at Kings county since 2010.

The ophthalmology residency that Dr. Lazzaro directs is one of the largest in the United States and is recognized as one of the top training programs in the NYC area. Dr. Lazzaro serves on the board of the Eye Bank for Sight Restoration and the NY Society for Clinical Ophthalmology, and was recently elected to the NY Ophthalmic Laser Society.

Dr. Lazzaro has also been the recipient of many other awards including: Attending of the

Year in Ophthalmology at Kings County Hospital Center in 2002 and 2007, and Attending of the Year in Ophthalmology at SUNY Downstate Medical Center in 2003 and was the recipient of the Community Service Award for Visions/Services for the Blind and Visually Impaired in 2007, he has been elected to New York Super Doctors in 2008, 2009, and 2010 and was elected a lifetime member of Swathmore's Who's Who. Dr. Lazzaro also received the Outstanding Faculty Award from the Daniel Hale Williams Society at SUNY Downstate Medical Center in 2010.

Mr. Speaker, I would like to recognize Dr. Douglass Lazzaro for his contribution to the health of Brooklyn residents.

PERSONAL EXPLANATION

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. WILSON of Florida. Mr. Speaker, on Rollcall No. 781 on passage of H.R. 3078. To implement the United States-Columbia Trade Promotion Agreement; Rollcall No. 782 on passage of H.R. 3079, To implement the United States-Panama Trade Promotion Agreement; Rollcall No. 783 on passage H.R. 3080, To implement the United States-Korea Trade Agreement; and Rollcall No. 784 on the motion to concur in the Senate amendment to H.R. 2832, To extend the Generalized System of Preferences, and for other purposes, I am not recorded because of an absence due to illness. Had I been present, I would have voted ''nay,'' ''nay,'' ''nay,'' and ''yea,'' respectively.

TRIBUTE TO HONOR FLIGHT OF EASTERN OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Eastern Oregon. On behalf of a grateful State and country, we welcome these heroes to the Nation's capital.

The veterans on this flight from Oregon are: Raymond Kurshner, U.S. Air Force; Lelus Jack Baucum, U.S. Army; Frank M. Chuk, U.S. Army; Audrey J. Johnson, U.S. Army; Albert J. Phillips, U.S. Army, and Harold M. Tucker, U.S. Army; Duane Gilchrist, U.S. Army Air Corps; Truman D. Logan, U.S. Army Air Corps, and Victor E. Mattila, U.S. Army Air Corps; Rex E. Esch, U.S. Coast Guard; Hattie H. Kelley, U.S. Marines; Floyd E. Kirby, U.S. Marines, and Dwight Patit Riggs, Jr., U.S. Marines; Lawrence Bird, U.S. Navy; Phoebe Helen DeGree, U.S. Navy; Anthony Galluzzo, U.S. Navy; Robert P. Maley, U.S. Navy; Lorene F. Mattila, U.S. Navy; Richard J. Nelson, U.S. Navy; Robert Leo Olson, U.S. Navy; Paul R. Scandlyn, U.S. Navy, and George N. Fogg, U.S. Navy/Air Force.

These 22 heroes join more than 63,000 veterans from across the country who, since 2005, have journeyed from their home States to Washington, D.C. to reflect at the memorials built in honor of our Nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen and Marines who put themselves in harm's way for our country and way of life. As a Nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Eastern Oregon for their exemplary dedication and service to this great country.

A TRIBUTE TO SAMUEL DUNSTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Samuel L. Dunston for his financial business that serves the greater Brooklyn community.

Mr. Dunston has been working to improve worker benefits for the better of 40 years, and has lead an outstanding minority operated and owned businesses in New York. Mr. Dunston takes pride in knowing that he offers a highly regarded service to the residents of Brooklyn and has gained the esteemed support of many organizations in his career. Groups such as the Boys Scouts Council, numerous church councils & the Kiwanis Club are as eager for this counsel as are the boards of directors of the Brooklyn Chamber of Commerce, for which he is chairman of the Women & Minority Business Development Committee, the Brooklyn District Attorney's Office, the Central Brooklyn Coordinating Council, the Brooklyn Hospital Community Advisory Board and New York City Technical College Small Business Advisory Council.

Mr. Dunston works equally as comfortably with the neighborhood as he does with Corporate Leaders. He puts as much energy into protecting the family of a client who can only afford $4.00 a week for a Life Insurance policy as he does for an impressive list of companies on his clients' roster. Several companies he represents are Amalgamated Union, Bethel Baptist Church, and Social Concern Community Development Corp.

In addition to his advocacy through his organization, Mr. Dunston sits on the boards of the Greater New York Chapter of the 100 Community Advisory Board; the CABS Nursing Home, the Brooklyn Sports Foundation, Brooklyn Hospital and the United States-New Independent States Chamber of Commerce. Mr. Dunston cherishes his family which consists of his own children, grandchildren and great grandchildren. Mr. Dunston and his wife, Pastor Patricia Dunston, are long time residents of Freeport, New York.

Mr. Speaker, I would like to recognize Mr. Samuel Dunston for his financial services expertise and community partnerships he has built with Brooklyn and its residents.

RECOGNIZING THE UNIVERSITY OF MISSOURI FOR CELEBRATING ITS 100TH ANNIVERSARY OF HOMECOMING

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize the University of Missouri for celebrating its 100th anniversary of Homecoming.

In 1891, Missouri and Kansas began what is believed to be the oldest college football rivalry west of the Mississippi River. After 20 years of playing at neutral sites, the National Collegiate Athletic Association (NCAA) passed legislation to move collegiate games to campus football fields. This was the birth of a vision for the first Homecoming celebration at Mizzou.

That vision began with two words from athletic director and head football coach Chester Brewer in 1911. Determined to add excitement to the rivalry with the Jayhawks, Coach Brewer called on graduates to 'come home.'

And come home they did—with a spirit rally, parade and, of course, a football game. And so the Homecoming tradition at Mizzou began.

Mizzou still has its annual parade and rally and holds the world record for the largest peacetime blood drive on a college campus, which occurs during Homecoming. Also part of the celebration are community service projects, a talent competition and the Homecoming Hall of Fame.

In closing, I ask all my colleagues to join me in offering the University of Missouri congratulations on the 100th anniversary of Homecoming.

Go Mizzou!

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Rollcall vote numbers 780, 781, 782, 783, 784, 785. Had I been present, I would have voted ''aye'' on Rollcall vote numbers 780, 784, and 785. I would have voted ''no'' on Rollcall vote numbers 781, 782, 783.

H.R. 3078, Motion to Recommit, No. 780, ''aye.''

H.R. 3078, Final Passage, No. 781, ''no.''

H.R. 3079, Final Passage, No. 782, ''no.''

H.R. 3089, Final Passage, No. 783, ''no.''

H.R. 2832, Motion to Concur, No. 784, ''aye.''

H.R. 2433, Motion to Suspend Rules, Pass, No. 785, ''aye.''

A TRIBUTE TO REV. ROBERT WATERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Rev. Robert Waterman for his leadership as a pastor, doctor,

proprietor, and activist in Brooklyn and the greater New York State.

Rev. Waterman is the fifth Pastor of Antioch Baptist Church located in Brooklyn, New York. Reverend Waterman has brought many gifts to Antioch—the three most notable being his exuberance, a willingness to get the job done and spirituality. Rev. Waterman tries to impress on people that God desires our praise and worship, and has been labeled ''The Preacher of Thunder'' by the late Dr. William A. Jones. He encourages his congregation to know God so that hearts, and thereby lives, can be changed.

Being born in Brooklyn, New York and raised in Hemingway, South Carolina, Rev. Waterman is a very ambitious businessman in his spare time when not actively operating the church. He fully embodies the notion that he truly can do all things through Christ. In his ninth year, Rev. Waterman's focus is on moving the church toward building God's Kingdom by restoring people, both spiritually and physically. Antioch is concerned about the health and spirituality of the community. Building the Church, Building the People, and Building the Community. Antioch continues on its path, uniting for fellowship and following Christ.

Rev. Waterman is a premier example of an activist. He is a lifetime member of the NAACP and serves on Community Board # 3 as the Chairperson of the Transportation Committee. Rev. Waterman is a part of the Black Brooklyn Empowerment Convention as the Chair of Securing Our Institutions Cluster. He serves as the Ecumenical Chair in Brooklyn for BLCA, Black Leadership Commission on Aids and is the President of the A.A.C.E.O., African American Clergy and Elected Officials Organization of Brooklyn.

Mr. Speaker, I would like to recognize Rev. Robert Waterman for his excellent leadership of faith based initiatives in Brooklyn and commitment to service.

CONDEMNING THE IRANIAN PLOT TO CARRY OUT BOMB ATTACKS IN WASHINGTON, DC

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CROWLEY. Mr. Speaker, I rise today to condemn the Iranian plot to carry out bomb attacks in our Nation's Capital and to praise our law enforcement officials who have once again stepped in to thwart terror and preserve our safety.

Two days ago, law enforcement officials revealed Iranian participation in a plan to assassinate a foreign ambassador on U.S. soil by blowing up a busy D.C. restaurant. They also cited plans to attack Israeli embassies in Washington, DC and Argentina. Without the efforts of our law enforcement agencies, these attacks could have killed possibly hundreds of innocent bystanders right here in our Nation's Capital and elsewhere.

This plot goes beyond a handful of individuals; it once again displays the Iranian regime's cruel disregard for innocent human life.

Iran continues to sow violence and instability in the Middle East, to traffic weapons, to pursue the acquisition of nuclear capabilities and to brutally suppress its own people. This is the country whose leader threatened to ''wipe Israel off the map.'' This latest attempt to murder diplomats and citizens in D.C. and abroad is proof positive that Iran remains a serious danger.

Last year, I helped lead the effort to pass sanctions on the Iranian regime—to end its ability to finance repression and terrorism. This attempted attack on our homeland demonstrates the world must do more. China and Russia, in particular, can do a lot more—for too long they have avoided applying tough pressure on the Iranian regime. But we too can do more. Iran remains a threat to U.S. national security and to global peace and stability, and it is time to increase U.S. and multilateral pressure even further.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,868,218,296,426.05.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,229,792,550,132.25 since then. This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO ROBERT CANCRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Dr. Robert Cancro, a charismatic Brooklynite who carries the energy to inspire and motivate others.

Dr. Robert Cancro received his M.D. degree in 1955 from the State University at Brooklyn. In 1962, he obtained his Med. D.Sc. Degree from the same institution. Following a straight medical internship, he completed his residency training at Kings County Hospital.

From 1959–1966, he was on faculty of the State University of New York and developed and ran the first alcohol rehabilitation unit in New York City. In 1966, he went to Menninger Foundation, where he was director of research training. He spent a sabbatical year in 1969, at the University of Illinois at their Center for Advanced Study, and as a Professor of Computer Science.

He returned to the East in 1970, as Professor of Psychiatry at the University of Connecticut, and joined the faculty at NYU, as Professor and Chairman in 1976. In 1982, he added the directorship of the Nathan Kline Institute for Psychiatric Research, NKI, to his other responsibilities. Dr. Cancro retired as a Chairman of the Psychiatry Department and as Director of NKI in 2005. He continues as a Professor of Psychiatry at NYU.

Dr. Cancro's major academic interest has been in the psychoses and, in particular schizophrenia. He has worked on a number of different aspects of schizophrenic psychoses, but focusing on the interface between the nervous system and behavior. He has over two hundred publications including a dozen books.

In addition to his academic record, he has been active in the World Psychiatric Association, chairing their Section on Psychiatric Rehabilitation, and has served as consultant to the World Health Organization for a number of years. At the national level, he has served as a consultant for the U.S. Secret Service, the Department of Justice, and the New York Yankees.

Mr. Speaker, I would like to recognize Dr. Robert Cancro for his contribution the field of medicine and his service to the Brooklyn community.

HONORING THE COLD SPRING FIRE DEPARTMENT ON THEIR 100TH ANNIVERSARY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. BACHMANN. Mr. Speaker, I rise today to congratulate the Cold Spring Fire Department on their 100th anniversary this year. It is my honor to join with the Cold Spring community in celebrating this milestone marking a century of service.

Since ancient Rome, communities have depended on fire departments to control and prevent fires to homes, businesses and public buildings. Today's community fire department continues the work of fire management and prevention, but has added the responsibility of first responders for medical and other rescue situations as well. When so much is depending on individuals to volunteer for this dangerous work, we owe them our deepest gratitude. As the city of Cold Spring gathers to show their thanks to the firefighters who have trained, worked and lived in their community, let me add my gratefulness for the support they have shown these everyday heroes this last century.

October is also National Fire Prevention Month, so I also thank the Cold Spring Fire Department for their efforts to educate and train the public in fire prevention at home and in the outdoors. Mister Speaker, please join with me in thanking all of America's firefighters for their prevention efforts and then in congratulating the Cold Spring Fire Department on their 100th Anniversary.

HONORING THE CHESHIRE HOME 30TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Cheshire Home located in Florham Park, Morris County, New Jersey, as it celebrates its 30th Anniversary this year.

Established in 1981, the Cheshire Home has served the area's physically disabled adults with a time-honored philosophy first carried out by Lord Leonard Cheshire, a World War II Royal Air Force Pilot, who established

the international organization to serve disabled veterans. Since 1948, hundreds of Cheshire Homes have opened up worldwide, each acting independently, but all being guided by the same set of values.

The unique setting of the Cheshire Home provides a stimulating living experience where residents not only receive professional medical care, but also have the opportunity to contribute to their community and live an independent lifestyle. As only one of twenty-four licensed specialized care facilities in the state of New Jersey, the Cheshire Home is the only facility that specializes in the 18–55 age range, making it a truly unique facility. The residents at Cheshire Home are offered a myriad of services including, medical, educational, recreation and counseling programs and services.

In 1986, Cheshire Home began its first expansion when two community-based homes were added. The residences were built for individuals with the ability to live with an increased measure of independence. In 1988, the Cheshire Home established its onsite Community Resource Center. The Center is a place where an array of programs and services are conducted, including vocational training and education.

Cheshire Home and its residents have also reached out to the community through multiple programs. Members of the surrounding community are invited to take part in computer classes where Cheshire residents frequently act as mentors. A second program, the Awareness by Learning Experience (A.B.L.E.) program, was created to raise awareness in children, teens and adults of the challenges and capacities of disabled persons. Activities such as a ''wheelchair obstacle course'' give participants a glimpse at the challenges faced by disabled persons. The residents of Cheshire Home have presented this program to hundreds of conununities and schools throughout New Jersey.

Cheshire Home is a place dedicated to serving disabled adults by providing a specialized environment that fosters the growth of a personal measure of independence in each resident. They have also proved over and over to be a good neighbor to the community. But above all, Cheshire Home provides young, disabled adults with the most important thing: a home.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Cheshire Home, their board of trustees, staff and volunteers as they celebrate their 30th Anniversary.

A TRIBUTE TO KIM GODWIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Kim Godwin, an exceptional former Brooklynite who demonstrates ambition and a passion for her work to inspire us all.

Kim Godwin joined CBS News as Senior Producer in April 2007. In her current role on the CBS Evening News with Scott Pelley, she is exclusively in charge of planning future CBS News editorial coverage of day to day and major news events, both domestically and internationally, including most recently, the launch of the final Shuttle mission from Kennedy Space Center. In her previous role on the CBS Evening News with Katie Couric, Godwin was in charge of Domestic News, overseeing editorial coverage and story production for all CBS bureaus in The United States, excluding Washington, D.C.

Most recently Godwin received a 2010 Emmy Award for ''Outstanding Business and Economic Reporting in a Regularly Scheduled Newscast'' for her groundbreaking series ''Financial Family Tree.'' The unique series provided viewers with an in-depth, analytical look at the immediate and long-term ripple effects of the recession.

She also recently won two New York Association of Black Journalists Awards for producing ''Conquering Cancer'' and ''The Changing Face of AIDS.'' She also received an Emmy nomination for ''Conquering Cancer.'' In her prestigious career, she has won numerous awards for excellence in journalism, including a Los Angeles area Emmy for Investigative Journalism for the report ''One Gun,'' in which one handgun was linked to multiple violent and deadly crimes. She is affiliated with numerous organizations, including the Association for Education in Journalism and Mass Communications, the National Association of Black Journalists, and the National Association of Female Executives. She is also the Chair of the Board of Managers at the North Brooklyn YMCA in New York City.

Godwin was born in Panama City, Florida but grew up in Queens, New York and is a graduate of Bayside High School. She graduated from Florida A&M University with a Bachelor of Science degree in broadcast journalism. Godwin currently resides in Poconos, Pennsylvania with her two children Kimberly and Kirsten.

Mr. Speaker, I would like to recognize Ms. Kim Godwin for her outstanding contribution to the field of journalism.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF FLORIDA ATLANTIC UNIVERSITY LOCATED IN BOCA RATON, FLORIDA

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. WEST. Mr. Speaker, I rise today to recognize Florida Atlantic University (FAU) as it marks the 50th Anniversary of its establishment in 1961. FAU is Florida's fifth largest public university.

Through the last five decades, FAU has pursued a mission of delivering top-quality higher education, research, creative activities and civic engagement. Today FAU provides a national model of excellence in serving students across a very large geographical region through a well-developed distributed campus system.

From its humble beginning on an abandoned World War II-era United States Army airfield in Boca Raton, FAU has expanded to include campuses and sites in Davie, Fort Lauderdale, Dania Beach, Jupiter, Port St. Lucie and Fort Pierce.

The university is currently serving a record-high student body of more than 29,000 individuals including the founding class of the Charles E. Schmidt College of Medicine, America's newest medical school.

FAU takes special pride in the fact that its student body ranks as the most racially, ethnically and culturally diverse among the 11 institutions in Florida's State University System. Forty-six percent of students classified as minority or international.

In the last 50 years the university has awarded degrees to more than 120,000 alumni. The University and the alumni is a strong engine of economic growth and FAU generates an estimated $2 billion annually in its six-city service region.

FAU's 10 distinguished colleges offer students the opportunity to pursue more than 170 degree programs on the undergraduate and graduate levels. The students are taught by a faculty of 1,500 skilled and dedicated men and women who possess expertise in their fields and a true passion for passing on their knowledge to the next generation of leaders. Areas in which FAU has earned national recognition include ocean engineering, marine science, business, accounting and public administration.

Long recognized as an outstanding teaching institution, FAU is now claiming a place among America's great research universities. FAU researchers are at work in a host of essential areas, ranging from discoveries in the life sciences to new engineering technologies.

In 2010, the United States Department of Energy awarded FAU's Center of Excellence in Ocean Technology the broader designation of the Southeast National Marine Renewable Energy Center. Researchers at this interdisciplinary center are working to address our nation's energy needs through the development of technology to generate energy from Florida's strong offshore currents. FAU is ranked as a ''High Research Activity'' university by the Carnegie Foundation for the Advancement of Teaching.

While FAU excels in the sciences, FAU is also a vibrant center of the arts showcasing faculty and student presentations of many kinds, including lectures, plays, concerts and exhibitions. The university also recognizes its role in the community by offering South Florida's retired citizens the opportunity to take a wide variety of interesting classes through the FAU Lifelong Learning Society which happens to be the largest and most successful program of its kind in the nation.

FAU's students, alumni, faculty, administrators and staff can take pride in all that their university has accomplished during its first 50 years as they look forward to even greater achievements in the next decades to follow. This institution is an asset of great value to all Americans and to all Floridians deserving recognition and commendation during their Semicentennial.

HONORING THOMAS MORAN, THE HUDSON RIVER SCHOOL OF PAINTING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join my colleagues from New

York, Representative ENGEL and Representative HINCHEY, in honoring America's first and most prestigious school of painting. Known as the Hudson River School of Painting, this 19th century school popularized the American landscape.

I, too, have a connection to the Hudson River School. One of the school's most popular and prolific artists, Thomas Moran, grew up in my district in Philadelphia. He later worked at a local engraving firm, which sparked his interest in painting. Moran soon garnered attention for his paintings and was hired to paint scenes of the wilderness of the American West. These paintings, for which Moran is best known, are primarily from the area that is today Yellowstone National Park.

Moran's massive landscapes, and works by other Hudson River School painters, inspired Congress to dedicate Yellowstone, as well Yosemite and Acadia National Parks. Eventually, these paintings were used by environmental conservationists to encourage Congress to form the National Park Service in 1916.

Another result of the School was the creation of the Metropolitan Museum of Art in New York City in 1870. Many painters from the Hudson River School helped guide the Met's formation, meeting with the President, donating funds, and serving as a trustee or member of the executive committee. Fittingly, today, many works by the School's painters can be found there.

Mr. Speaker, I encourage my distinguished colleagues to join me in my appreciation for the works of painter Thomas Moran, and for the lasting legacy of the first indigenous American school of painting, the Hudson River School.

A TRIBUTE TO IAN LIFSHUTZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ian R. Lifshutz for his extensive work representing physicians and other health care providers in New York.

Mr. Lifshutz is a graduate of St. Johns School of Law admitted to practice law in New York, New Jersey, Florida and Connecticut. He has experience in Health Care Law, representing physicians and other health care providers and institutions in all matters of health care transactions.

Mr. Lifshutz is responsible for assisting providers in matters relating to Fraud and Abuse and Medicaid/Medicare compliance plans and audits, the purchase and sale of health care practices, HIPAA and state based patient privacy, management, MSO, and billing companies, shareholder agreements, formation, dissolution and operation of corporations and other professional partnerships, asset protection as a means to limit physicians' exposure to malpractice claims and other civil liability, and leases and real estate transactions for healthcare facilities and medical practices. Among the many issues he handles, Mr. Lifshutz is most versed in Anti-Kickback and ''STARK'', state and federal prohibition against self-referral law as well as professional misconduct and ''Fee Splitting'' issues, and Medicare and Medicaid insurance policy.

Mr. Lifshutz has structured many health care facilities in New York, New Jersey and Florida, including proper pension structuring in order to maximize pension benefits. He has negotiated complex transactions for surgery centers and Article 28 facilities, and structured complex Asset Protection for physicians and others in the field of health care.

He has lectured at the Bronx County Medical Society and N.Y. Chiropractic College, as well as hospitals, regarding HIPAA compliance, asset protection, risk management and professional misconduct, fraud and abuse and regulatory issues surrounding health care professionals.

Mr. Speaker, I would like to recognize Mr. Ian Lifshutz for his contributions to the Brooklyn legal and healthcare communities.

JO-ANN YANNUZZI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor Jo-Ann Yannuzzi for a career filled with professionalism and passion. Mrs. Yannuzzi has displayed a spectacular work ethic in both business and the community. Throughout her career, she has been known as a proprietor, entrepreneur, and philanthropist. For those reasons, and for her service to the community, she is being recognized as the Humanitarian of the Year by the Mountain City Lions Club in Hazleton, Pennsylvania.

A Hazleton native, Mrs. Yannuzzi was one of the first four women inducted into the Hazleton Rotary Club in 1992. She also spent many years with the YWCA, serving as its president as well as on its Board of Directors. In 1999, she received the YWCA Pearl Award for Business and Industry. In 1994, Mrs. Yannuzzi received the Athena Award from the Greater Hazelton Chamber of Commerce for her outstanding professional achievement as an area businesswoman.

Mrs. Yannuzzi knows what it takes to run a successful business. With her husband, she has owned and operated Job Johnny, and she was an associate in Yannuzzi Inc. and Amity Oil. From 1991 to 1995, she was the sole proprietor of Hazleton Floral Design, where her responsibilities included making financial transactions and decisions.

She served in various directorships in organizations such as the Committee to Help Handicapped Infants Parents Succeed (CHHIPS) and the FunFest Committee. But Mrs. Yannuzzi is likely best known for her work at the American Cancer Society. She joined the American Cancer Society in 1997, and four years later became the Community Income Development representative for Greater Hazleton. She has coordinated numerous events for the society in Mount Pocono, Wilkes-Barre, and Nanticoke. Since 1985, she has co-chaired Daffodil Days and other fundraisers for the national level of the society in an attempt to create a world with less cancer and more birthdays.

Mr. Speaker, I commend Jo-Ann Yannuzzi for her many years of dedicated service. She has shown great purpose in her career and in her passions, and I hope she continues to make the world a better place.

HONORING SAGUARO NATIONAL PARK FOR THEIR PARTICIPATION WITH THE 2011 BIOBLITZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRIJALVA. Mr. Speaker, I rise today to honor Saguaro National Park for their participation in the 2011 BioBlitz, sponsored by the National Geographic Society and the National Park Service. Starting in 2007 and leading up to the National Park Service's Centennial in 2016, only one national park from among the park service's 395 units is selected each year to host the nationally recognized event. This year, Saguaro National Park and the community of Tucson have been chosen for this honor. The 2011 Saguaro BioBlitz is the fifth of 10 events, with Tucson joining the communities of Washington DC, Los Angeles, Chicago and Miami as a host.

The 2011 BioBlitz, to be held this October, is an exciting 24-hour race to find, identify and count as many plants and animal species as possible inside Saguaro National Park. Teams of students and the general public will be partnered with scientists and experts in fields of biology, ecology and botany to scour the park and work together to do the counting. For two days surrounding the event, Saguaro National Park will simultaneously host a Biodiversity Festival, where the public can interact with scientists as they come in from the field to identify and catalog species. One thing is clear; the BioBlitz will introduce many to some of the most ecologically valuable lands in the Sonoran Desert: Unique topography, rare desert flora; scenic and recreation opportunities; and prime habitat for a host of desert creatures.

Saguaro National Park is a shining example of the Sonoran Desert's magnificent beauty and biodiversity. First established as a National Monument in 1933 for the purpose of protecting the giant Saguaro Cactus and then designated a National Park by President Bill Clinton in 1994, Saguaro National Park has been part of the Tucson community for over 75 years. Today, the National Park Service works to preserve desert, mountain and riparian habitats in the Tucson and Rincon Mountains. Saguaro National Park covers 91,327 acres and, of that acreage, 78 percent is designated wilderness. This land was not just preserved for its scenic views but also for its ecological wonders that must continue to be explored by the young and old, alike.

As the 2016 Centennial approaches, there is a consensus that this milestone must be viewed as an opportunity to recommit ourselves to protecting and preserving our National Park System. It is events such as this that will create new generations of stewards to safeguard our National Parks for the next 100 years. In direct alignment with the White House's America's Great Outdoors initiative and the National Park Service's Call to Action, the BioBlitz gets kids outside, connecting communities with our public lands.

Saguaro National Park, its staff, and the volunteers are vital players in the protection of America's public lands. As Ranking Member of the House Subcommittee on National Parks, Forests and Public Lands and having seen our

community grow to over a million people during my lifetime, I know the importance of protecting our beloved desert. Saguaro National Park is a vital part of not only my community's history, but this Nation's history. I know that the BioBlitz will help teach our youth about the importance of protecting these special places, fostering greater appreciation, enjoyment, and stewardship for the future.

I congratulate Saguaro National Park and its staff for being part of the BioBlitz experience.

RECOGNIZING WILLIAM T. LOCKE ON HIS RETIREMENT FROM THE LORAIN COUNTY COMMUNITY ACTION AGENCY

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. SUTTON. Mr. Speaker, I rise today to acknowledge an individual whose contributions have changed the lives of people in my district and throughout Ohio.

William T. Locke served as the President and CEO of the Lorain County Community Action Agency in Lorain, Ohio for two terms; from 1986 to 1999 and again in 2007 to 2011. Throughout his tenure, William has led the Agency with temperance and humility, and always placed the needs families and seniors first.

William has had an extensive career working in Community Action Agencies, which work to make our country a better place to live. In 1974, William began his career of community service as the Executive Director of the Portage County Community Action Council where he helped people achieve economic security. He was later appointed to lead the Office of Community Services within the Ohio Department of Development by Governor Richard Celeste in 1983. William left the State of Ohio to become the Deputy Executive Director for the Cincinnati-Hamilton County Community Action Agency before continuing on to the Lorain County Community Action Agency. In addition, William served in the U.S. Army during the Vietnam War and received an Honorable Discharge.

William Locke has made a difference in our community, and it is an honor to have worked with him to give children, families, and our seniors a better way of life.

Mr. Speaker, I ask my colleagues to join me in recognizing the accomplishments and dedicated service of Mr. William T. Locke as he retires from the Lorain County Community Action Agency.

RECOGNIZING NORTH COLLIN COUNTY HABITAT FOR HUMANITY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege to recognize before the United States House of Representatives an outstanding charitable organization—North Collin County Habitat for Humanity, (NCC-Habitat)—on the occasion of the Grand Opening of its new facility in McKinney, Texas.

Incorporated in 1992, NCC-Habitat's mission is to ''work in partnership with God and His people to develop communities by enabling families to achieve the dream of homeownership with dignity.'' Over its nearly twenty years of service to the communities of northern Collin County, this organization has built 64 homes for families in need.

Many of the resources required to complete these projects are donated to or funded by the McKinney ReStore. Habitat for Humanity operates over 900 ReStores throughout the United States and Canada. These facilities are retail outlets, open to the public, which sell new and gently used building materials, furniture, and other home decor items.

The McKinney ReStore operated by NCC-Habitat has been so successful that it needed to expand. Today marks the first day of business at the ReStore's new 40,000 square foot facility. The building also houses NCC-Habitat's office space.

On behalf of the people of the Third Congressional District of Texas, I want to thank the great folks of NCC-Habitat for helping to build our community.

Congratulations on your new facility. God bless you, and I salute you!

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

SPEECH OF

DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 3078, the United States-Colombia Trade Promotion Agreement Implementation Act.

This trade agreement continues in the NAFTA tradition of trampling on human and economic rights.

Colombia is the world's most dangerous place to be a unionist. More trade unionists were killed last year in Colombia than in the rest of the world combined. The Labor Action plan signed by Colombia in April of this year has not done enough to address these significant human rights abuses. Sixteen trade unionists have been killed since it was signed. Now we're going to pass a trade agreement that will further weaken the rights of workers whose lives are at stake?

Workers in the U.S. will be hurt by this trade agreement too. The Economic Policy Institute estimates that the Colombia FTA will result in the loss or displacement of 55,000 U.S. jobs. We have heard the promises of economic prosperity from free trade advocates before. Those promises have consistently failed to materialize.

Workers in the U.S. and Colombia cannot afford a NAFTA-style trade agreement that significantly weakens their economic security and fundamental labor rights.

I urge my colleagues to oppose this bill.

HONORING OAKHURST PRESBYTERIAN CHURCH

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Oakhurst Presbyterian Church has been and continues to be a beacon of light to our county for the past ninety years; and

Whereas, Pastors Gibson ''Nibs'' Stroupe and Pastor Caroline Leach and the members of the Oakhurst Presbyterian Church family today continues to uplift and inspire those in our county; and

Whereas, the Oakhurst Presbyterian Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the ninety (90) years by preaching the gospel and living the gospel; and

Whereas, Oakhurst has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Oakhurst Presbyterian Church family on their 90th Anniversary and for their leadership and service to our District;

Now therefore, I, Henry C. ''Hank'' Johnson, Jr. do hereby proclaim September 25, 2011 as Oakhurst Presbyterian Church Day in the 4th Congressional District.

Proclaimed, this 25th day of September, 2011.

HONORING THE SISTERS OF CHARITY OF ST. HYACINTHE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Sisters of Charity of St. Hyacinthe on over a century of committed service to the city of Lewiston.

From the moment of their arrival in 1878, the Sisters of Charity of St. Hyacinthe made themselves an integral part of the Lewiston community. Immediately looking for ways to give back to the town, they established a school for the community's French speaking children within their first year. A decade later, they established the first Catholic hospital in Maine. As the years progressed, the Sisters would go on to establish an orphanage for the children of mill workers, as well as long-term care facilities for the elderly.

The tremendous impact that the Sisters have had on Lewiston continues to be felt by the city's residents today. Perhaps the most

important example of this is the work of St. Mary's Regional Medical Center. St Mary's embodies the remarkable caring of the Sisters, providing preventive, restorative and supportive services with compassion and respect for thousands of Lewiston area residents. Although the Sister's involvement in the management of the hospital has receded in recent years, their legacy lives on in members of the staff who continue to treat to some of Maine's most needy.

There is no way to quantify the immense good that the Sisters of Charity of St. Hyacinthe have brought to the city of Lewiston and to the state of Maine. The impact of their service to the community is a shining example of the power of love and faith. I join the city of Lewiston in expressing an unending gratitude for their kindness and their devotion to helping the less fortunate.

Mr. Speaker, please join me in honoring the Sisters of Charity of St. Hyacinthe for their numerous contributions to the Lewiston community and the state of Maine.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 3079, the United States-Panama Trade Implementation Act.

With our nation's unemployment rate continuing to hover around 9 percent, it is unconscionable that we are considering NAFTA-clone free trade agreements that will further facilitate the outsourcing of American jobs and undermine the rights of American workers. Proponents of free trade agreements like to purport that they are good for the U.S. economy and will create jobs. But history is on the side of those of us who opposed NAFTA, CAFTA and other damaging trade agreements over the last decade.

Free trade agreements play a significant role in exacerbating the negative effects of globalization, including the rapid privatization of vital public resources. They have resulted in the loss of domestic jobs and manufacturing industries and in significant decreases to labor and environmental standards. In addition, FTAs result in significant job loss and privatization of labor-intensive industries for the countries we enter in trade agreements with. Unionizing in countries like Mexico and Colombia has resulted in death or imprisonment of union leaders.

Every state in this country has been affected negatively by our destructive trade policies. The Economic Policy Institute estimates that nearly 700,000 U.S. jobs have been displaced since the passage of NAFTA in the 1990s. The majority of the jobs displaced—60 percent—were in the manufacturing sector. My home State of Ohio is one of the top ten states with the most jobs displaced by NAFTA, having lost 34,900 jobs. Our rapidly increasing trade deficits with countries like China has resulted in the loss over 5 million jobs over the past decade. Of that 5 million, the State of Ohio has lost 103,000 jobs as a result of the increase in our trade deficit with China.

This is not a debate about being for trade or against trade as some of my colleagues have framed it. This is a debate about learning from the free trade policies we have pursued over the last decade that have proven to be significantly damaging to the American economy and American workers. The numbers speak for themselves.

I urge my colleagues to oppose this agreement.

PANAMA IS A TAX HAVEN

Panama is one of the world's worst tax havens, allowing rich U.S. individuals and corporations to skirt their responsibility to pay taxes that are vital to the local communities that depend on those revenues. The U.S.-Panama free trade agreement does nothing to address this issue. At a time when potentially damaging austerity measures are being proposed to balance the budget, we should not be considering a free trade agreement that fails to deal with an issue critical to addressing our deficit.

This FTA includes provisions that even undermine our own laws to combat tax haven activity. Public Citizen's Global Trade Watch reports that the ''FTA's Services, Financial Services and Investment Chapters include provisions that forbid limits on transfers of money between the U.S. and Panama. Yet, such limits are the strongest tools that the U.S. has to enforce policies aimed at stopping international tax avoidance.''

Many have cited a tax treaty signed by Panama earlier this year as a reason to support the Panama-FTA and dismiss the concerns of Panama as a tax haven. In reality, the agreement (the ''Tax Information Exchange Agreement'') fails to hold Panama and corporations accountable for tax evasion. The agreement only requires Panama to stop refusing to provide information to U.S. officials in specific cases if U.S. officials know to inquire. It also includes a significant exception which allows Panama to reject requests for information if it is ''contrary to the national interest.''

By passing this free trade agreement, we are rewarding and condoning corporations who offshore jobs and practice international tax avoidance—practices that significantly hurt American workers and the American economy.

BUY AMERICAN PROVISIONS—AND U.S. WORKERS—UNDERMINED

The U.S.-Panama FTA requires the U.S. to waive Buy America requirements for all Panamanian-incorporated firms, and even many Chinese and other foreign firms incorporated in Panama that are there to exploit the tax system. This means that work that should go to U.S. workers can be offshored because of rules which forbid Buy America preferences requiring U.S. employees to perform contract work by a federal agency in the federal procurement process. According to Global Trade Watch, the U.S. would be waiving Buy America requirements for ''trillions in U.S. government contracts for any corporations established in Panama and in exchange would get almost no new procurement contract opportunities in Panama for U.S. companies.''

If you support the NAFTA tradition of weakening offshore protections, limiting financial service regulations, banning Buy America procurement preferences, limiting environmental, food and product safety safeguards, and the undermining U.S. workers and our economy, than this is your agreement.

50TH ANNIVERSARY OF LA POSADA HOTEL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CUELLAR. Mr. Speaker, I rise today to commemorate the 50th Anniversary of La Posada Hotel, a historical treasure and cultural icon of the community of Laredo, Texas.

La Posada Hotel stands on the banks of the Rio Grande and in the heart of Laredo's Historic Business District, a quiet but proud tribute to the Spanish, Mexican and Texan architectural influences that many Texas cities are proud to call their own. The hotel's classic entrance, its windows wrapped in decorative wrought-iron, and Spanish-tile decked veranda draped with the Seven Flags of Texas all face the historic San Agustin Plaza.

The building was established in 1916 and was first the home of old Laredo High School until 1961, when Tom Herring opened the hotel centered on the school building. La Posada is comprised of three additional historic 19th-century buildings: the Tack Room, formerly the Bruni House, the Republic of the Rio Grande Museum and the San Agustin ballroom, formerly a convent. Renowned for its world-class accommodations and high-quality customer service, La Posada is also home to two award-winning restaurants, Zaragoza Grill and The Tack Room. It has undergone a $17-million renovation that has enabled it to become a premier hotel in Laredo and to continue its role as a contributor to the community's economy.

La Posada has also become the elegant setting of some of Laredo's most acclaimed events, including the George Washington's Birthday Celebration, and host to illustrious figures including U.S. Senators, U.S. Congressmen, and international public officials and diplomats.

Mr. Speaker, I am honored to have the time to commemorate the 50th Anniversary of La Posada Hotel and its historical, cultural and economic significance to the community of Laredo, Texas. I thank you for this time.

SECOND U.S. POW DELEGATION TO JAPAN, OCTOBER 15–23, 2011

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. HONDA. Mr. Speaker, I rise today to honor veterans from America's greatest generation and thank the Government of Japan for recognizing the sacrifices of these men. On Saturday, October 15, seven former members of the U.S. Army and Army Air Corps, who fought in the Battle for the Philippines at the start of World War II, from December 1941 to May 1942, will travel to Tokyo as guests of the Japanese government. These brave soldiers and airmen were all prisoners of war of Imperial Japan.

The conditions in which they were held are unimaginable. Their first trip to Japan was on aging freighters called ''Hellships,'' where the men were loaded into suffocating holds with little space, water, food, or sanitation. At the

POW camps in the Philippines, Japan and China, they suffered unmerciful abuse aggravated by the lack of food, medical care, clothing, and appropriate housing. Each POW also became a slave laborer at the mines, factories, smelters, and docks of Japan's largest companies, including Mitsui, Nippon Steel, Showa Denko, Mitsubishi, and Japan Metals & Chemicals Company. In the end, nearly 40% of the American POWs of Japan perished; compared to the two percent of those in Nazi Germany's POW camps.

The men traveling to Japan this weekend include five residents of California, one from Arizona and one from Missouri. There are two survivors of the infamous Bataan Death March and four who were captured during the surrender of Corregidor. Furthermore, two of the veterans believe that they were subject to medical experimentation.

In September 2010, the Japanese government delivered to the first American POW delegation an official apology for the damage and suffering these men endured. Although the Japanese government had hosted POWs from U.S. wartime Allies, this was the first trip to Japan for American POWs. It was also the first official apology to any prisoners of war held by Japan.

I know that the American POWs fought hard for this recognition. I appreciate the courage of the Japanese government for their historic and meaningful apology. I thank the POWs for their persistent pursuit of justice, and commend the U.S. State Department for helping them. Now, it is time for the many Japanese companies that used POWs for slave labor during World War II to follow the example of their government by offering an apology and supporting programs for lasting remembrance and reconciliation. Furthermore, I invite my colleagues on both sides of the aisle to join me in a making a small, but significant, gesture to show these men that Congress has not forgotten their experience and sacrifice by cosponsoring House Resolution 333, which I introduced earlier this year.

I wish these men a fulfilling trip to Japan, and I hope that their trip contributes to securing the historic peace between the U.S. and our important ally Japan.

SECOND U.S. POW DELEGATION TO JAPAN, OCTOBER 15–23, 2011

Harold A. Bergbower, 91, lives in Peoria, Arizona. He joined the U.S. Army Air Corps in 1939 and was part of V Bomber Command, 19th Bomb Group, 28th Bombardment Squadron, Far East Air Force. He was at Clarke Field when Japan attacked on December 8, 1941. He was knocked out in the bombardment and when he awoke he found himself in the morgue at Fort Stotsenburg. Bergbower crawled out and went back to his squadron to fight in the Battle of Bataan. By escaping to Mindanao after surrender, he avoided the Bataan Death March and was captured in May. On the Philippines, he was imprisoned at Malaybalay on Mindanao and the Davao Penal Colony. In August 1944, he survived the sinking of several Hellships only to end up on Mitsubishi's Noto Marti; a trip he has completely blocked out. He was a slave laborer scooping iron ore into an open hearth furnace at the Nagoya–6B–Nomachi (Takaoka) camp for the Hokkai Denka Company which was involved in ferro-alloy smelting. Today, the site remains in ferro-alloy business as Takaoka Works. It is, as was Hokkai Denka, still part of Japan Metals & Chemicals Co., Ltd (JMC, Nihon Jukagaku Kogyo). Bergbower stayed in the U.S. Air Force and returned to Japan (1954–1957) to train Japan's Air Self-Defense Force. He and his family lived near air bases in Hamamatsu, Shizuoka Prefecture and in Fukuoka (Itazuke), Fukuoka Prefecture. After retiring in 1969, he became a golf pro for Dell Webb's Sun City, Arizona. He is a past Commander of the American Defenders (2005–6) and helped to establish its Descendant's Group. POW#89

James C. Collier, 88, lives in Salinas, California. He enlisted in the U.S. Army in 1940 at the age of 16. As a member of U.S. Army 59th Coast Artillery, Battery D "Cheney" he was captured on Corregidor. Before being shipped from the Philippines to Japan on Mitsubishi's Noto Maru in August 1944, he was held in Cabanatuan and Clark Field. Collier was a slave laborer feeding iron ore into the open hearth furnace at the Nagoya–6B–Nomachi (Takaoka) camp for the Hokkai Denka Company, which was involved in ferro-alloy smelting. Today, the site remains in ferroalloy business as Takaoka Works. It is, as was Hokkai Denka, still part of Japan Metals & Chemicals Co., Ltd (JMC, Nihon Jukagaku Kogyo). After WWII, he earned two master's degrees: one in the Teaching of English from San Jose State and another in School Counseling from the University of Oregon, Eugene. He taught English and Psychology and worked as a guidance counselor in a high school and community college for 31 years. POW#130

Harry Corre, 88, lives in Los Angeles, California. He joined the U.S. Army in 1941 and was sent to the Philippines as part of the 59th Coast Artillery Regiment, Battery C "Wheeler." He was captured by the Japanese with the surrender of Bataan on April 9, 1942 and began the infamous Bataan Death March. He escaped by swimming, with the assistance of a hastily improvised floatation device, the three-and-a-half miles to Corregidor, where he rejoined his unit. Corre was surrendered on Corregidor and imprisoned at Cabanatuan #1 and #3. He was shipped to Japan in July 1943 on Mitsubishi's Clyde Maru to mine coal at Omuta Fukuoka #17 Branch POW Camp for Mitsui Mining (now Mitsui's Nippon Coke & Engineering Company Co., Ltd.). After the war he worked odd jobs for several years and then moved to California to work in the aerospace industry. He returned to school in 1971 and graduated from Western Electronic Institute in Los Angeles as an electronics engineer. He worked in the aerospace industry for 40 years with his last position at TRW. Corre presently works at the Los Angeles, California Veterans Administration Hospital as a Patient Advocate and as a Veterans Service Officer for the American Ex-Prisoners of War as well as a POW Coordinator for the Veterans Administration Hospital & West Los Angeles Veterans Administration Regional Office. POW# 283

Roy Edward Friese, 88, lives in Calimesa, California. He joined the U.S. Army in 1941 and became a member of the 60th Coast Artillery Regiment Battery E "Erie." He arrived in the Philippines in April 1941 for basic training. He was assigned to a searchlight battery on the tip of Bataan and then evacuated to Corregidor when Bataan fell April 9, 1942. He was imprisoned on the Philippines in Bilibid and Cabanatuan. Friese was shipped to Japan in July 1943 on Mitsubishi's Clyde Maru to mine coal at Omuta Fukuoka #17 Branch POW Camp for Mitsui Mining (now Mitsui's Nippon Coke & Engineering Company). After WWII, he reenlisted in the U.S. Army and in 1947 transferred to the U.S. Air Force. He retired after 20 years of service. In civilian life he was employed doing various types of electronics work. In 1975, Friese established his own company installing & repairing micrographic equipment. In retirement he pursues hobbies of travel, photography, woodworking, and collecting antique clocks. POW#173

Ralph E. Griffith, 88, lives in Hannibal, Missouri. He enlisted in the army in 1941 at the age of 17 and received his basic training on Corregidor, the Philippines. He was captured on Corregidor in May 1942 with his unit, the U.S. Army 60th Coast Artillery Regiment Battery F "Flint." On the Philippines he was a POW in Bilibid and Cabanatuan. He was shipped to Mukden, China (today's Shenyang) in October 1942 on Mitsubishi's Tottori Maru via Korea to Manchuria. Griffith was a slave laborer at MKK (Manshu Kosaku Kikai, which some researchers believe was owned by Mitsubishi and known as Manchuria Mitsubishi Machine Tool Company, Ltd.) factory working as a planer operator. He believes that the multiple shots and blood tests that he received while at Mukden were part of human medical experiments conducted by the Imperial Army's 731st Biological Warfare Unit. At liberation, he walked out the main gate of the POW camp and was immediately taken by the hand by a little Chinese girl. She brought him to her home where her family had prepared a meal for him. This family fed and cared for him until he was repatriated. Ever since, whenever he sees a Chinese family dining at a restaurant he quietly pays their bill. After the war, he went to work for railways both in Missouri and Alaska. Not liking the cold weather, he went to work for the Elgin, Joliet & Eastern Railway in northern Indiana. After 37 years, he retired from the Railway and returned to his hometown of Hannibal, Missouri where he was born and raised. POW#552

Oscar L. Leonard, 92, lives in Paradise, California. He joined the Idaho National Guard 116th Cavalry in 1939 and the U.S. Army Air Corps in 1940. He was sent to the Philippines to be an airplane mechanic with 28th Heavy Bomb Squadron at Clark Field. He was surrendered on Mindanao in May 1942 and held as a POW in Malaybalay and Bilibid. Leonard was then shipped to Japan on Mitsubishi's Tottori Maru in October 1942. In Japan, he was held in a prison in Kawasaki and at Tokyo-2B-Kawasaki POW Camp (Mitsui Wharf Co., Ltd. known as "Mitsui Madhouse") to be used as stevedore and steel mill slave labor for the Mitsui Corporation as well as mixing chemicals for ammunition for Showa Denko. He was then held at Tokyo-5D-Kawasaki POW Camp where he was forced to work at a steel mill for Nihon Kokan (Japan Steel Pipe, now part of JFE Holdings). He was sent finally to Tokyo-7B-Hitachi POW Camp to refine copper ore for Nippon Mining (today, JX Holdings Ltd., Inc.). He weighed only 85 pounds at liberation. After World War II, Leonard felt he was too old to return to medical school and decided to become a pharmacist. He attended Marin College and graduated from Idaho State College School of Pharmacy Pocatello in 1954. He still works relief at local pharmacies, sometimes helps his youngest daughter plant trees on her ten acres of land, cuts and chops his own firewood, and enjoys world travel. POW#247

Robert J. Vogler, Jr., 90, lives in Rancho Bernardo, San Diego, California. He joined the U.S. Army Air Corps in January 1940 at the age of 19. Stationed in Manila as part of the 24th Pursuit Group 17th Pursuit Squadron, he completed aircraft instrument training and attended the University of Philippines to study engineering. He serviced aircraft and then fought as an infantry soldier during the Battle of Bataan. As a POW, he survived the Bataan Death March, Camp O'Donnell, and Cabanatuan in the Philippines. He was shipped to Mukden, China (today's Shenyang) in October 1942 on Mitsubishi's Tottori Maru via Korea to Manchuria. Vogler was a slave laborer at MKK factory (Manshu Kosaku Kikai, which some researchers believe was owned by Mitsubishi and known as Manchuria Mitsubishi Machine Tool Company, Ltd.), working as a grinding specialist. He believes that the multiple shots and rectal probes that he received while at Mukden were human medical experiments conducted by the Imperial Army's 731st Biological Warfare Unit. In May 1944, he and 150 American POWs were transferred to Nagoya-1B-Kamioka, Japan as punishment for bad behavior to be slave laborers for Mitsui Mining (now Kamioka Kogyo, a 100% subsidiary of Mitsui Mining & Smelting Co., Ltd.) mining lead and zinc. Mitsui now operates a recycling center at the former POW camp site. The mine was also the source of one of Japan's four major cases of mass industrial poisoning in the 1960s. After the war, he remained in the U.S. Air Force, retiring in 1960. He was then employed by General Dynamics as a manufacturing and development engineer, but was forced to retire in 1976 due to health issues caused by his POW experience. In 2000, Mr. Volger and his wife returned to Kamioka to a warm welcome from mine representatives, town officials, citizens, and school children. He said that the visit brought him to tears and helped rest the many demons that haunted him from his maltreatment in Japan's POW camps. POW#138 and #0336.

STATEMENT TO THE WIRELESS SAFETY SUMMIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following.

Good morning and thank you for the opportunity to talk with you about wireless technology. It is an honor to be in a room with people who are so ahead of their time when it comes to thinking about the effects of widespread wireless technology. This is an issue of great interest to me. Many of you know I held a hearing on the topic—the first in at least a decade if not the first ever—on the effects of cell phones on human health. My hearing was followed by a hearing in the Senate which also generated some interest.

I walked away from that hearing thinking the evidence that cell phones could cause brain cancer was fairly compelling. It was far from being authoritative but it was compelling. At a minimum, the current lack of research in the US is not at all justified, especially since some estimates are that half of the world population uses a cell phone. One of the most important areas we discussed at my hearing was the mechanism.

The wireless industry likes to claim that the only way a cell phone could cause harm to a human being is by heating tissue directly—the so called thermal mechanism. This is the way a microwave oven works. But we heard some evidence that a non-thermal mechanism is at work. It is certainly feasible since there are many existing therapies using electromagnetic radiation to induce some effect in the body using non-thermal mechanisms.

It is an important conversation to have because this belief—that there is no non-thermal mechanism—is preventing some influential agencies from being open to the possibility that cell phones and other wireless technologies are a real public health problem. I'm talking about the National Cancer Institute mainly, who is in turn influencing the Federal Communications Commission and the Food and Drug Administration.

These agencies are using this conversation about thermal and non-thermal mechanisms as a red herring, effectively claiming that we can't move forward with any kind of precautionary action until we know the mechanism. Let me explain.

When trying to link any given environmental exposure to a health problem, scientists like to know exactly how it is happening at the 10,000 foot level and at the micrometer level. In other words, they like to be able to look over vast numbers of people and compare who was exposed and who was not exposed and show that there is a link there. But before they conclude the link is rock solid, they also like to know what, exactly, is happening at the cellular level—how are the molecules changing in cells to make this happen? That is called the mechanism. Scientists are hesitant to say with certainty there is a link until that mechanism is nailed down. And the mechanism is usually the last thing to be discovered—usually years if not decades after epidemiology first uncovers the problem.

That's fine for scientists. But The NCI, the FCC, the FDA, and Members of Congress are not scientists. We are policy makers. And we have to look at things the scientists don't. For example, we have to consider that we knew tobacco was killing people in the 30s. The Surgeon General didn't even weigh in until the 60s. And there was no substantive action on cigarette bans until the mid 90s. In fact there are many places in the US where you can still smoke in public places even though it is well established that people die from exposure to it. It is not an accident that almost 70 years have passed and we're still fighting to protect public health from tobacco. That was the result of a sophisticated campaign to manufacture doubt in the mind of the public about the link between cigarettes and health. What we have to consider as policy makers, not scientists is this: How many people died between the time we knew tobacco caused cancer and dozens of other major lethal health problems and the time policy makers took real action to protect the public and educate them?

According to the Centers for Disease Control and Prevention, ''Each year, an estimated 443,000 people die prematurely from smoking or exposure to secondhand smoke, and another 8.6 million live with a serious illness caused by smoking.''

So, yes, let's talk about what the non-thermal mechanisms are. But let's not let that discussion get in the way when millions of lives are at stake. If we see a danger or even a potential danger to human health, we must act to protect health before acting to protect profits.

I announced that I would be introducing a bill that would do three things. It would reestablish a research program in the US to look at the health effects of cell phones. Almost all meaningful research in the field is now done overseas, save for a few selected pockets at places like the University of Washington and Cleveland Clinic.

Second, the bill would call for a real measure of exposure to replace the inaccurate, misleading, and downright false numbers used now to depict exposure levels. You know this measurement as the Specific Absorption Rate, or SAR, and it is mostly only accessible in places that are invisible to the consumer as they shop for phones. The SAR has multiple problems; among them is that they are designed for adults, not children; they ignore the fields created by phones that use increasing amounts of power, which smart phones do; and the science has developed significantly since the standards were set, mostly by engineers, not by people with medical training.

The third thing the bill would do is call for a label on cell phones, using the new measure of exposure that is created under this bill. Until we can say with greater certainty whether this is a link between electromagnetic radiation and various health problems, the consumer should be able to decide what they want. But markets are not truly free when the consumer has inadequate information. As it stands, the consumer cannot practically know what a particular phone or smart meter would expose them to. First the SAR is obsolete, as I mentioned. Second, even if it were useful, the SAR can't be readily accessed when buying a phone. We need labels.

The bill has already accumulated cosponsors and I am awaiting the right moment to introduce it. It will not be easy to make legislative progress because of the enormous financial resources the industry has at its disposal. They have already tried a few tricks to get us to pony up information about the bill's contents, timing and strategy. But I am convinced we can make legislative progress anyway. We just have to be very strategic about it.

I am also keeping a close eye on the other uses for wireless technology. Certainly there are a lot of questions about the dangers posed by towers. Increasingly, we're seeing popular resistance to smart meters as well because of the additional exposure they cause. And the wireless spectrum is being sold off to make room for more wireless gadgets like keyboards.

The use of the radiofrequency spectrum is one of three emerging technologies that are proof for the maxim that we are developing technology faster than our ability to manage it. Another textbook case is nanotechnology, which is proliferating by leaps and bounds while research on the effects on the environment and health is slowly lumbering along. What little research we have seen to date is deeply concerning. The third case, of course, is genetically engineered food; another topic which I have held hearings on.

In each of these cases, any progress that has been made has only come as a result of the efforts of a thoughtful, dedicated few who have raised the hard questions for industry and for policy makers. It is a privilege to join you in your efforts to put public health over private profit. Thank you again for the invitation to be with you today.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Adam John Avellan for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Adam has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

CATHERINE FOX TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Ms. Catherine Fox, a science teacher at Mancos High School in Mancos, Colorado. Ms. Fox was chosen to participate in the National Oceanic and Atmospheric Administration's Teachers at Sea Program for 2011.

Ms. Fox was accepted into the program along with 32 other teachers out of a pool of over 250 applicants. The Teachers At Sea Program was established in 1990 and since then has given over 500 teachers from across the country the opportunity to gain hands-on experience with science at sea. Ms. Fox spent 18 days at sea aboard the NOAA Ship *Oscar Dyson* in the Gulf of Alaska where she aided scientists in the conducting of walleye pollock surveys.

Through this program, Ms. Fox was able to bring home experience and knowledge that she could pass along to her science students. Ms. Fox was quoted in an associated press release saying, ''Students in Mancos are far from the ocean, but this experience has allowed me to bring the ocean to them.''

The Teachers at Sea Program has allowed educators like Ms. Catherine Fox to grow their curricula and provide more hands-on knowledge for their students.

Mr. Speaker, it is my sincerest pleasure to recognize Ms. Catherine Fox. Her dedication to her profession has helped improve our educational system and ensure that our students are receiving the best education available to them. I rise today to thank Ms. Fox for her commitment to learning and congratulate her on her acceptance into the 2011 Teachers at Sea Program.

VETERANS' BENEFITS TRAINING IMPROVEMENT ACT OF 2011

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to applaud the passage of H.R. 2349, the Veterans' Benefits Training Improvement Act of 2011. This important legislation makes much-needed improvements to benefits and services for our nation's veterans. It improves the claim-processing system by establishing a pilot program to assess the skills of employees responsible for processing veterans' claims, authorizing the use of electronic communication to contact claimants regarding their benefits, and assisting veterans in obtaining private records, among others.

Included in this legislation is a bill that I sponsored entitled, the Veterans Pensions Protection Act of 2011 (H.R. 923). My bill protects veterans' pensions by exempting the reimbursement of expenses related to accidents, theft, loss or casualty loss from being included into the determination of a veteran's income. Under current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation, he or she may lose their pension if the payment exceeds the income limit set by the U.S. Department of Veterans Affairs (VA). This means that the law effectively punishes veterans when they suffer from an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a truck when crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. To me this is unacceptable.

I am extremely pleased that H.R. 923 was incorporated into H.R. 2349 and I want to thank my Florida colleague, Chairman JEFF MILLER, as well as Subcommittee Chairman JON RUNYAN and Ranking Member JERRY MCNERNEY for their continued support on this important issue.

At a time of economic hardship, it is essential to guarantee the continuity of our veterans' pensions and ensure that no veteran will have their benefits unfairly and abruptly depreciated or cancelled.

Mr. Speaker, our nation's servicemen and women are currently fighting two wars abroad and engaged in action in other parts of the world. As they return home, many bear the mental and physical wounds incurred in the defense of our nation and deserve the highest quality care and services that we can provide them. Therefore, I thank my colleagues for supporting this much-needed legislation.

ENCOURAGING OBSERVANCE OF NATIONAL FIRE PREVENTION AWARENESS WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. RANGEL. Mr. Speaker, during National Fire Prevention Awareness week, I would like to encourage that we as a community make preparations to protect our families and neighbors from the tragedy and destruction caused by fires. This is a great opportunity to thank our community's fire fighters who are the first to respond and put themselves at risk for our safety.

Our Manhattan Congressional District is fortunate to have many brave first responders, including those from the Uniformed Fire Association of Greater New York, FDNY Engine 69, Ladder 28, Battalion 16 'Harlem Hilton,' FDNY Engine 53, Ladder 43 'El Barrio's Bravest' and FDNY Rescue 3 'Big Blue,' and the Vulcan Society, Inc. We must continue to show our cooperation and appreciation towards our firefighters, first responders and those who continuously ensure our neighborhoods are safe.

Simple precautions such as installing and maintaining smoke detectors in every apartment unit and on every floor of our homes and buildings, having an escape plan, and following fire codes can save countless lives. I would hope that people in my District and all across our great nation would take proper measures to prevent fires and potential harm in our communities.''

LEROUX RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Leroux Ranch of Radium, Colorado. Leroux Ranch was settled in 1905 by cowboy and miner Owen F. Leroux at the suggestion of John Winslow, Owen's future father-in-law.

Owen married Ida Winslow, settled down, and started a family. The Leroux estate thrived for many years and after Owen's death, his family began purchasing land from homesteaders and the farm operated as Leroux Cattle Company. In 1973, part of the farm was sold off, but the original homestead remained.

In 2008, the final interest in the farm was purchased by descendants of Owen and Ida Leroux and today raises Angus and Hereford cattle. The Division of Wildlife has placed a conservation easement on the property in an attempt to establish a habitat for big game.

The Leroux Farm is another fine example of the rich agricultural heritage of the State of Colorado. The Centennial Farms Program is honoring the Leroux Farm for its longevity and long-time cultural value. It is truly a pleasure to represent a district of a state with such a fantastic display of entrepreneurial spirit.

Mr. Speaker, it is an honor to recognize Leroux Farm today on the floor of the House. The farm is truly a valuable historic and cultural asset of the State of Colorado.

75TH ANNIVERSARY OF THE PATUXENT RESEARCH REFUGE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. SARBANES. Mr. Speaker, I rise before you today to commend the Patuxent Research Refuge on the occasion of their 75th Anniversary. Sited on almost 13,000 acres of green space, Patuxent is the largest contiguous block of forest land in the Baltimore-Washington Corridor. Some have referred to it as the ''green lungs'' of the region.

Established in 1936 by President Franklin D. Roosevelt, Patuxent is the Nation's only national wildlife refuge created to support wildlife research. Patuxent includes the National Wildlife Visitor's Center which is one of the largest science and environmental education centers operated by the Department of Interior. Many of my constituents appreciate and value the Visitor Center's interactive exhibits which focus on global environmental issues, migratory bird studies, habitats and endangered species. Many visitors also can enjoy the hiking trails, tram tours, seasonal fishing programs, wildlife management demonstration areas and the outdoor education sites for local schools.

In addition to the Visitor's Center, Patuxent is home to the Wildlife Research Center which conducts research on a diverse range of wildlife and conservation issues. The exemplary research by the Patuxent Wildlife Research Center has helped develop important management techniques for conserving and protecting our Nation's wildlife and habitat. Research at the Center has led to efforts to restore the whooping crane population from near extinction to providing the scientific research that ultimately led the ban of the pesticide DDT in 1972. Currently, the Center has over 100 scientific research projects ranging from the impact of rising sea levels to Chesapeake Bay black duck populations to nocturnal bird migrations through the Central Appalachians.

Patuxent continues to be at the forefront of conserving our precious natural resources and maintaining an ecosystem that will continue to be robust and vibrant for generations to come. It provides a place for hikers, fisherman and hunters to enjoy green space in the Baltimore-Washington Corridor. I am proud that the 3rd Congressional District is home to the Patuxent Research Refuge, and hope they can continue to serve as an archetype for future environmental research facilities. I hope my fellow Members will join me in congratulating them on their 75th anniversary.

HONORING TAIWAN ON ITS 100TH ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CONYERS. Mr. Speaker, I would like to congratulate Taiwan, which celebrated its 100th anniversary earlier this month. The events of October 10, 1911, marked the beginning of the Wuchang Uprising, which ultimately resulted in the collapse of the Qing Dynasty in China and the creation of Taiwan.

Under the leadership of Taiwan's President Ma Ying-jeou, relations between China and Taiwan have greatly improved. Both China and Taiwan have been able to benefit from this new era of cooperation. Chinese tourists have been flooding into Taiwan, bolstering the local economy and creating good will between the neighbors. Last year, both governments signed the Economic Cooperation Framework Agreement, ECFA. The agreement streamlines business between China and Taiwan. As a result of Taiwan's leadership, daily flights between the two countries continue to grow considerably.

We are grateful for President Ma's efforts to create peaceful relations with its neighbors and congratulate Taiwan again on its 100th anniversary.

McLAIN RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the McLain Ranch of Parlin, Colorado. McLain Ranch was settled by John Jay McLain and his wife Olive Colter in 1908. John Jay settled in Cripple Creek in the late 1800's. A teamster at the time, John mined and conserved his money with the ultimate aspiration to become a rancher.

In the early 1900s, John and his wife moved to Ohio City where he was Superintendent of the Raymond mine. In his free time and as part of his money-saving practices, John panned gold out of the nearby creek.

Finally, in 1908, John had saved enough money to purchase his ranch in Gunnison County. He and his wife saw many years of healthy crops, raising oats, potatoes, horses, chickens, hogs, sheep, and cattle. The couple also raised five children, one of which, Jack, would take over the farm with his wife Louise in 1952. In 1988, Jack and Louise's son David purchased the farm and ever since, he and his wife Ladonna have continued to raise cattle as well as grass pasture and hay.

The McLain Ranch is one of several farms in Colorado that have contributed greatly to our agricultural success over the past century. The Centennial Farms Program is honoring the McLain Ranch, along with seventeen other farms, for its great role in making the State of Colorado the agricultural powerhouse it is today.

Mr. Speaker, it is an honor to recognize the McLain Ranch today on the floor of the House. The ranch is a symbol of the entrepreneurial spirit our Nation has so long enjoyed and exemplified.

ROFEH INTERNATIONAL—NEW ENGLAND CHASSIDIC CENTER HONORS THOSE WHO HAVE CONTRIBUTED GREATLY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, for some years now I have had the privilege of sharing with our colleagues information about a very important event that is held annually in Massachusetts by an organization that does great work in making health benefits available to people who need them, in the best possible setting.

ROFEH International was founded by the Boston Rebbe, Grand Rabbi Levi Horowitz, and is now led by his son, Grand Rabbi Naftali Horowitz. Rabbi Levi Horowitz was widely respected for his expertise in the field of medical ethics, and Project ROFEH, founded by him at the New England Chassidic Center, does extraordinary work in making the great healthcare available in the Greater Boston area accessible to people in other places. On November 20th, at their annual dinner, Project ROFEH—New England Chassidic Center will, as it has in the past, honor people who have performed extraordinary service for others.

The ROFEH International Award will go to Dr. Joseph Upton. The Grand Rabbi Levi Horowitz Legacy Award goes to Professor Neil Hecht. And in a special award, the 50th Jubilee of Congregation Bais Pinchas, the Jubilee Award is being given to the Blechner family, the descendants of Sidney and Toby Blechner, who did so much to make this organization the great success it is today.

Mr. Speaker, I ask that the biographies of Dr. Joseph Upton and Professor Neil Hecht and Sidney and Toby Blecher be printed here, along with the explanation from Grand Rabbi Horowitz of the Jubilee Award to the Blechner family.

DR. JOSEPH UPTON

With a broad background in surgical training Dr. Upton was originally recruited by Joseph Murray to be the first designated hand and microsurgeon in the Longwood teaching hospitals. During the past 34 years his practice has been focused on clinical surgery, education and clinical research. His large practice draws patients from well beyond all regions of the United States and he is known nationally and internationally as a reconstructive surgeon with expertise in upper limb surgery and microsurgery and excels in the evaluation, planning and technical expertise of difficult problems.

Dr. Upton was one of the original plastic surgeons who ushered in the advent of free tissue transfers and limb reattachment surgery in the 1980's. He is known for taking a difficult problem and finding a better, easier solution. Many of the first transfers in this region of the country, in fact, the world were performed by Dr. Upton in the 1980's.

During his few decades on staff he was an active participant in the gross anatomy course at the Harvard Medical School. Dr. Upton continues to perform many flesh dissections and teaches yearly flap dissection courses. He has always been eager to take new and some old technologies directly to patient care. In the operating room he is known for his innovative approaches, which incorporate old and new ideas with new technologies.

As an educator he has functioned at many levels in his daily routines and usually has a medical student, resident and clinical fellow in attendance. All participate as he can teach at all levels. His microvascular/hand fellowship program is based at BIDMC within the Department of Orthopedics and the Division of Plastic Surgery. He has given lectures, keynote addresses, instructional courses and completed many visiting professorships nationally and internationally. Original papers in peer-reviewed journals are evidence of his scholarship. More detailed descriptions of many of these procedures are

found in the textbooks or invited discussions in peer-reviewed publications.

Dr. Upton's research has been almost entirely clinical and he rarely describes a new procedure without medium or long-term outcomes. At the Boston Children's Hospital and Shriners Burns Hospital he has accumulated the largest experience with congenital problems in the world. His collection of hand models of congenital malformations is unique. He has had an exhibit in the Boston Museum of Science for 30 years. He was an active participant in the Joseph Vacanti Tissue Engineering lab for 13 years and worked on cartilage and skeletal constructs and prior to this worked in the Folkman Laboratory at The Children's Hospital.

PROFESSOR NEIL S. HECHT

Neil Hecht is professor of law and Founding Director of the Institute of Jewish Law at Boston University School of Law, where he has taught for almost 50 years. He received Rabbinical Ordination from Yeshiva University, a Juris Doctor from Yale Law School and a research doctorate from Columbia University School of Law.

In 1980 Professor Hecht fulfilled his lifelong dream of introducing Jewish law into the curriculum of a major American law school. Through his efforts, Jewish law is now taught in over thirty law schools, and he was instrumental in creating a permanent Jewish Law Section in the Association of American Law Schools. Moreover, its successful reception at BU Law School led to his founding of The Institute of Jewish Law in 1983, which was established for the purpose of publishing treatises, monographs, and teaching materials. Under its auspices, he has written or edited 36 volumes to date. Among these works are Jewish Jurisprudence (a two-volume commentary on Choshen Mishpat, Jewish Civil Law, which contains the only preface ever written by Rabbi Joseph Solovetchik, zt'l), The Jewish Law Annual, and Controversy and Dialogue in Halachik Sources (a four-volume work in Hebrew and English exploring the nature of controversy and authority, machloket, in Jewish law).

From 1985 to 1986, Professor Hecht served as the Visiting Gruss Professor of Talmudic Civil Law at New York University School of Law. In the 1990s, he also served as co-director of the Joint Project in Jewish Legal Bioethics, a collaborative initiative of the Institute of Jewish Law and Boston University's Schools of Medicine and Public Health. His many professional and public service activities include serving as a founding director on the Board of Directors of the International Association of Jewish Lawyers and Jurists, chairing the Jewish Law Section of the Association of American Law Schools, and becoming an elected member of the American Law Institute.

Among other honors, he was recognized by the Ashmolean Museum of Oxford University, by Boston University School of Law where he received the Silver Shingle Award for distinguished service and the Melton Award for Teaching Excellence, and by Yeshiva University which awarded him the Bernard Revel Memorial Award for his contributions in the field of Jewish legal scholarship.

The relationship between the Hechts and the Rebbe's family dates back to the early part of the 20th Century. Professor Hecht's great-grandfather was a close friend and strong supporter of the Rebbe's grandfather, Grand Rabbi Pinchus Dovid Horowitz, zt'l, when the latter lived in Brooklyn.

SIDNEY AND TOBY (THURM) BLECHNER A''H EPITOMIZED WHAT GIVING OF SELF TO COMMUNITY MEANS

''V'kol mi she'oskim b'tzarchei tzibur be'emunah''

Toby, daughter of Menachem Mendel Thurm, founder of World Cheese Company, the first kosher cheese company in the USA, came to America from Germany. Sidney, fortunately and with the hashgacha pratis of God, survived six years in concentration camps and arrived in New York in 1947 where he met his beloved partner to be of 59 years. They married on Lag B'omer 1948, and soon settled in the Roxbury section of Boston.

Though having gone through the fires of Europe, this ''ood mootzal may'aish'' together with his eishet chayil decided to look only forward and rebuild what their families and communities lost in Europe. They started to build a family and Sidney became successful in the lighting industry. His honesty and integrity were admired by all he came into contact with, Jew and non-Jew alike. Toby, meanwhile, worked tirelessly with the fledging Roxbury community to build up religious Jewish institutions. Both became active in the Young Israel of Greater Boston, Congregation Beth Pinchas of Roxbury, Maimonides School, and New England Lubavitch Yeshiva. When the Jewish community migrated to Brookline, Sidney made himself and his resources available to help with lighting up the makom Tefilah or makom Limud Torah of many institutions that moved to Brookline.

At the same time, the Blechner family became very close to the Bostoner Rebbe Z''L and Rebbetzin A''H while sharing their philanthropic efforts among CJP, Young Israel of Brookline, Daughters of Israel, Religious Zionists of America, Yeshiva University, Talner Congregation, B'nai Brith, Israel Bonds, and many ''matan b'seser'' recipients. But it was the special charisma and charm of the Bostoner Rebbe Z''L and his Rebbetzin A''H that attracted Sidney and Toby to daven at the Rebbe's shul. Toby had a special seat next to the Rebbetzin and Sidney especially enjoyed the Rebbe's nusach and warmth on the Yamim Noara'im. They became active supporters of ROFEH as well as the New England Chassidic Center where Sidney was honored as ''Man of the Year''. Instead of plaques on his office wall, Sidney preferred simple thank you letters as appreciation for the tzedakah and chessed that he and Toby were able to provide to others.

It takes a lot of hakarat hatov for people in today's generation to think back to those who built up a miniscule Torah community of Boston in the 50's to what is has become today for all newcomers to benefit from.

Sidney and Toby Blechner were the patriarch and matriarch of a beautiful family of 4 children, 18 grandchildren who are Roshei yeshiva dedicated to teaching Torah in their communities, professionals in finance, law, education, computers, graphic design and who serve in the Israeli army.

It is therefore most fitting to bestow the ''Congregation Bais Pinchas Jubilee Award'' in their memory.

THIS YEAR WE CELEBRATE THE 50TH JUBILEE OF CONGREGATION BAIS PINCHAS IN BROOKLINE, MASSACHUSETTS

Receiving the Jubilee Award on behalf of their parents, the Blechner family

It is important for people in today's generation to recognizing and appreciate the good done by those who built up a community of Boston in the 50's to what is has become today for all newcomers to benefit from. Mr. and Mrs. Blechner were dedicated their time and efforts in seeing to it that the Boston community should be successful and thrive. Sidney and Toby Blechner were the patriarch and matriarch who helped to build and beautify the Boston community, of a beautiful family of 4 children, 18 grandchildren who are to teaching in their communities, professionals in finance, law, education, computers, graphic design and who serve in the Israeli army.

It is therefore most fitting to bestow the ''Congregation Bais Pinchas Jubilee Award'' in their memory.

Sincerely,

GRAND RABBI NAFTALI Y. HOROWITZ,
Bostoner Rebbe.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CROWLEY. Mr. Speaker, on October 11, 2011 I voted ''no'' on House resolution 425, I intended to vote ''yes.''

VALENTINE RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Valentine Ranch of Aguilar, Colorado. The ranch was founded in 1908 by Italian immigrant Giovanni Leopoldo Valentini. Valentini was born in Austria in 1869 and immigrated to the United States in 1887, acquiring work at the Engleville Mine in Colorado. Soon thereafter, he changed his name to John Lee Valentine. He married Rachale Conter and the couple had six children.

Over the years, John worked many unique jobs, including being a baker and a saloon keeper. In 1907, he purchased a ranch in Los Animas County. John and his wife lived happily the rest of their lives at the ranch. After John's passing in 1947 and Rachale's in 1950, Gus and June Valentine inherited the ranch and also raised children of their own.

Gus passed away in 1987, but June still resides at the ranch with her son Dan and his wife Sandi. The family continues to enjoy sustained success with their crops and cattle. The Centennial Farms Program has chosen the Valentine Ranch as one of this year's honorees.

Mr. Speaker, it is an honor to recognize the Valentine Ranch today on the floor of the House. The ranch is a symbol of the entrepreneurial spirit our Nation has so long enjoyed and exemplified.

RECOGNIZING THE McDONALD FAMILY AS THE 2011 WALTON COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MILLER of Florida. Mr. Speaker, it is a great pleasure for me to rise today to recognize the McDonald family for being selected

as the 2011 Walton County, Florida Outstanding Farm Family of the Year.

For over 45 years, this multigenerational farm family has epitomized the true meaning of a strong work ethic and is blessed with good soil and a devoted family. Kyle McDonald along with his father, Ingram McDonald, owns 190 acres of land. He and his wife, Kim, their children, Garrett and Karley, and their canine companion, Patch, work together night and day to tend to their cattle and horses as well as their hay field.

Kyle and Kim have raised Garrett and Karley to be active members of their community and to be good stewards of the land. The McDonalds are members of the Florida Panhandle Cattlemen's Association and the Walton County Farm Bureau. Aside from their help on the farm, Garrett and Karley are both accomplished riders. Karley ropes and barrel races, and her brother ropes, calf ropes and team ropes. Garrett has won 16 saddles and numerous cash prizes over the years including placing fifth in the Nation for his age group in the all-around event this past July.

Mr. Speaker, our great Nation was built by farmers and their families. The Walton County Outstanding Farm Family of the Year award is a reflection of the McDonald family's tireless work and dedication to family, faith and trade. On behalf of the United States Congress, I would like to offer my congratulations to the McDonald family for this great accomplishment. My wife Vicki and I wish them the best for continued success.

THE PASSING OF MR. ROLLIN POST

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the life of a dear friend, consummate professional, and proud San Franciscan: Rollin Post.

Rollin Post was a portrait of persistence, honesty, passion, and strength in his life, in his work as a reporter and commentator, in his love of politics and family.

For more than four decades, working behind the scenes for L.A.-area news radio and reporting on-air in San Francisco, Rollie set the standard for excellence in political journalism; in asking tough questions and always seeking the truth, he did our city, state, and nation a great service.

It was a true privilege to get to know Rollie on a personal level over the years; indeed, I was honored to call him a friend. He was a fixture from my earliest days in public life in San Francisco and in California. Later, we worked together to put on the annual 'The Party's NOT Over' event, a bipartisan gathering of Democrats, Republicans, and the press to raise money for minority journalism scholarships. He was held in high esteem and respect by our entire family.

Rollie brought the news to the public; he translated current events into terms all viewers and listeners could understand and appreciate; in the spirit of the best in journalism, he never failed to keep the Bay Area informed about politics and government. He was original and widely beloved, and his voice will be sorely missed.

I hope it is a comfort to his wife, Diane, his children and grandchildren, his family and friends that so many share in their grief at this time.

WALKER FAMILY RANCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Walker Family Ranch of Westcliffe, Colorado. George Walker purchased a 240-acre piece of property in Custer Country and along with his wife and daughter, began a ranching company.

George's daughter Hazel soon married Willard Walker and in 1939, George passed the farm property onto his daughter and son-in-law. The couple continued the Walker ranching practice and expanded the property to 882 acres. The ranch functioned year-round as a cattle ranch.

After Willard Walker's passing in 1968, Hazel and her family maintained the ranch and in 1971, formed the W.A.W. Cattle Ranch, Inc. Today, the W.A.W. is an active cattle ranch in the Wet Mountain Valley area.

The Walker Family Ranch has been chosen by the Centennial Farms Program as one of its eighteen 2011 honorees. The program honors farms that have long contributed to the agricultural success and foundation of the State of Colorado.

Mr. Speaker, it is an honor to recognize the Walker Family Ranch. The ranch is a valuable cultural and historic asset to Colorado and our state is truly blessed to have such a vibrant presence of American entrepreneurial spirit.

A TRIBUTE TO JERRY O'MALLEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. CONYERS. Mr. Speaker, I rise in honor of a former employee of my district office and friend of mine, Jerry O'Malley, who recently passed at the age of 82.

Born to Jerome and Florence O'Malley on July 1, 1929, Mr. O'Malley was raised in Southeast Michigan. He attended and graduated from Detroit Catholic Central. He went on to earn his Bachelors in Business Administration from the University of Detroit. Upon graduation, he began his professional life in Florida where he worked his way up through Ford Motor Company. Starting on the assembly line, Mr. O'Malley retired from Ford's business development division.

After retiring from Ford, Mr. O'Malley returned to Michigan to pursue his passion for public service. Working for County Executive Ed McNamara as the Director of the county's Equipment Division, Mr. O'Malley embarked on decades of political activism and community service. Residing in Dearborn, Mr. O'Malley was active in the campaigns of virtually every Democratic candidate on the ticket in recent history.

He leaves behind three daughters, Catherine, Theresa Ann, and Diana. He was grandfather of Thomas, Kyle, Michael, Nathan, Joshua, Aaron, Tom, and Tabatha. He was the great grandfather of Nathan and Nolan. Mr. O'Malley was predeceased by his wife Catherine, his brother Harry and granddaughter Isabel.

We will miss Jerry. Detroit and the surrounding area have lost a true jewel of our community.

HONORING TWYLA LYCETTE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Twyla Lycette, the 2011 recipient of the prestigious Town Clerk of the Year Award, given by the Maine Town and City Clerks Association.

Every year, the Maine Town and City Clerks Association chooses from among their best and brightest to award their Town Clerk of the Year Award. Without a doubt, they chose well this year. For a quarter century, the town of Lisbon has been extremely fortunate to have Twyla as their town clerk. Throughout that time, she has shown a deep commitment to her profession and to the citizens of Lisbon.

Twyla is recognized by all as an energetic lifelong learner who has been instrumental in the preservation of town records dating back into the 1800s. In addition to her position as a Certified Maine Clerk, she is an International Certified Clerk, Lifetime Certified Clerk and one of two International Master Municipal Clerks in all of Maine.

Twyla is beloved by her colleagues and the people of Lisbon. Not only does her hard work and dedication keep the town running, it also inspires all of us to strive to be the very best at what we do. She exemplifies the very best of the values Maine represents.

Mr. Speaker, please join me in honoring Twyla Lycette on being named the 2011 Clerk of the Year.

ELLIOTT FARMS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the Elliott Farms, LLC of Monte Vista, Colorado. In 1907, the Sanderson family of Hamilton, Missouri moved west and settled in Monte Vista. In 1908, the family acquired a 160-acre farm.

The property was passed down through the generations that followed and grew in size. The farm saw many years of fruitful potato crops that brought the family and the valley a great deal of prosperity. Today, the farm is operated in four sections and still makes use of the 1916 house and 1930s garage and barn.

Elliott Farms, LLC was recognized by the Colorado Historical Society at the 139th Colorado State Fair. Elliott Farms, LLC is one of eighteen farms honored by the Centennial Farms Program for its rich history, tradition, and contributions to the State of Colorado over the past century.

Mr. Speaker, it is an honor to recognize Elliott Farms LLC. Its agricultural contributions to the State of Colorado, as well as its valuable historical and cultural traditions, have helped make Colorado a leader in agricultural production.

RECOGNIZING CHIEF NICHOLAS SENSLEY

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MCCLINTOCK. Mr. Speaker, I rise today in recognition of Police Chief Nicholas Sensley of Truckee, California.

Chief Sensley began his public service in law enforcement in 1987 as a police and fire dispatcher with the UCLA Police Department. Nicholas was promoted to Police Officer in 1988 after graduating from the Los Angeles County Sherriff's Academy STARS Center, where he would begin serving as a Recruit Training Officer in 1990—one of the earliest returning instructors in the Academy's history. In May of 1991 he joined the Santa Rosa Police Department where he served in numerous assignments until ultimately departing in November 2008 as Patrol Lieutenant. In December of that year, Nicholas was appointed Chief of Police in Truckee, where he has served to this day.

Nicholas's service to the communities in which he has lived undoubtedly deserves the thanks and appreciation of his many constituents, but it is impossible to measure his contribution as a public servant if we limit the examination to California alone. Throughout his career, Chief Sensley has developed an expertise in mitigating the terrible plight of human trafficking that affects millions each year. He has worked as a consultant and developer in the United States, Europe, Asia, Africa, and the South Caribbean since 1998, playing an instrumental role in facilitating training, education and effective counter-human-trafficking initiatives globally. He has also been acknowledged as an international expert on significant community problem-solving by the US Department of Justice, the US Department of State, the Organization for Security and Cooperation in Europe (OSCE), the International Centre for Migration Policy Development, and by other international governments and organizations for his contributions.

Mr. Speaker, it is with a grateful heart that I rise today to thank Chief Nicholas Sensley for his many years of public service to the people of California. I wish him well as he retires from police work to accept a position to continue advancing human freedom with Humanity United in Washington, DC.

IMMACOLATA MANOR 30TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, please join me in congratulating the outstanding achievement of Immacolata Manor in Liberty, Missouri, for celebrating 30 years of providing habilitation services to persons with developmental and intellectual disabilities.

Immacolata Manor's mission is to focus on the values and principles of community membership, self-determination, human rights, and basic needs, so that each individual will be supported and empowered to achieve their highest potential and to live their lives with dignity and respect.

The beautiful property on which Immacolata Manor is located is a former country estate, centering around a handsome colonial house that stands on 40 acres. Immacolata Manor opened in 1981 by several women who all had daughters with developmental disabilities. In recent years, they have been successful in raising funds to build five fully-accessible homes. They currently provide residential services to 31 adults.

Some of the residents are employed in local businesses. Those who are not employed are able to participate in the great My Day Program, conducted on the Manor campus. This community integration program includes individualized recreational and life skills activities designed to meet the needs of each participant.

Mr. Speaker, I ask that you join me in applauding Immacolata Manor for their exceptional dedication to providing residential and habilitation services to persons with developmental disabilities. Immacolata Manor is a true community partner and Liberty landmark. I wish the agency 30 more years of greatness to come.

HONORING THE SOLO CUP COMPANY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, seventy-five (75) years ago Leo J. Hulseman established the Paper Container Manufacturing Company in Chicago, Illinois and by the 1940s began manufacturing a paper cone cup known as the ''Solo Cup'' which provides unparalleled hygiene and convenience to consumers; and

Whereas, the ''Solo Cup'' was such an inspiration that the company itself was renamed Solo in the 1940s and become a brand that would become ubiquitous across America and the world; and

Whereas, Solo Cup, has grown to be a $1.6 billion company and has demonstrated its concern for the environment by introducing many product lines relying on compostable and renewable sources; and

Whereas, Solo Cup is a recognized industry leader in the areas of sustainability and beautification receiving the 2010 Keep America Beautiful Corporate Leadership Award; and

Whereas, The Solo plant in Conyers, Georgia is a place where 400 of our citizens are employed and is an enthusiastic participant in Georgia's Work Ready Program and;

Whereas, The Solo Company has proven to be a great corporate citizen supporting community outreach and educational initiatives by working closely with public officials, the Conyers-Rockdale Economic Development Council and the Rockdale Chamber of Commerce and;

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Solo Company, it's management and employees for leadership and service to our district;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim September 13, 2011 as Solo Cup Company Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of September, 2011.

ANNOUNCEMENTS OF HOMELESS VETERANS OUTREACH CAMPAIGN KICK-OFF BY THE DEPARTMENT OF VETERANS AFFAIRS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KUCINICH. Mr. Speaker, it is my pleasure to be here today to join the local Department of Veterans Affairs (VA) as they announce the launching of their Homeless Veterans Outreach Campaign.

According to the National Coalition for the Homeless, there are between 130,000–200,000 homeless veterans on any given night. That means that homeless veterans constitute nearly one-fourth to one-fifth of the total homeless population. There is an increasing number of female homeless veterans. Studies have demonstrated that women who served in the military are more likely than their non-serving counterparts to experience homelessness in their lifetime. It is clear that we must do more to prevent and address homelessness in the veteran's community.

Current members of our armed services have been asked to endure multiple tours in Iraq and Afghanistan, increasing the likelihood that they will experience significant levels of stress and Post-Traumatic Stress Disorder. The stresses of deployment and low-levels of social support when they return home are just some of the factors that can lead to homelessness. With high levels of unemployment, foreclosures, and continued economic hardship across the country and in the State of Ohio, it is harder than ever for returning veterans to reintegrate post-service.

That is why the outreach campaign by the VA to increase awareness of services available to veterans who are homeless or are at risk of becoming homeless is so important. Veterans need to know that they have the support they need when they return from a tour abroad.

Homelessness can be ended. It can be ended by ensuring that there are decent jobs that provide a living wage, access to health care and affordable housing and adequate support for those who can no longer work.

I am committed to ensuring that the VA has the resources it needs to provide returning veterans with the care they need and to expand their services to eradicate homelessness among veterans.

HONORING ANDREW VERNON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Andrew Vernon of Versailles, Missouri, on his 80th birthday.

Andrew is a proud veteran of the United States Air Force, entering the service in 1952 and retiring as a Master Sergeant in 1973. During that time, Andrew served in Germany and in Vietnam, where he was awarded the Bronze Star for his meritorious service, along with other decorations. After his service, Andrew returned to Missouri with his wife of 61 years, Inis, and two daughters, where he worked as a real estate agent and continued in service to his community and peers.

Mr. Speaker, I proudly ask you to join me in wishing Andrew Vernon a happy 80th birthday and in thanking him for his service to our country.

HONORING THE BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Bethel African Methodist Episcopal Church, located in the Town of Morristown, Morris County, New Jersey as they celebrate their 168th Anniversary.

Bethel African American Episcopal Church was the first African American Church in Morris County. Originally a blacksmith shop, Bethel was built and founded in 1849. The Church has thrived throughout its many decades of service to the community and will continue to thrive for many years to come.

Bethel prides itself on enriching the Morris County community by offering spiritual and social development for all people, regardless of race. Led by Pastor Sidney Williams, the Church not only offers regular religious services but also offers, through numerous different programs, help to the needy and impoverished within the community. As part of their anniversary celebration, Bethel will officially introduce their Spring Street Community Development Corporation whose primary purpose is to help those in need. This program, according to the Church, ''is chartered to improve the quality of life for Morris County residents by addressing economic, educational, and social needs while preserving the cultural and ethnic diversity of the Morris area.''

The Bethel African American Episcopal Church is truly a place where anyone is welcome to find God and find a community of caring, friendly faces. We are proud to have them here in Morris County.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Bethel African Episcopal Church as they celebrate their 168th Anniversary.

HONORING SALEM LUTHERAN CHURCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Salem Lutheran Church of Salisbury, Missouri, as they celebrate their sesquicentennial anniversary.

Salem Lutheran has maintained a strong presence in their community since the church was founded in 1861 by German and Scandinavian immigrants. Organized as a typical country church, Salem Lutheran has stood the test of time from the Civil War and Reconstruction, through the 20th Century and now into modern times, continuing to minister and remain a pillar of the region.

Mr. Speaker, I proudly ask you to join me in congratulating Salem Lutheran Church of Salisbury, Missouri for their 150 years of service to the Salisbury community.

HONORING THE 375TH ANNIVERSARY OF THE TOWN OF SCITUATE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the three hundred and seventy-fifth anniversary of the Town of Scituate in Plymouth County, Massachusetts.

In 1627, courageous settlers from Plymouth Colony moved up the shoreline of Cape Cod Bay, establishing a village whose main thoroughfare, Kent Street, still survives today. Increases in population allowed for the village to incorporate in 1636, and the founders chose a name derived from the indigenous Wampanoag tribe's word for cold brook, satuit, to reflect the brook that ran to the inner harber of the village. That brook and the town of Scituate continue to thrive 375 years later.

Like most towns along Massachusetts' cultural South Shore, Scituate's rich history is intimately tied to the sea. Fishing and sea mossing have long provided an economic backbone for the town, which is also home to the famed Old Scituate Light. It is there that the American Army of Two, the young sisters Abigail and Rebecca Bates, deterred an approaching British ship during the War of 1812, thus saving the town from being ransacked by the enemy soldiers.

The Bates sisters are not Scituate's only famous residents. It is also home to William Cushing, one of the original six justices on the United States Supreme Court and Jim Lonborg, a Boston Red Sox pitcher distinguished with the Cy Young Award, among others. From its founding days, the residents of Scituate have always distinguished themselves as determined and inventive.

Today, the town is known as much for its maritime industry as it is for its majestic beaches and beautiful seascapes. It also remains a birthplace of innovation with new clean energy projects such as Solarize Scituate and the Oceans Campus Center. Over the past 375 years, Scituate has celebrated its unique history while continuing to evolve and progress. I am certain that the town will continue to do this for centuries to come. Happy 375th Birthday, Scituate.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. VISCLOSKY. Mr. Speaker, on October 11, 2011, I was absent from the House and missed rollcall votes 771 through 779.

Had I been present for rollcall 771, agreeing to H. Res. 425, Providing for the consideration of the Senate amendment to H.R. 2832, to extend the Generalized System of Preferences; H.R. 3078, the United States-Colombia Trade Promotion Agreement; H.R. 3079, the United States-Panama Trade Promotion Agreement; H.R. 3080, the United States-Korea Free Trade Agreement, I would have voted ''No.''

Had I been present for rollcall 772, agreeing to the Waxman of California Amendment No. 11 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 773, agreeing to the Connolly of Virginia Amendment No. 18 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 774, agreeing to the Markey of Massachusetts Amendment No. 7 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 775, agreeing to the Edwards of Maryland Amendment No. 2 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 776, agreeing to the Schakowsky of Illinois Amendment No. 1 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 777, agreeing to the Ellison of Minnesota Amendment No. 12 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 778, agreeing to the Welch of Vermont Amendment No. 19 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

Had I been present for rollcall 779, agreeing to the Jackson Lee of Texas Amendment No. 3 to H.R. 2250, the EPA Regulatory Relief Act of 2011, I would have voted ''Aye.''

10 YEARS OF WAR IN AFGHANISTAN: AT WHAT COST?

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. RUSH. Mr. Speaker, no one will forget the fateful day of 9/11 or those who lost their lives in those shocking, cold-blooded attacks. The bombing of Afghanistan and the subsequent invasion was our response, intended to catch those who hid, armed, and helped plan the attacks on U.S. soil. And, due to the diligence and tireless efforts of the members of our Armed Forces and Intelligence community, we have eliminated nearly all the people involved in the 9/11 attacks, including Osama

Bin Laden, and overthrown the Taliban regime that supported them. If there was justice to be had surely, we have found it.

Afghanistan has been embroiled in conflict since 1979 and there is no sign of an end to this conflict. The future stability of Afghanistan is, of course, an ideal we all wish for but with Americans deployed so far away from their homes and families, with our troop presence at an all-time high, and with the insurgency still on-going, we need to reassess why, 10 years later, we are still fighting a costly war with no victory or stability in sight.

We have spent approximately half a trillion dollars in our war in Afghanistan. It is, therefore, past time that we remember what we've learned in the past: that fighting a war against a nationalistic guerilla organization takes more than technological superiority and force of numbers. Imagine what this resource could do on our homeland.

Imagine how many schools, roads, and hospitals half a trillion dollars could build in our own country. Imagine how many hungry kids we could feed or how many of our sick we could treat. Half a trillion dollars could stamp out poverty in places like Philadelphia, Detroit, Memphis, and my hometown of Chicago.

It is perplexing to me, then, why some people would rather spend half a trillion dollars on an unwinnable war abroad rather than on solutions to problems here at home.

I sincerely hope that the Afghan people get to enjoy the benefits of living in a free and prosperous society. They should be free to pursue the education or livelihood of their choosing. I have great respect for our foreign policy and the fact that we care so deeply about the freedoms of those abroad but now is the time we need to be ensuring the economic freedoms of our citizens here at home.

Now is the time that we must refocus on our own country and reinvest in our people and their future. Not tomorrow, not next year, but now! Our rates of unemployment and poverty, if left neglected, will only further divide a nation whose principles serve to inspire the world.

The battles we should be fighting are America's war on poverty and our still-to-be-seen war against unemployment. There is terror here at home, the terror that families face when faced with the question of how they are going to pay their bills or feed their children—the terror and anxieties our citizens feel because they believe their government will simply abandon them. Once again, Mr. Speaker, that is the war we should be fighting and the one that, if we come together, I believe we can win.

IN HONOR OF REV. RICHARD NANCE, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life and legacy of Rev. Richard Nance, Jr., whose leadership and social activism over the past 60 years provided inspiration for friends and colleagues alike. Rev. Nance served as the interim pastor of Antioch Baptist Church of San Jose and the First Baptist Church of Pacific Grove.

Richard was the fifth of eight children and was born and raised in South Carolina. Richard had long been involved with the ministries and at the age of twelve joined the White Plains Baptist Church in Laurens, South Carolina. He reported to Ft. Bragg in 1943 to serve in active duty in the army as a telephone and telegraph lineman with the 448th Signal Heavy Construction Battalion.

After serving in the army, Richard was licensed to preach in 1945. He was ordained in 1949 and pastored three rural churches in Laurens and Spartenburg Counties in South Carolina. He attended Benedict College in Colombia, South Carolina and received his BA in May 1950 followed by a BA of Divinity in 1953. Richard then attended Berkeley Baptist Divinity School and earned a Masters there in 1956. In June 1956, Rev. Nance willingly accepted the call to serve as pastor of the First Baptist Church of Pacific Grove and continued to serve passionately there until 1992.

Throughout his career, Rev. Nance made significant contributions to countless organizations. He served as the President of the Monterey Branch of the NAACP where his leadership allowed the branch to address housing restrictions and business and school hiring practices. Rev. Nance contributed to the efforts of both the Pacific Grove and Monterey Peninsula Ministers Associations as their President and was a member of Alpha Phi Alpha.

In addition, Rev. Nance was an active director on many boards including those of the Managers of American Baptist Churches of the West, the Pacific Grove Kiwanis, Monterey County Children's Home Society, the Alliance on Aging, The Pacific Grove Library, and the Pacific Grover Police Review Board.

Mr. Speaker, I know that I speak for the entire House in recognizing the tremendous accomplishments and contributions that Rev. Richard Nance, Jr. made throughout his bright lifetime. We honor the family that he loved and cherished: his wife Esther Collins Nance, who pre-deceased him, their sons Christopher and Marcus, and daughter Karen Small. On behalf of the United States Congress, I would like to applaud these significant efforts and honor his memory and to thank God for sharing such a wonderful leader with this community.

HONORING THE SERVICE OF HIS EXCELLENCE YASHAR ALIYEV, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED STATES OF AMERICA

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BOREN. Mr. Speaker, as the co-chairman of the Congressional Azerbaijan Caucus, I rise today to honor the distinguished service of His Excellency Yashar Aliyev, the Ambassador of Azerbaijan to the United States.

Soon, Ambassador Aliyev will return to Azerbaijan after the conclusion of a successful tour in Washington. His leadership has been critical to strengthening the friendship between the United States and Azerbaijan, and I want to recognize and thank him for his service.

Before being named Ambassador Extraordinary and Plenipotentiary of the Republic of Azerbaijan to the United States of America by President Ilham Aliyev in October 2006, Ambassador Aliyev served four years as Azerbaijan's Permanent Representative to the United Nations. During this time, he was chairman of the Fourth Committee of Special Political and Decolonization of the 60th U.N. General Assembly, vice president of the 59th General Assembly, vice president of the Economic and Social Council, and vice president of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

As Ambassador to the United States, he has worked with great skill and dedication to enhance the bond between the United States and Azerbaijan. To this important end, he has been tremendously successful on several fronts.

Ambassador Aliyev has solidified the strategic partnership between our nations. In recent years, Azerbaijan has participated in initiatives to curb nuclear proliferation, fight international terrorism, and maintain regional security in southwestern Asia. Moreover, it has provided multi-faceted support to U.S. operations in Afghanistan and Iraq.

Also during his tenure, Ambassador Aliyev has deepened economic ties between the United States and Azerbaijan. Azerbaijan supplies oil and gas to the United States and other Western countries, thereby providing vital energy to the global economy. Moreover, American energy companies are participants in a collaborative effort to further develop Azerbaijan's oil and gas reserves in the Caspian Sea.

Of great importance to me, the relationship between my home state of Oklahoma and Azerbaijan has continued to grow under the leadership of Ambassador Aliyev. In recent years, the Ministry of Defense of Azerbaijan and the Oklahoma National Guard have engaged in joint training exercises and operations through the National Guard State Partnership Program.

Ambassador Aliyev has broadened collaboration between his country and Oklahoma beyond military cooperation. Earlier this year, he visited Oklahoma and met with various elected officials and business leaders. I am confident his visit laid the groundwork for expanding opportunities for Azerbaijan to cooperate with Oklahoma's business community and universities.

It has been an honor to work with Ambassador Aliyev. I hope he will reflect on his time served in Washington with a sense of pride. As a result of his work, the relationship between the United States and Azerbaijan has never been stronger.

In closing, it has been a pleasure to work with Ambassador Aliyev. I thank him for his dedicated service. He will forever be a trusted friend of the United States. I wish him well in all his future endeavors.

HONORING THE UNITED STATES NAVY

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the United States Navy

and the extraordinary service of all of its members. Today marks the 236th year of the Navy's existence. Since its birth in 1775, our sailors have bravely served our Nation here at home and in all corners of the globe. Whether it is protecting Americans and our allies, to keeping the seas open for commerce or assisting other nations after global disasters, the United States Navy has truly been a global force for good.

My own state of Connecticut has a proud naval tradition. We are fortunate enough to be home to the Naval Submarine Base New London, which is known as the ''First and Finest Submarine Base''. Originally commissioned as a navy yard on April 11th, 1868, our base now boasts 15 home ported submarines and employs over 7,500 service members and civilians. As a result, the base is one of the largest employers in southeastern Connecticut. Over the years, and with the establishment of naval schools and training facilities, the base has become a symbol of strength and pride for Connecticut, and for the entire Navy. Not only was the first diesel powered submarine commissioned in Groton, but our New London base was the first in the history of the Navy.

Mr. Speaker, I believe that we can all agree the Navy deserves recognition for their continued and constant service to our country. From skirmishes with the Royal Navy in 1776 to today's operations in the Middle East, the Navy has remained an organization that all Americans can be proud of. I ask my colleagues to join me, and the people of Connecticut, in applauding the current and former sailors around the world for their service in the U.S. Navy.

SCREEN ACT FOR 112TH CONGRESS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. NEAL. Mr. Speaker, I rise today to introduce the Supporting Colorectal Examination and Education Now (SCREEN) Act. This legislation will remove barriers to one of the most effective preventive health screenings available, saving lives and reducing health care costs in the process. I urge all of my colleagues to support this important legislation.

The statistics surrounding colon cancer are startling. Colon cancer is the number two cancer killer in the United States for both men and women. (CDC Colorectal Cancer Vital Signs; July 2011)

Over 50,000 people will die this year from this disease according to the American Cancer Society (2010 Fact & Figures).

These deaths become more tragic when one considers that colorectal cancer is highly preventable with appropriate screening. According to the American Cancer Society (2010 Facts & Figures), the 5 year survival rate is 90% for those diagnosed at an early stage; however, less than 40% of the cases are diagnosed at that stage.

During colorectal cancer screening by colonoscopy, pre-cancerous polyps are removed during the same encounter, thus preventing cancer from developing, as opposed to other cancer screenings where early detection is the goal. That is one reason why the U.S. Preventive Services Task Force provides an ''A'' rating for CRC screenings.

The CDC ''colorectal cancer control program'' screening target rate is 80%. The American Cancer Society and other patient advocacy groups have a target rate of 75%. Unfortunately, only half of the Medicare population is being screened, despite the availability of a Medicare colon cancer screening benefit. According to CMS and American Cancer Society (March 2011), Medicare claims indicate that only 52–58% of beneficiaries have had any colorectal cancer test and there is ''clearly an opportunity to improve colorectal cancer screening rates in the Medicare population.''

The latest findings by the American Cancer Society confirm that screening rates among the Medicare population continue to be in this 50th percentile range, with screening rates among minority populations that are especially low among Medicare-aged beneficiaries.

The CDC concludes that 1,000 additional colorectal cancer deaths will be prevented each year if screening rates reached 70.5%. (CDC Colorectal Cancer Vital Signs; July 2011).

In addition to saving lives, colorectal cancer screening has been demonstrated to save Medicare long-term costs as noted by the New England Journal of Medicine in a recent article (Feb. 2008).

The direct costs of treating colorectal cancer in 2010 reached $4 billion. (CDC Colorectal Cancer Vital Signs; July 2011)

I am pleased that Congress took steps to improve access to life-saving colon cancer screening when it passed the Patient Protection and Affordable Care Act (PPACA) in March 2010.

While Congress has made tremendous strides in increasing colorectal cancer utilization rates in PPACA, this bill will further make live saving screenings more accessible to Medicare beneficiaries.

Currently, Medicare waives cost-sharing for any colorectal cancer screening recommended by the U.S. Preventive Services Task Force. However, should the beneficiary have a precancerous polyp removed, the procedure is no longer considered a ''screening'' for Medicare coding purposes.

The unintended consequence of this is that the beneficiary is obligated to pay the Medicare coinsurance because the procedure is no longer a ''screening.'' However, the purpose of the screening is to find and remove precancerous polyps.

The SCREEN Act waives all Medicare beneficiary cost-sharing for colorectal cancer screenings that become ''therapeutic'' or diagnostic procedures.

The legislation also resolves this unintended consequence for beneficiaries participating in health insurance exchanges beginning in 2014.

The SCREEN Act also provides incentives for Medicare providers to participate in nationally recognized quality improvement registries so that our Medicare beneficiaries are in fact receiving the quality screening they deserve.

Lastly, the SCREEN Act removes barriers to screening rates by allowing a Medicare beneficiary to sit down and discuss the importance of the procedure before seeing the provider for the first time right before procedure. The federal government and colorectal cancer patient advocacy groups have concluded that the ''fear of the procedure'' is a major impediment to increasing colorectal cancer screening rates.

Promoting access to colorectal cancer screening is good policy. It will save lives and reduce costs to families and the health care system. Please join with me in the fight against colorectal cancer by cosponsoring this legislation.

HONORING THE SOMERSET HILLS YMCA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Somerset Hills YMCA located in Bernards Township, Somerset County, New Jersey, which is celebrating its 60th anniversary.

From its modest beginning, first operating at the Dobb's Realty Building in Bernardsville and later at the Mill Street Firehouse, the Somerset Hills YMCA has been of great importance to its surrounding community. Within the first ten years of operation, the Somerset Hills YMCA already had 500 members and acquired a seventeen acre site to accommodate its growing membership.

In the 1980s, the facility on Mt. Airy Road in the Basking Ridge section of Bernards Township was expanded to provide its members with a state of the art facility. It offers three pools, a large gym, a dance studio, a café and much more. The YMCA provides more than 200 programs annually, including wellness, fitness, programs for those with special needs, day care, active older adults programs, sports, dance, adventure-based activities for teens and corporations, specialized family activities and a variety of community service programs including Career Forum, Special Olympics and Saturdays in Motion. In 2010, it partnered with the National Inclusion Project to insure that even people with disabilities could engage in these many programs. The YMCA is truly a place where all members of the community, regardless of age or ability, can participate, work out and enjoy themselves.

Since its opening, the Somerset Hills YMCA has had what they call, ''a deep commitment to youth development, social responsibility, and health and well-being for all.'' Not only does this YMCA offer its programs to 22,000 people in the surrounding community, it also offers financial assistance to those who cannot afford membership.

The Somerset Hills YMCA is dedicated to its motto, ''Strengthening the Foundations of the Community,'' and is committed to serving its neighbors. Most recently, in the wake of the devastation caused by Hurricane Irene, the Somerset Hills YMCA graciously opened its doors to those who lacked electricity and running water in the area, regardless if they were members or not. Its unwavering dedication to go above and beyond their mission is what makes this organization great. I am honored to have the Somerset Hills YMCA in my district as it is truly a place of public service.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Somerset Hills YMCA as they celebrate 60 years of community service.

COMMENDING KEVIN M. BERKEN, FOR BEING SELECTED RICE FARMER OF THE YEAR FOR THE 2011 INTERNATIONAL RICE FESTIVAL IN CROWLEY, LA.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BOUSTANY. Mr. Speaker, I rise today to extend congratulations to Kevin M. Berken for being selected Rice Farmer of the Year for the 2011 International Rice Festival in Crowley, Louisiana.

For 15 years, Kevin has been farming rice and soybean crops, contributing to the active agricultural base in Louisiana. Growing up on a farm, he has long been familiar with the intricacies of agricultural production. Since 1996, his operation has steadily increased to over 1,300 acres of rice, 500 acres of soybean, and 200 acres of wheat.

Actively involved in the agricultural community, Kevin is chairman and co-founder of the Louisiana Rice Political Action Committee, and chairman of the Louisiana Rice Promotion Board. His community involvement extends to several other farming and rice related organizations including the Louisiana Farm Bureau.

Before continuing the family tradition of farming, Kevin moved to San Diego, California to begin a real estate career. It was there he met his wife, Shirley, and in 1997, they had a son named Adam. After years of success in the real estate arena, the Berkens moved back to Louisiana to continue his real estate ventures. However, learning his father had been diagnosed with cancer; Kevin decided to forgo acquiring a Louisiana real estate license and instead turned toward farming.

Kevin graduated from St. Maria Goretti Catholic School in Lake Arthur in 1979, and in 2003, went on to earn his Bachelor of Science from McNeese State University. While attending McNeese, he belonged to Delta Tau Alpha Agricultural Honor Society.

I would like to offer my sincerest thanks to Kevin M. Berken for his dedication to the continued agricultural excellence of Louisiana and congratulate him on being named 2011 Rice Farmer of the Year. I am honored to be his representative in Congress.

RECOGNIZING BREAST CANCER AWARENESS MONTH

HON. KEVIN YODER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. YODER. Mr. Speaker, I rise before you today to recognize October as Breast Cancer Awareness Month. While I'm sure I am not the only member to come before you and recognize the importance of breast cancer research, I feel it is necessary for me to discuss the benefits that come from continued funding for a disease that affects 300,000 women every year.

Aside from recognizing the important work done by the many Breast Cancer Organizations around the country, I would like to take this opportunity to highlight the Breast Cancer Survivorship Center that is part of the University of Kansas Cancer Center. While the KU Cancer Center does important research into early detection and treatment of breast cancer, the Survivorship Center is an important facility for women who have been diagnosed and have gone through or are currently being treated for breast cancer. Specifically, this facility helps women cope with various treatments, assists them with complications, helps them to manage side effects. I applaud the KU Cancer Center for the tremendous progress they have made and the thousands of lives they have saved.

One of the most reassuring aspects of discussing breast cancer is when we can talk about survivors. The continued decrease in the mortality rate of women diagnosed with breast cancer is due in large part to remaining focused on the need to find a cure. The progress that has been made in finding a cure for breast cancer has been made possible through very generous donations by the American public, but also through funding for National Institutes of Health (NIH).

As a member of the House Appropriations Committee, I am pleased that Appropriations Committee Chairman HAL ROGERS and Subcommittee Chairman DENNIS REHBERG recognized the value of the work being performed by the NIH. I am particularly pleased that the House version of the FY 2012 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill provides robust funding for NIH, and its efforts to fight cancer. I look forward to working with my colleagues on the Appropriations Committee as the House and Senate negotiate the FY 2012 Appropriations bills.

HONORING STEVE JOBS

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. LATTA. Mr. Speaker, I rise today to recognize the life or ''dots'' as Steve Jobs, cofounder, chairman, and chief executive officer of Apple, would say. Jobs was a visionary and creative genius, who believed that everything in life is interconnected, bringing us products that bring our whole worlds into our pockets.

Jobs' dedication and tireless devotion to creating the perfect user experience spurred and redefined the digital age, leading to a cultural transformation in the way the world communicates. This is ever so true here in our Congressional hallways, where Apple has provided most Members a communications facelift. Jobs' leadership at Apple has changed the way we do business here in Washington, but also in the news, music and telecommunications industries.

Jobs' childhood dream of putting ''a ding in the universe'' has become true and for this, Mr. Speaker, I ask my colleagues to join me in remembering the ''dots'' of Steve Jobs' legacy.

HONORING THE 100TH ANNIVERSARY OF THE CONSECRATION OF ST. PETER'S EPISCOPAL CHURCH OF MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor St. Peter's Episcopal Church located in the Town of Morristown, Morris County, New Jersey, as it celebrates the 100th Anniversary of its consecration.

On January 1, 1827, 38 men and women gathered at the Morristown Baptist Church to incorporate St. Peter's Episcopal Church. After naming the church's first permanent rector, ground for the new church was broken in May of 1828, making it the first stone building in Morristown. By 1881, the original building was becoming inadequate for the growing congregation, and under the supervision of a member of the congregation, plans were made for a new church building. On April 11, 1887, ground broke for the new St. Peter's Episcopal Church and the corner stone was laid on All Saints' Day that same year.

To finance construction, the new church was built in four stages. The first two steps, completed in 1892, included the sanctuary, chapel, choir crossings, vestries and nave. The tower was completed in 1908 and the parish hall in 1911. On November 2, 1911 the new St. Peter's Episcopal Church building was officially consecrated.

St. Peter's is a place of welcome and comfort to those in need. Outreach and ministries are cornerstones of the church that reach into the community. St. Peter's has either been a founder or founding member of vital organizations such as the Community Soup Kitchen of Morristown, Hospitality Link, the Interfaith Food Pantry and Morris County Career Network.

St. Peter's Episcopal Church is a vital part of the local community as it provides an intimate place where people with common beliefs and values can join together in prayer and worship. It is a place where people can become involved in their community and give back to others.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the members of St. Peter's Episcopal Church as they celebrate the 100th Anniversary of the church's consecration.

INTRODUCTION OF THE WELFARE INTEGRITY ACT OF 2011

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FINCHER. Mr. Speaker, I rise today to discuss the gross misuse of taxpayer money by continuing to provide benefits under the Temporary Assistance for Needy Families (TANF) program to recipients who test positive for illegal drug use or are convicted of drug related crimes.

At a time when Congress is focused on trimming budgets, it is imperative we focus on eliminating irresponsible funding. That is why I

am introducing the Welfare Integrity Act of 2011. This legislation is a step toward eliminating abuse of taxpayer money by requiring all state receiving funds from the TANF program to certify they are testing applicants and current recipients for illegal drug use.

Americans are generous in providing assistance to those in need, but they also expect their tax dollars to be used in a responsible manner. Welfare assistance is meant to help those going through hard financial times to buy food and basic living expenses for their families. It's not too much to ask folks to keep clean in order to receive federal assistance.

Mr Speaker, I urge my colleagues in the House to support me in passing the Welfare Integrity Act of 2011 to eliminate abuse and take a step toward commonsense.

RECOGNIZING DR. MICHAEL LEMOLE

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize Dr. Michael Lemole, who is being honored this year by the National Library of Medicine and Friends of the National Library of Medicine for his lifetime of achievement in medicine and neurosurgery.

Dr. Lemole is one of the exemplary medical professionals who cared for our colleague, Congresswoman GABRIELLE GIFFORDS, following the January 8th shooting in Tucson, Arizona.

The National Library of Medicine and the Friends of the National Library of Medicine are organizations dedicated to improving health and health care through the dissemination of accurate and quality medical information to medical practitioners and researchers.

They have chosen to recognize Dr. Lemole this year for his outstanding commitment to these values, his exemplary career in the field of neurosurgery, and his skillful actions that helped to save the life of Congresswoman GIFFORDS on January 8, 2011.

Dr. Lemole's career reflects a physician at the pinnacle of his profession.

He pursued specialty training as a Cushing Clinical Fellow, a distinction awarded by the Congress of Neurological Surgeons.

He has published more than 30 peer-reviewed articles and book chapters, and is a member of the American Association of Neurological Surgeons, the Congress of Neurological Surgeons, and the North American Skull Base Society.

He was honored as a Top Doctor by US News and World Report in 2011, was named the 2011 Doctor of the Year by the Pima County Medical Society, and, in 2009, was named a Top Surgeon by the Consumer Research Council for America.

Additionally, Dr. Lemole has served his country as a flight surgeon with the United States Air Force Reserve in the 944th ASTS at Luke Air Force Base in Arizona. He was recently named the honorary commander of the 355th Medical Group, based at Davis Monthan Air Force Base in Tucson, Arizona.

Dr. Lemole's assiduous commitment to his work, his vocation, his community, and his country led him to the top of the medical world. It also leads him to save lives, both with his hands and his contributions to the field of neurosurgery.

We thank him for his efforts to save the life of our friend and colleague, Congresswoman GIFFORDS, and for a career dedicated to the healing of people.

Congratulations to Dr. Lemole for a deserved recognition.

NATIONAL SCHOOL LUNCH WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. BACA. Mr. Speaker, I rise today during National School Lunch Week to express my appreciation to the thousands of people in the great state of California who work tirelessly to ensure that children are fed nutritious meals in school.

During times of limited resources, these professionals are working to provide high quality meals to all students.

I applaud Secretary of Agriculture Vilsack for the USDA's efforts to improve child nutrition programs.

Yet I also wish to express my concerns regarding the recently proposed regulations for school meal standards.

I fear the proposed regulations will increase costs to hard-pressed school districts beyond what can reasonably be managed.

The result may be that schools will reduce access to nutritious meals because they simply can't afford to provide them.

Of equal concern is the great number of unknowns about the impacts of the proposal—including how it will impact school meal costs, participation, and access.

I urge the Secretary to take this into consideration and allow flexibility during this regulatory process.

We must all closely monitor the progress made by schools, and the effectiveness of the new rules on the health and well-being of America's children moving forward.

HONORING THE 75TH ANNIVERSARY OF THE DENVILLE FIRE DEPARTMENT LADIES AUXILIARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Denville Fire Department Ladies Auxiliary located in Morris County, New Jersey as they celebrate their 75th Anniversary.

In 1936, in response to the ever-growing Denville Fire Department, the Ladies Auxiliary was established to provide support. Over the years, they have proven to be an indispensible adjunct to the department.

In the early years, the women of the Auxiliary would go to the scene of fires to provide refreshments to the firefighters. In addition, they also dedicated much time and energy to raising funds for the fledging fire department. Many parties, raffles and door-to-door canvassing, among other things, were undertaken by the women to help pay for equipment.

An especially notable incident was in the 1980s. Several dozen motorists became trapped on a major highway due to a major snowstorm. After rescue, the stranded motorists were housed at one of the department's fire houses and were fed and cared for by the ladies auxiliary for over a two-day period. Recently, members of the Auxiliary and Fire Department responded to the needs of the victims of Hurricane Irene and its aftermath.

Oftentimes, less visible organizations can go unnoticed. While the Denville Fire Department no doubt provides an invaluable resource to its community and its members sacrifice much of their time to protect others, the behind-the-scenes support of the Ladies Auxiliary helps make everything the department does possible. Their time and efforts are most appreciated.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Denville Fire Department Ladies Auxiliary as they celebrate 75 years of unwavering dedication.

Thursday, October 13, 2011

CORRECTION

Daily Digest

HIGHLIGHTS

House and Senate met in a Joint Meeting to receive His Excellency Lee Myung-bak, President of the Republic of Korea.

Senate

Chamber Action

Routine Proceedings, pages S6473–S6563

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 1700–1713, S. Res. 293, and S. Con. Res. 30–31. **Pages S6505–06**

Measures Reported:

S. 1301, to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, with an amendment in the nature of a substitute. **Page S6505**

Measures Passed:

Enrollment Correction: Senate agreed to S. Con. Res. 31, directing the Secretary of the Senate to make a correction in the enrollment of S. 1280. **Page S6562**

Underground Railroad Memorial 10-year Commemoration: Senate agreed to S. Res. 293, celebrating the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada. **Page S6562**

Joint Meeting—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Lee Myung-bak, President of the Republic of Korea, into the House Chamber for the joint meeting at 4 p.m., on Thursday, October 13, 2011. **Page S6484**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at 4 p.m., on Monday, October 17, 2011, Senate begin consideration of H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012; that the committee amendment be withdrawn and that the Chairman of the Committee on Appropriations, or his designee, be recognized to offer Amendment No. 738 which consists of the text of the withdrawn amendment as Division A, the text of S. 1572, making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, as Division B, and the text of S. 1596, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, as Division C; provided further, that H.R. 2596, making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, as reported by the House Appropriations Committee, and Division C of Amendment No. 738 be deemed House passed text in H.R. 2112 for purposes of Rule XVI; and, that Amendment No. 738 for the purpose of paragraph 1 of Rule XVI be considered a committee amendment. **Pages S6561–62**

Higginbottom Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Republican Leader, Senate begin consideration of the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, that there be four hours for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination, and that no further motions be in order to the nomination. **Page S6497**

Bissoon Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5:15 p.m., on Monday, October 17, 2011, Senate begin consideration of the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania; that there be 15 minutes for debate equally divided, in the usual form; and that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nomination.

Page S6563

Nominations Confirmed: Senate confirmed the following nominations:

By 48 yeas to 44 nays (Vote No. EX. 164), Alison J. Nathan, of New York, to be United States District Judge for the Southern District of New York.

Pages S6484–94, S6563

By 83 yeas to 8 nays (Vote No. EX. 165), Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Pages S6484–94, S6563

Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York. **Pages S6484–94, S6563**

Sung Y. Kim, of California, to be Ambassador to the Republic of Korea. **Page S6497**

Messages from the House: **Page S6504**

Measures Referred: **Page S6504**

Petitions and Memorials: **Pages S6504–05**

Executive Reports of Committees: **Page S6505**

Additional Cosponsors: **Pages S6506–07**

Statements on Introduced Bills/Resolutions: **Pages S6507–16**

Additional Statements: **Pages S6503–04**

Amendments Submitted: **Pages S6516–61**

Authorities for Committees to Meet: **Page S6561**

Privileges of the Floor: **Page S6561**

Record Votes: Two record votes were taken today. (Total—165) **Pages S6493–94**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:24 p.m., until 2 p.m. on Monday, October 17, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6563.)

Committee Meetings

(Committees not listed did not meet)

IRAN

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine addressing potential threats from Iran, focusing on Administration perspectives on implementing new economic sanctions one year later, including S. 1048, to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, after receiving testimony from Wendy Sherman, Under Secretary of State for Political Affairs; David S. Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence; and David W. Mills, Assistant Secretary of Commerce for Export Enforcement.

INNOVATIVE PRACTICES TO CREATE JOBS AND REDUCE POLLUTION

Committee on Environment and Public Works: Subcommittee on Green Jobs and the New Economy concluded a hearing to examine innovative practices to create jobs and reduce pollution, after receiving testimony from Phil Schoen, Geothermal Exchange Organization (GEO–Enterprises), Catoosa, Oklahoma; Kyle W. Kempf, National Small Business Association (NSBA), and Anne E. Smith, NERA Economic Consulting, both of Washington, D.C.; Edward White, Jr., National Grid, Waltham, Massachusetts; and Steve Rowlan, Nucor Corporation, Charlotte, North Carolina.

CARCIERI CRISIS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities, after receiving testimony from Representative Cole; Larry Echo Hawk, Assistant Secretary for Indian Affairs, Donald Laverdure, Principal Deputy Assistant Secretary for Indian Affairs, and Jodi Gillette, Deputy Assistant Secretary for Indian Affairs, all of the Department of the Interior; Richard A. Guest, Native American Rights Fund, Washington, D.C.; Colette Routel, William Mitchell College of Law, St. Paul, Minnesota; William Lomax, Native American Finance Officers Association, Phoenix, Arizona; and Carl J. Artman, Arizona State University College of Law, Tempe.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1301, to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, with amendments;

H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts;

S. 1636, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts;

H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, with an amendment;

S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties;

H.R. 2633, to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties;

S. 1014, to provide for additional Federal district judgeships, with an amendment; and

The nominations of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit; John M. Gerrard, to be United States District Judge for the District of Nebraska; Mary Elizabeth Phillips, to be United States District Judge for the Western District of Missouri; Thomas Owen Rice, to be United States District Judge for the Eastern District of Washington; David Nuffer, to be United States District Judge for the District of Utah; and Steven R. Frank, to be United States Marshal for the Western District of Pennsylvania; Martin J. Pane, to be United States Marshal for the Middle District of Pennsylvania; and David Blake Webb, to be United States Marshal for the Eastern District of Pennsylvania, all of the Department of Justice.

ARBITRATION

Committee on the Judiciary: Committee concluded a hearing to examine arbitration, including S. 987, to amend title 9 of the United States Code with respect to arbitration, and S. 1652, to amend title 9 of the United States Code to prohibit mandatory arbitration clauses in contracts for mobile service, after receiving testimony from Lori Swanson, Minnesota Attorney General, St. Paul; Deborah L. Pierce, Einstein at Elkins Park Hospital, Elkins Park, Pennsylvania; F. Paul Bland, Chavez and Gertler, and Victor E. Schwartz, Shook, Hardy, and Bacon, LLP, on behalf of the U.S. Chamber of Commerce and the U.S. Chamber Institute for Legal Reform, both of Washington, D.C.; and Christopher R. Drahozal, University of Kansas School of Law, Lawrence.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 3176–3201, and 2 resolutions, H. Res. 434–437, were introduced. **Pages H6919–20**

Additional Cosponsors: **Pages H6921–22**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Palazzo to act as Speaker pro tempore for today. **Page H6857**

Recess: The House recessed at 10:44 a.m. and reconvened at 11:30 a.m. **Page H6865**

Chaplain: The prayer was offered by the guest chaplain, Reverend Jesse Reyes, San Jose Catholic Church, Saipan, Northern Mariana Islands. **Page H6865**

Protect Life Act: The House passed H.R. 358, to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act, by a recorded vote of 251 ayes to 172 noes, Roll No. 789. **Pages H6885–H6903**

Rejected the Capps motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a yea-and-nay vote of 173 yeas to 249 nays, Roll No. 788. **Pages H6901–03**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as adopted. **Page H6886**

H. Res. 430, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 248 yeas to 173 nays, Roll No. 786, after the previous question was ordered without objection. **Pages H6869–81**

A point of order was raised against the consideration of H. Res. 430 and it was agreed to proceed with consideration of the resolution by voice vote. **Pages H6869–71**

EPA Regulatory Relief Act of 2011: The House passed H.R. 2250, 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, by a recorded vote of 275 ayes to 142 noes, Roll No. 791. Consideration of the measure began on October 6th. **Pages H6881–82, H6903–06**

Rejected the Castor motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 170 ayes to 246 noes, Roll No. 790. **Pages H6903–05**

Rejected:

Cohen amendment (No. 22 printed in the Congressional Record of October 4, 2011) that was debated on October 12th that sought to insert a subparagraph relating to potential reductions in the number of illness-related absences from work due to respiratory or other illnesses (by a recorded vote of 174 ayes to 250 noes, Roll No. 787). **Pages H6881–82**

H. Res. 419, the rule providing for consideration of the bills (H.R. 2681) and (H.R. 2250) was agreed to on October 4th.

Recess: The House recessed at 2:27 p.m. for the purpose of receiving His Excellency Lee Myung-bak, President of the Republic of Korea. The House reconvened at 5:19 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Pages H6882, H6885**

Joint Meeting To Receive His Excellency Lee Myung-bak, President of the Republic of Korea: The House and Senate met in a joint session to receive His Excellency Lee Myung-bak, President of the Republic of Korea. He was escorted into the Chamber by a committee comprised of Representatives Cantor, McCarthy (CA), Hensarling, Dreier, Ros-Lehtinen, Camp, McKeon, Manzullo, Royce, Brady (TX), Granger, Reichert, Pelosi, Hoyer, Larson (CT), Becerra, Van Hollen, Rangel, Conyers, Ackerman, Loretta Sanchez, Schwartz, Levin, and Matsui; and Senators Reid, Begich, Kerry, Webb, McConnell, Alexander, Barrasso, Thune, Cornyn, Lugar, and Portman. **Pages H6882–85**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6865.

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H6881, H6881–82, H6902–03, H6903, H6905, and H6905–06. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 9:59 p.m.

Committee Meetings

NATIONAL DEFENSE AND U.S. MILITARY ASSESSMENT

Committee on Armed Services: held a hearing entitled "The Future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives of Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff Martin Dempsey." Testimony was heard from Leon Panetta, Secretary, Department of Defense and, General Martin Dempsey, USA, Chairman, Joint Chiefs of Staff.

AERIAL REFUELING AIRCRAFT PROGRAMS

Committee on Armed Services: Subcommittee on Seapower and Projection Forces, held a hearing on an update on KC–46A and legacy aerial refueling aircraft programs. Testimony was heard from the following officials of Department of Defense: Shay Assad, Director, Defense Procurement, Acquisition Policy and Strategic Sourcing, Under Secretary of Defense for Acquisition, Technology and Logistics, David M. Van Buren, Service Acquisition Executive, U.S. Air Force; Major General Bruce Litchfield, Special Assistant to the Commander, Air Force Materiel Command, U.S. Air Force; Major General Christopher C. Bogdan, Program Executive Officer, KC–46 Tanker Modernization Directorate, U.S. Air Force.

EMPLOYER PROVIDED HEALTH CARE

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions, held a hearing entitled, hearing entitled "Regulations, Costs, and Uncertainty in Employer Provided Health Care." Testimony was heard from public witnesses.

CONSUMER ATTITUDES ON PRIVACY

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade, held a hearing entitled "Understanding Consumer Attitudes About Privacy." Testimony was heard from public witnesses.

AMERICAN ENERGY INITIATIVE

Committee on Energy and Commerce: Subcommittee on Energy and Power, held a hearing on The American Energy Initiative: Electric Transmission Issues, Including Topics Related to the Sitting, Planning, and Allocation of Costs for Electricity Transmission Infrastructure. Testimony was heard from the following officials of the Department of Energy: Jon Wellinghoff, Chairman, Federal Energy Regulatory Commission; Lauren Azar, Senior Advisor, Office of the Secretary, and public witnesses.

U.S. HOUSING FINANCE SYSTEM IN THE GLOBAL CONTEX

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled "The U.S. Housing Finance System in the Global Context: Structure, Capital Sources, and Housing Dynamics." Testimony was heard from public witnesses.

THE SECTION 8 SAVINGS ACT OF 2011

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity, held a hearing entitled "The Section 8 Savings Act of 2011: Proposals to Promote Economic Independence for Assisted Families." Testimony was heard from public witnesses.

THREATS AND SECURITY IN THE WESTERN HEMISPHERE

Committee on Foreign Affairs: Held a hearing entitled "Emerging Threats and Security in the Western Hemisphere: Next Steps for U.S. Policy." Testimony was heard from the following officials with the Department of State: William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, and Philip S. Goldberg, Assistant Secretary, Bureau of Intelligence and Research; Daniel L. Glaser, Assistant Secretary for Terrorist Financing, Office of Terrorism and Financial Intelligence, U.S. Department of Treasury; Paul N. Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, U.S. Department of Defense.

UNITED NATIONS TRANSPARENCY, ACCOUNTABILITY AND REFORM ACT

Committee on Foreign Affairs: Ordered reported H.R. 2829 to promote transparency, accountability, and reform within the United Nations system.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2012

Committee on Homeland Security: Ordered reported, as amended, H.R. 3116, "Department of Homeland Security Authorization Act for Fiscal Year 2012."

TSA TECHNOLOGY PROCUREMENT AND JOB GROWTH

Committee on Homeland Security: Subcommittee on Transportation Security continued hearings entitled "TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part II." Testimony was heard from public witnesses.

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

Committee on the Judiciary: Ordered reported, amended, H.R. 2471 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.

GULF COAST OIL SPILL INVESTIGATION REPORT

Committee on Natural Resources: Hearing entitled "BOEMRE/U.S. Coast Guard Joint Investigation Team Report." Testimony was heard from the following officials of the U.S. Coast Guard: Captain Hung Nguyen, Co-Chair of the Joint Investigation Team, Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, and Michael Bromwich, Director, Bureau of Safety and Environmental Enforcement, U.S. Department of the Interior, and public witnesses.

POSTAL REFORM ACT

Committee on Oversight and Government Reform: Ordered reported, amended, H.R. 2309 Postal Reform Act of 2011.

THE ENDANGERED SPECIES ACT REVIEW

Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing entitled "The Endangered Species Act: Reviewing the Nexus of Science and Policy." Testimony was heard from Gary Frazer, Assistant Director, Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, and public witnesses.

ADVANCING COAL RESEARCH AND DEVELOPMENT FOR A SECURE ENERGY FUTURE

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled "Advancing Coal Research and Development for a Secure Energy Future." Testimony was heard from public witnesses.

STREAMLINING EMERGENCY MANAGEMENT: IMPROVING PREPAREDNESS, RESPONSE, AND CUTTING COSTS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled "Streamlining Emergency Management: Improving Preparedness, Response, and Cutting Costs." Testimony was heard from W. Craig Fugate, Administrator, Federal Emergency Management Agency, Matthew A. Jadacki, Assistant Inspector General, Emergency Management Oversight, Department of Homeland Security, Dean Hunter, Deputy Director, Facilities, Security, and Contracting, U.S. Office of Personnel Management, and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 2668 "Brian A. Terry Memorial Act"; H.R. 2919 "Community Shelter Protection Act of 2011"; H.R. 1734 amended, "Civilian Property Realignment Act"; and H.R. 2840 amended, "Commercial Vessel Discharges Reform Act of 2011." 11:15 a.m., 2167 Rayburn.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Ordered reported the following bills: H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, and H.R. 2576, to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

Joint Meetings

POLITICAL TRANSITION IN TUNISIA

Commission on Security and Cooperation in Europe. Commission concluded a briefing on elections and political transition in Tunisia, focusing on Tunisia's mass popular uprising, known as the "Jasmine Revolution," after receiving testimony from Stephen McInerney, Project on Middle East Democracy (POMED), Barrie Freeman, National Democratic Institute (NDI), and Mohamed Malouche, Tunisian American Young Professionals, all of Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 14, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Subcommittee on Strategic Forces, hearing entitled "Nuclear Weapons Modernization in Russia and China: Understanding Impacts to the United States." 11:30 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled "Continuing Developments Regarding the Solyndra Loan Guarantee." 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled "Legislative Proposals to Bring Certainty to the Over-the-Counter Derivatives Market." 9 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee hearing on Iran and Syria: Next Steps? Part II. 9:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, hearing entitled "A Call to Action: Narco-Terrorism's Threat to the Southern U.S. Border." 10 a.m., 311 Cannon.

Committee on the Judiciary, Full Committee, to continue markup of the following: H.R. 2870 "Adam Walsh Reauthorization Act of 2011"; H.R. 1254 "Synthetic Drug Control Act of 2011"; H.R. 10 "Regulations From the Executive in Need of Scrutiny Act of 2011"; H.R. 822 "National Right-to-Carry Reciprocity Act of 2011"; and H.R. 3012 "Fairness for High-Skilled Immigrants Act". 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, hearing entitled "Payments in Lieu of Taxes." 10 a.m., 1324 Longworth.

Next Meeting of the SENATE

2 p.m., Monday, October 17

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4 p.m.), Senate will begin consideration of H.R. 2112, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act. At 5:15 p.m., Senate will begin consideration of the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, and vote on confirmation of the nomination at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 14

House Chamber

Program for Friday: Consideration of H.R. 2273—Coal Residuals Reuse and Management Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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