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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2011.

I hereby appoint the Honorable MIKE FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

TROOP WITHDRAWAL FROM AFGHANISTAN

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

Mr. BLUMENAUER. Mr. Speaker, it's time, after a decade, to wind down this American-Afghanistan adventure. With his speech last night, President Obama started a process America needs to accelerate, removing 100,000 combat troops from Afghanistan.

I supported the initial move 10 years ago against the Taliban in Afghanistan. It began on a very hopeful note, even with nations like Iran working with the United States in that critical 2001–2002 post-9/11 era.

It was a tragic mistake not to finish the job and withdraw with global support. Instead, the Bush administration, sadly, with support from too many in Congress, started a reckless, flawed and ultimately tragic war in Iraq.

President Obama reasonably says that we won't try to make Afghanistan a perfect place. We won't because we can't. America has already invested enough, direct costs of over 1,500 American lives, approaching one-half trillion dollars. Indirect and long-term will be much greater. Bear in mind, we have invested $2 trillion in the war against terror, and the long-term costs are going to be between $4 trillion and $6 trillion.

In Afghanistan, ultimately there will be a negotiated settlement with the least, worst guys, the Taliban and warlords, assorted tribal strongmen. It's already started.

We cannot afford to continue this effort, not when crying needs are here in America to rebuild and renew our country.

Last week, the American mayors got it right when they called this question and called for renewed investment here at home. The tragedy is that it's not ultimately going to make that much difference the longer we're there and the more we fight. Whether it's going to be 1 year, 2 years, 10 years, far in the future, it's not going to look that much different in terms of the ultimate outcome in Afghanistan.

America needs to be engaged in this dangerous region. It needs to help Afghanistan. It needs to help the Pakistani people. It needs to be involved, both diplomatically and with development assistance. No longer do we need to have combat troops being a part of that mission.

REPUBLICAN WOMEN IN CONGRESS

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

Mrs. BLACKBURN. Mr. Speaker, earlier this week my Republican female colleagues spent an hour on the floor of this great Chamber talking about why they have chosen to come to Congress, talking about why they have chosen to leave the private sector and come to the public sector, and talked about why it is so important, so vitally important that they chose to come as Republican women.

I think that as you listened to that debate, their stories were inspiring. You realized the diversity of the background of the Republican women that have come to this Chamber, the richness of the experiences, the life experiences that they have brought with them. You also realized how solidly and firmly committed they are to strengthening and preserving this great Nation.

I think it's fair to say that our Republican philosophy of government centers on faith, family, freedom, hope, opportunity, and preserving those tenets that really underpin this Nation.

I can say that, as a wife, a mother, a grandmother, a small business owner, I've had the blessing of learning firsthand how very important it is that we take our conservative philosophy of life and government into the public sector of our Nation. Daily we work to preserve opportunities for all of our children and our grandchildren.

We work to make certain that each and every child in our presence knows the value of, and realizes there is an opportunity for them to achieve the American Dream; that it is a good thing, a healthy thing for them to dream big dreams and to work very hard to make those dreams come true.

We know, and we teach our children in our families and our extended families, in our classrooms, that if you work hard, you exercise discipline, you show integrity, and you put others first, that inevitably, you're going to prevail and enjoy seeing your dreams come true in the marketplace of products and ideas.

We all know, and we work hard so that our children don't have to work harder. We work hard so that we're giving more opportunities to the next generation.

That is why you're going to see our Republican Conference women continue to lead the fight on preserving jobs, rebuilding jobs, rebuilding this economy, making certain that the 21st century economy is jobs-rich for our children and our grandchildren.

That is why we have taken the lead on the issue of health care. Women are the drivers when it comes to health care decisions, and we are committed to making certain that we reverse this course that we are on with ObamaCare, that we push to repeal that law, and that we make certain we preserve access to affordable health care for everyone in this Nation.

We are committed to strengthening our Nation, our economy, jobs, strengthening our people, and making certain that we secure freedom for future generations.

REINSTATING THE DRAFT

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

Mr. RANGEL. My colleagues, once again I come before this House to ask you to reconsider establishing the draft. I know some of you think politically this doesn't make sense. But after listening to the President last night, the only people that I saw that were making sacrifices in these wars that have been undeclared have been our troops. They have volunteered. They come from communities that most of them are not wealthy. But when they get there, they defend the flag.

Every war, every time our Nation is threatened, all of the American people should be prepared to make some sacrifice. Those of us in Congress, when we authorize troops to go overseas, should not say that we have volunteers willing to do it. We should say that we have Americans; they come from our families, our communities, our States, and their wealth should not even be an issue. Everyone should be up at bat.

□ 1010

Now that the President has dramatically reduced the need for all of these volunteers, why don't we mandate that every American make some sacrifice. Let them be trained during this transition as we withdraw our troops. Let them be able to do something to make certain that America remains strong.

This is too serious an issue. It's not a Democrat or Republican issue; it's a moral issue. Trillions of dollars are spent on undeclared wars, but who's paying for it? The poorest among us, the lesser among us—in health care, in education, in homelessness, in joblessness. And now the wealthiest of Americans have the lowest tax rates since 1950. And really, it just bothers people when you say they, too, should make some sacrifices, not just for the war that I don't support, but for the security, the economic security of this Nation, where the debt ceiling is going to be an issue, and yet those that are paying for the cuts have nothing to do with the crisis that we're in.

So I conclude, I'll be back in support of H.R. 1152. And I will ask you to consider that as we wind down from our involvement in the Middle East, think about giving some relief to our volunteers. Think about asking young Americans to make some type of commitment. Think about having an America that says, yes, I support the involvement and am prepared to make sacrifices, which includes my family, my community, and our great Nation.

We should not just have professional volunteers; it is not American, it is not moral. When our country is involved, everyone should be prepared either to stand up and be counted or don't support this type of involvement. It is not just costly financially, but how America looks throughout the world, especially among our young people—most of whom do not know any period of time that we haven't been involved in a war.

So if we're not prepared to be honest enough to call a war a war, if we're not prepared to have the Congress put every President, Republican or Democrat, on the line for constitutional reasons, for God's sake, let's find some fairness as we ask people to put their lives on the line for our great Nation. And it's not just their lives, it's not just how they come back home, but the mental disturbance and problems that we are bringing to our great country is going to be not just trillions of dollars but adversely affect our ability to deal with education and training and technology and research while we try so desperately hard to bring these people to some type of normality for the sacrifices they've made to our country.

So H.R. 1152 only says, if we have to be involved, don't have just a small segment of our great Nation pay the ultimate sacrifice while others make no sacrifice at all. Please consider a bill that mandates that everybody from 18 to 25, 26 do some type of mandatory service for our great country, and we will only select those people that we need for the military. And if indeed it is a transition that we support, it means that they can support our country, our national security, support our Armed Forces, and not really—hopefully—be in harm's way.

Please consider it, and please rest assured I will return with this plea from time to time. I thank this House for the opportunity.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Pate, one of his secretaries.

THE FAIR TAX

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

Mr. WOODALL. Mr. Speaker, I am pleased to rise today after the former chairman of the Ways and Means Committee. I want to talk about taxes today, but I want to associate myself with the previous speaker's comments about how we make different decisions when we have skin in the game because that is absolutely something that we are losing in this country. We are losing what used to be that common value that we rise and we fall together.

I see my colleague from the Rules Committee, Mr. MCGOVERN, sitting in the Chamber today. And he tells the committee on a regular basis that we need to pay for those things that we do. We're involved in wars, and we need to pay. We need to have a populace that believes in what we're doing in such a way that they are willing to sacrifice not just their time but their treasure to support those measures. When we don't have folks who have skin in the game, we make different decisions. When a minority of the folks get the benefit or a minority of the folks are bearing the burden, we make different decisions.

Now the former chairman of the Ways and Means Committee is absolutely right; we have the lowest tax rates among the highest earning individuals that we've had in this country since 1950. Now what the gentleman did not mention is that we also have the lowest tax rates that we've had in this country for the lowest income individuals that we've ever had. We have fewer Americans paying income tax today than at any time since the 1950s, since the expansion of the income tax that happened during World War II, and I hear that. We have the wealthiest paying the least that they have ever paid as a percent, as a marginal rate. They're actually paying more than they've ever paid as a percentage of all the Federal receipts in this country. We have the lowest income individuals paying the least they've ever paid as a percentage of the income that comes into this country. And I say to you, Mr. Speaker, that much like we make bad decisions about foreign policy when we don't all have skin in the game, we make bad decisions about economic policy when we don't have skin in the game.

Now when we talk about Iraq and Afghanistan, I'll tell you, Mr. Speaker, those are complicated solutions. It is not obvious to me how we move from today to peace. I don't know how we get that done. We have externalities at play there that we don't have control

over, but not so with our Tax Code. Folks, when you look at the American economy, there is nothing that is going on with the American economy that we did not do to ourselves. Think about that. Mr. Speaker, do you have any constituents back home who have lost their jobs to corporations that have moved overseas? I do. And yet we continue to have the highest corporate tax rate in the world in America. Now who decides that? We do. We decide that's the kind of country we want to live in, and we can change it. Folks, there is nothing wrong with America that we collectively can't fix.

Now I've introduced a bill that I believe is going to make a dramatic impact in that direction. It's called the Fair Tax. It's H.R. 25 in the House, it's S. 13 in the Senate. And Mr. Speaker, as you know, it is the most broadly cosponsored piece of tax reform legislation in either body. In fact, it is the most widely cosponsored piece of legislation on tax reform in both bodies. And what the Fair Tax does is this—it's no magic solution, Mr. Speaker; it doesn't have some sort of clever math that's going to make everything okay. It simply goes into the American Tax Code and erases it. It says, if you could start with a blank sheet of paper, what would you do?

And Mr. Speaker, we can. We can start with a blank sheet of paper. We can choose our own destiny. We can make sure that we're making the best decisions for jobs and the economy in this country. The Fair Tax does this. It will eliminate the income tax code, that income tax code that punishes people for what they earn, and it changes that Tax Code with a Tax Code that collects taxes based on what people spend.

I'll tell you, Mr. Speaker, it pains me every time I open up The Wall Street Journal and it bemoans the fact that American consumerism is in decline. Why can't we celebrate American savings? Why do we have to celebrate American consumption? The reason is because we have been building an economy based on an income tax code that is based on debt and refinancing and debt and refinancing, but we can change that today, Mr. Speaker. We have 1 billion new consumers coming online in China, 1 billion new consumers coming online in India, and they want what we produce.

The Fair Tax erases the income tax code that forces American productivity overseas, forces American jobs overseas, and it returns us to our roots as a country, our roots as a country that reward productivity, that encourage folks to stay.

□ 1020

There is only one taxpayer in this country. I know we have a corporate income tax. I know we have taxes on goods and services and excise taxes, and on and on and on. But there is only one taxpayer in the American economy, and that is the American consumer, because every single tax we have rolls downhill.

Do you want to charge that corporation tax? Do you want to charge Wal-Mart an excise tax? What do you think is going to happen at Wal-Mart? Prices are going to go up. Do you want to charge Coke a sugar tax? What do you think is going to happen to the price of your Coke? The price of Coke is going to go up. There is one taxpayer in this country, the American consumer.

That is a radical idea, I won't kid you. And by radical I mean it is the same one Thomas Jefferson had. By radical I mean it is the same one Alexander Hamilton had. By radical I mean we haven't done it in the last 100 years. But we can do it today, Mr. Speaker, with H.R. 25 and S. 13.

CHANGE COURSE NOW IN AFGHANISTAN

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

Mr. MCGOVERN. Mr. Speaker, last night the President outlined his strategy for Afghanistan, which included a drawdown of 10,000 troops by the end of this year and an additional 23,000 by the end of next year. I believe this is insufficient and I fear that it means more of the same for the next 18 months. The same strategy means the same costs, and I am sad to say even more casualties, more American soldiers losing their lives in support of an Afghan government that is terribly corrupt and incompetent.

We have been doing this for 10 years. It is the longest war in our history, Mr. Speaker. Enough. Our focus should be on encouraging a negotiated settlement, a political solution, and bringing our troops home where they belong. Our troops are incredible men and women. I am in awe of their dedication and their commitment. They don't belong in the middle of mountains and deserts fighting a cruel war.

According to the Pentagon's own figures, U.S. and coalition casualties in Afghanistan are steadily rising. Last month was a record high for the number of coalition forces killed. March and April were also the worst respective months of the war in terms of casualties for U.S. forces, coalition forces, and Afghan civilians.

A poll last month by the International Council on Security and Development found that Afghans are overwhelmingly opposed to the current U.S. strategy, with nearly eight in 10 believing that U.S. and coalition operations are ''bad for their country.'' These are serious matters, serious consequences of the strategy the U.S. will pursue at least through next year.

We need a change in direction now, Mr. Speaker, not 18 months from now. We are borrowing nearly $10 billion a month to pay for military operations in Afghanistan. Borrowing. We are not paying for it. We are putting it on our national credit card. Our kids and our grandkids will pay the price. Each day we remain in Afghanistan increases that burden.

We currently are having debates about how to reduce our deficit and debts. There are some who have advocated deep cuts in programs that help the poor, in Pell Grants, and in infrastructure. For those who support the status quo in Afghanistan, let me ask, where is the sense in borrowing money to build a bridge or a school in Afghanistan that later gets blown up, while telling our cities and towns that we have no money to help them with their needs? It is nuts. Some of our biggest problems, Mr. Speaker, are not halfway around the world. They are halfway down the block.

Americans are willing to do whatever is necessary to ensure our national security, but let me remind my colleagues that national security includes economic security. It means jobs. It means rather than nation-building in a far-off land, we need to do some more nation-building right here at home.

Contrary to the tired and ugly rhetoric employed by Senator MCCAIN yesterday towards thoughtful critics of our current strategy in Afghanistan and its consequences, I am not an isolationist. As my colleagues know, I firmly support human rights and the U.S. being engaged around the world. Those who advocate a political solution in Afghanistan are not isolationists.

I don't believe we should walk away from the Afghan people, but tens of thousands of U.S. boots on the ground in Afghanistan does little in my view to advance the cause of peace, protect the rights of women and ethnic minorities or strengthen civil society. If you want to protect Afghan women, we must end the violence. You end the violence by ending the war. You end the war through a political solution.

I have great respect for President Obama. I believe he has the potential to be a great President. I also realize, as Lyndon Johnson once said, ''It's easy to get into war—hard as hell to get out of one.'' It is not easy to end this war. It won't be neat or pretty, but I believe with all my heart it is in our national security interest to focus on al Qaeda and not waste our precious blood and treasure in a conflict that can only be ended through a political solution.

Rather than crafting a compromise and trying to chart a middle course, I believe we need to change course. I urge the President of the United States to rethink our Afghan policy, rethink it in a way that brings our troops home sooner rather than later.

[From the Washington Post, June 9, 2011]

A PLAN FOR AFGHANISTAN: DECLARE VICTORY—AND LEAVE

(By Eugene Robinson)

Slender threads of hope are nice but do not constitute a plan. Nor do they justify continuing to pour American lives and resources into the bottomless pit of Afghanistan.

Ryan Crocker, the veteran diplomat nominated by President Obama to be the next U.S. ambassador in Kabul, gave a realistic assessment of the war in testimony Wednesday before the Senate Foreign Relations Committee. Here I'm using ''realistic'' as a synonym for ''bleak.''

Making progress is hard, Crocker said, but ''not impossible.''

Not impossible.

What on earth are we doing? We have more than 100,000 troops in Afghanistan risking life and limb, at a cost of $10 billion a month, to pursue ill-defined goals whose achievement can be imagined, but just barely?

The hawks tell us that now, more than ever, we must stay the course—that finally, after Obama nearly tripled U.S. troop levels, we are winning. I want to be fair to this argument, so let me quote Crocker's explanation at length:

''What we've seen with the additional forces and the effort to carry the fight into enemy strongholds is, I think, tangible progress in security on the ground in the south and the west. This has to transition—and again, we're seeing a transition of seven provinces and districts to Afghan control—to sustainable Afghan control. So I think you can already see what we're trying to do—in province by province, district by district, establish the conditions where the Afghan government can take over and hold ground.''

Sen. Jim Webb (D–Va.), a Vietnam veteran and former secretary of the Navy, pointed out the obvious flaw in this province-by-province strategy. ''International terrorism—and guerrilla warfare in general—is intrinsically mobile,'' he said. ''So securing one particular area . . . doesn't necessarily guarantee that you have reduced the capability of those kinds of forces. They are mobile; they move.''

It would require far more than 100,000 U.S. troops to securely occupy the entire country. As Webb pointed out, this means we can end up ''playing whack-a-mole'' as the enemy pops back up in areas that have already been pacified.

If our intention, as Crocker said, is to leave behind ''governance that is good enough to ensure that the country doesn't degenerate back into a safe haven for al-Qaeda,'' then there are two possibilities: Either we'll never cross the goal line, or we already have.

According to NATO's timetable, Afghan forces are supposed to be in charge of the whole country by the end of 2014. Will the deeply corrupt, frustratingly erratic Afghan government be ''good enough'' three years from now? Will Afghan society have banished the poverty, illiteracy and distrust of central authority that inevitably sap legitimacy from any regime in Kabul? Will the Afghan military, whatever its capabilities, blindly pursue U.S. objectives? Or will the country's civilian and military leaders determine their self-interest and act accordingly?

Democrats on the Senate Foreign Relations Committee issued a report this week warning that the nearly $19 billion in foreign aid given to Afghanistan during the past decade may, in the end, have little impact. ''The unintended consequences of pumping large amounts of money into a war zone cannot be underestimated,'' the report states.

The fact is that in 2014 there will be no guarantees. Perhaps we will believe it incrementally less likely that the Taliban could regain power and invite al-Qaeda back. But that small increment of security does not justify the blood and treasure that we will expend between now and then.

I take a different view. We should declare victory and leave.

We wanted to depose the Taliban regime, and we did. We wanted to install a new government that answers to its constituents at the polls, and we did. We wanted to smash al-Qaeda's infrastructure of training camps and havens, and we did. We wanted to kill or capture Osama bin Laden, and we did.

Even so, say the hawks, we have to stay in Afghanistan because of the dangerous instability across the border in nuclear-armed Pakistan. But does anyone believe the war in Afghanistan has made Pakistan more stable? Perhaps it is useful to have a U.S. military presence in the region. This could be accomplished, however, with a lot fewer than 100,000 troops—and they wouldn't be scattered across the Afghan countryside, engaged in a dubious attempt at nation-building.

The threat from Afghanistan is gone. Bring the troops home.

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[From the Washington Post]

TIME TO GET OUT OF AFGHANISTAN

(By George F. Will)

''Yesterday,'' reads the e-mail from Allen, a Marine in Afghanistan, ''I gave blood because a Marine, while out on patrol, stepped on a [mine's] pressure plate and lost both legs.'' Then ''another Marine with a bullet wound to the head was brought in. Both Marines died this morning.''

''I'm sorry about the drama,'' writes Allen, an enthusiastic infantryman willing to die ''so that each of you may grow old.'' He says: ''I put everything in God's hands.'' And: ''Semper Fi!''

Allen and others of America's finest are also in Washington's hands. This city should keep faith with them by rapidly reversing the trajectory of America's involvement in Afghanistan, where, says the Dutch commander of coalition forces in a southern province, walking through the region is ''like walking through the Old Testament.''

U.S. strategy—protecting the population—is increasingly troop-intensive while Americans are increasingly impatient about ''deteriorating'' (says Adm. Mike Mullen, chairman of the Joint Chiefs of Staff) conditions. The war already is nearly 50 percent longer than the combined U.S. involvements in two world wars, and NATO assistance is reluctant and often risible.

The U.S. strategy is ''clear, hold and build.'' Clear? Taliban forces can evaporate and then return, confident that U.S. forces will forever be too few to hold gains. Hence nation-building would be impossible even if we knew how, and even if Afghanistan were not the second-worst place to try: The Brookings Institution ranks Somalia as the only nation with a weaker state.

Military historian Max Hastings says Kabul controls only about a third of the country—''control'' is an elastic concept—and '' 'our' Afghans may prove no more viable than were 'our' Vietnamese, the Saigon regime.'' Just 4,000 Marines are contesting control of Helmand province, which is the size of West Virginia. The New York Times reports a Helmand official saying he has only ''police officers who steal and a small group of Afghan soldiers who say they are here for 'vacation.' '' Afghanistan's $23 billion gross domestic product is the size of Boise's. Counterinsurgency doctrine teaches, not very helpfully, that development depends on security, and that security depends on development. Three-quarters of Afghanistan's poppy production for opium comes from Helmand. In what should be called Operation Sisyphus, U.S. officials are urging farmers to grow other crops. Endive, perhaps?

Even though violence exploded across Iraq after, and partly because of, three elections, Afghanistan's recent elections were called ''crucial.'' To what? They came, they went, they altered no fundamentals, all of which militate against American ''success,'' whatever that might mean. Creation of an effective central government? Afghanistan has never had one. U.S. Ambassador Karl Eikenberry hopes for a ''renewal of trust'' of the Afghan people in the government, but the Economist describes President Hamid Karzai's government—his vice presidential running mate is a drug trafficker—as so ''inept, corrupt and predatory'' that people sometimes yearn for restoration of the warlords, ''who were less venal and less brutal than Mr. Karzai's lot.''

Mullen speaks of combating Afghanistan's ''culture of poverty.'' But that took decades in just a few square miles of the South Bronx. Gen. Stanley McChrystal, the U.S. commander in Afghanistan, thinks jobs programs and local government services might entice many ''accidental guerrillas'' to leave the Taliban. But before launching New Deal 2.0 in Afghanistan, the Obama administration should ask itself: If U.S. forces are there to prevent reestablishment of al-Qaeda bases—evidently there are none now—must there be nation-building invasions of Somalia, Yemen and other sovereignty vacuums?

U.S. forces are being increased by 21,000, to 68,000, bringing the coalition total to 110,000. About 9,000 are from Britain, where support for the war is waning. Counterinsurgency theory concerning the time and the ratio of forces required to protect the population indicates that, nationwide, Afghanistan would need hundreds of thousands of coalition troops, perhaps for a decade or more. That is inconceivable.

So, instead, forces should be substantially reduced to serve a comprehensively revised policy: America should do only what can be done from offshore, using intelligence, drones, cruise missiles, airstrikes and small, potent Special Forces units, concentrating on the porous 1,500-mile border with Pakistan, a nation that actually matters.

Genius, said de Gaulle, recalling Bismarck's decision to halt German forces short of Paris in 1870, sometimes consists of knowing when to stop. Genius is not required to recognize that in Afghanistan, when means now, before more American valor, such as Allen's, is squandered.

AMERICAN ANGELS ABROAD

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

Mr. POE of Texas. Mr. Speaker, we have a group of people in the United States who are all volunteers that I call the American Angels Abroad. They are those thousands of Peace Corps volunteers throughout the world that are helping Third World countries in many different ways. They go to remote areas of the world, far from home, far from their families. They work in very primitive conditions. Yet there are those angels that are trying to help other people throughout the world, and they are called the Peace Corps volunteers.

The Peace Corps started as an idea of President Kennedy back in 1960 when he spoke to the University of Michigan and encouraged those students to volunteer to help America abroad. Finally, in 1961 he started the Peace Corps. Since then, over 200,000 Americans, mainly young people, mainly females, have volunteered to go around the world representing the United States.

It is very hard work being a Peace Corps volunteer. They deal with issues that most Americans never deal with. Just simple basic necessities such as of electricity and water and matters such as that, they do without, or they are difficult to find in the remote areas where they are because they are helping other people that don't have those things we have in the United States. Generally, they work alone when they are in foreign countries.

But all is not well with the Peace Corps, Mr. Speaker, because during the time since President Kennedy started the Peace Corps and those wonderful people go overseas, many times those volunteers, those young Americans, become victims of crime in these foreign countries; and when they become victims of crime, in some cases our own country abandons them.

Between 2000 and 2009, the Peace Corps itself says there were over 221 rapes and attempted rapes, almost 150 major sexual attacks and 700 other sexual assaults. That is 1,000 crimes against American Peace Corps volunteers. Recently, the Peace Corps has announced that there is an average of 22 rapes a year against American Peace Corps volunteers somewhere in another country.

This is not acceptable, Mr. Speaker. We are talking about real people. They are real stories and they are real victims.

I would like to mention just one of those persons that I know personally. I have got to know Jess Smochek since this crime against her has occurred. She joined the Peace Corps in 2004. On her first day as a Peace Corps volunteer in Bangladesh, a group of men started sexually groping her as she was walking to the house that she was to live in. But no one in the Peace Corps did anything about this assault. She told the Peace Corps staff over and over again that she felt unsafe in Bangladesh and the situation she was in, but the Peace Corps didn't do anything.

Months later, she came in contact with the same men, who then kidnapped her. They beat her. They sexually assaulted her. But they weren't through. They abandoned her and threw her in an alley somewhere in Bangladesh. And no one did anything.

According to Jess, the Peace Corps did everything they could to cover this up because they seemed to be more worried about America's relationship with Bangladesh than they were about this American volunteer that was assaulted, a victim of crime. Jess says that the Peace Corps not only didn't do anything, they blamed her for the conduct of others. They blamed her for being a sexual assault victim.

Mr. Speaker, a rape victim is never to be blamed for the crime that is committed against her. It is the fault of the criminal offender, whether it occurs in the United States or abroad. We need to understand that these precious people who go overseas and represent us somewhere in the world, when a crime is committed against them, we need to take their side. We need to be supportive of those individuals. And we don't assume they did anything wrong, because they did not do anything wrong when they became a victim of crime. They were just victims of crime, and the person that should be held accountable is the criminal, and not to blame the victim.

Mr. Speaker, rape is never the fault of the victim. It is always the fault of the perpetrator.

But Jess got no satisfaction from the Peace Corps. No one did anything. When she got home, she was told to tell other people that she was coming back to the United States for medical reasons, to have her wisdom teeth pulled, not for the sexual assault that was committed against her.

□ 1030

This was Jess's case. A few others were brought to light recently by ABC News and 20/20. And now, more and more of these Peace Corps volunteers over the years are coming forward and telling us about their stories. Mainly, they are women. We recently had a hearing in Foreign Affairs about this situation. Their stories were heartwrenching. So now it's time to pass legislation to protect these women and to give them basic victim services, and that is what we will be doing in the next few days, along with the Senate.

Mr. Speaker, people cry, Peace, peace, but there can be no peace for American angels abroad until they are treated with the dignity that they deserve and the support of the United States. We need to help the Peace Corps readjust itself to become a better institution.

And that's just the way it is.

A MISSED OPPORTUNITY FOR AFGHANISTAN

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

Ms. WOOLSEY. Mr. Speaker, like many Americans, I was profoundly disappointed in President Obama's announcement last night. I had hoped that he would offer an Afghanistan troop drawdown that was significant, swift, and sizable. Sadly, the proposal failed on all three counts. Now is the time for bold action and decision-making to bring our Nation's Afghanistan policy in line with what the American people want, while recognizing the deep and grave toll this war has taken on our global credibility and our national security. Instead, the administration's choice was to largely stay the course. Instead, President Obama chose to perpetuate a war that is not only bankrupting us morally but fiscally as well. The loss of blood and treasure cannot be underestimated.

The American people have been enormously patient, Mr. Speaker. They have endured great sacrifice. But after nearly a decade of war, they're weary of losing their bravest men and women and their hard-earned tax dollars to a policy that simply has not achieved its goals.

We are not more secure. The Afghanistan leadership wants us out and their people do not appreciate our sacrifice. This is not a partisan issue. When asked, the majority of Americans want our troops to come home. And not several years into the future. No, they want our troops to come home now.

Abandoning this military policy does not mean that we will abandon the people of Afghanistan. A smart security plan would provide for development and reconciliation. It would bring the international community together and help the Afghan people move towards a sustainable future through economic and domestic support, among other means.

Mr. Speaker, more than 1,600 lives have been lost. Where will it end? When will our sons and daughters, mothers and fathers, friends and people we know in the community come home from Afghanistan? How many empty chairs are there at the dinner table tonight? When will the heartbreak end?

Let's talk about the economic cost. My colleagues on the other side of the aisle like to talk about dollars and cents, about how this and other actions we take are costing us too much money. Well, while we stand here, money is flying out of our Treasury to support this war. Try $10 billion a month. Imagine what we could do with $10 billion a month. Just last week, this House voted to take food from the mouths of pregnant women and their children. We're supposed to pinch pennies on important investments like our children and other American projects while we waste huge sums on a failed war. This boggles the mind and it shortchanges the needs we have right here at home.

It is long past time, Mr. Speaker, that we put an end to this madness. It is time to bring our troops home—all of our troops—safely home.

VICTORY IN AFGHANISTAN

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

Mr. KINZINGER of Illinois. There's something that I'll personally never forget. That occurred in April, 2007. I'll get to why that is something I'll never forget in a second. That's when the majority leader, Senator HARRY REID, said of Iraq, ''I believe myself that the Secretary of State, Secretary of Defense and—you have to make your own decisions as to what the President knows—know this war is lost and that the surge is not accomplishing anything, as indicated by the extreme violence in Iraq.''

As in 2007, Senate Majority Leader REID was in a rush to the exits in Iraq and a rush to declare the war had been

lost. Why was that important to me? Because I was in Afghanistan at that time—or a nation by Afghanistan—getting ready to fly a KC–135 aircraft into combat in Afghanistan. As I was on the treadmill exercising, I saw what the number four most powerful guy in politics said, and I felt it in my soul. I felt anger. I knew that there was celebrating in the caves in Iraq and in the caves in Afghanistan because the United States said we were going to lose. Well, guess what? It took the brave leadership of somebody to say we will not lose in Iraq and we're on the verge of victory. We had a surge in Iraq. And today, it appears to be a more stabilizing situation, and hopefully in 10 years Iraq will be an example of democracy in the Middle East.

Last night, I heard the President say nothing of the word victory in Afghanistan but talked about how this is the beginning of the end. General McChrystal recommended to the President that to win in Afghanistan, we need 80,000 additional troops. Mr. President, at a bare minimum, we need 40,000 additional troops. The President gave 30,000. And in giving the 30,000, he immediately gave a timeline for withdrawal.

Now, I will tell you the Taliban are used to fighting for long periods of time, and they know that if they simply have to wait a couple of years, that is an encouragement to them. But I supported and support what the President was doing in Afghanistan up until last night, even though I believe he should have given the troops required for victory. But last night I saw that all the surge troops are going to be pulled out of Afghanistan, magically, by Election Day. As a military pilot and an Air National Guard pilot, I can tell you the soldiers are weary of war. The American people are weary of war. But leadership is not about saying, We're tired, we're going to quit. It's about standing up for freedom and standing against those that would destroy our way of life.

I was in Afghanistan just a month ago talking to generals on the ground who say we literally have turned a corner in Afghanistan. It is bewildering to me that yesterday we send a message that we're wrapping this thing up and it's the beginning of the end before we have seen that victory arrive. Let me ask you, do you believe last night in the President's speech that the Taliban was sad to hear what he was saying or that they were happy to hear it?

Ladies and gentlemen, just as Senate Majority Leader HARRY REID couldn't have been in a bigger hurry for the exits to Iraq, he was proven wrong. So, too, if we stick this out will those that say we cannot win be proven wrong again. America has a vested interest in seeing an Afghanistan that can stand up against terrorism, that can begin to defend itself against terrorists who seek to overthrow their country, who seek to overthrow Pakistan, and can do so with limited U.S. help. That is how we begin to see victory. Or, we can just give up.

I can tell you that as a military member and the military members I've talked to, we don't want to have to be there another day. But we also don't want to come home in any condition less than total victory. Let us finish the job. Let the generals on the ground have the tools they need to finish the job. How we get good news and turn that into an immediate pullout of Afghanistan is beyond me.

Mr. President, I did not hear you once last night mention the word ''victory'' in your speech. I hope that was a needless and sad omission from your speech and did not reflect what you believe in Afghanistan. Ladies and gentlemen, we can win. America only loses when we choose to. America will win in Afghanistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

□ 1040

FAILED DRUG WAR

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

Mr. POLIS. Mr. Speaker, it's hard to believe that the war on drugs has lasted 40 years. The stories of Americans who have suffered because of the war on drugs continue to flood my inbox. Even veterans who served our country are victims of our senseless drug war.

For instance, Alex from Franklin, Ohio, wrote in to me. Alex is a U.S. Army veteran with chronic pain and muscle spasms due to his service to our country. After returning from his deployment, he was put on opiate muscle relaxers from the VA clinic, which didn't work well for him. Following a friend's recommendation, he tried medical marijuana, and it worked for him. However, he was forced to quit in order to accept a new job, and his pain returned. He returned to the VA over and over again, searching for something to relieve the pain. Their only answer was to prescribe stronger and stronger opiates, far stronger narcotics than marijuana. When that didn't work, he was sent to physical therapists, who didn't have an answer either; but because he lives in a State that doesn't offer access to medical marijuana, he is forced to have a very difficult decision between living with his pain or violating the law.

Another person who wrote in is Bob, from Fulton, Georgia, who wrote me to share the story of his wife, who has suffered from systemic lupus for over 30 years. Lupus has slowly deteriorated her body, destroying her hip joint and shoulders. Multiple doctors have said there is nothing they can do to relieve her pain. During those 3 decades, they have tried all sorts of powerful approved and legal narcotics—to no avail. The only thing that has relieved her pain without side effect and makes her life better is medical marijuana. Again, unfortunately, for Bob and his wife, their State does not have access to medical marijuana like my home State of Colorado does and 14 other States.

Bob ends the story about his wife by saying, ''She is 65 years old and can only look forward to pain and agony.'' I'm sure there are many folks in our country in the same situation. Releasing them from the threat of arrest and incarceration simply for trying to live a pain-free life would be a godsend for these patients and their caregivers.

Is this the reason that we're waging a war on drugs—to ensure that sick people continue to suffer from pain unnecessarily or are driven to buy stronger, more powerful and more addictive narcotics?

Now, there are a lot of views on what a more sensible marijuana policy might look like. My own approach is support for legalization and creating a regulatory system similar to what we have for alcohol and tobacco. We can regulate access, make sure people are not driving under the influence, prevent minors from accessing drugs, tax drugs, and engage in public outreach and education campaigns about the dangers of marijuana.

Taxing and regulating marijuana would save taxpayers billions of dollars and would generate revenue. In fact, each year, the Federal Government spends $8 billion arresting and locking up nonviolent marijuana users—again, not marijuana dealers, not marijuana growers. There is $8 billion spent locking up nonviolent marijuana users. For instance, Alex, the veteran, or Bob's wife in Georgia could very well fall victim to that if they're in the wrong place at the wrong time.

Taxing and regulating marijuana would also make our communities safer. Removing marijuana from the criminal market would free up police time so officers can focus on violent crimes, property crimes, people driving under the influence of alcohol or marijuana or any other substance. Tax dollars could be used to incarcerate real criminals who threaten public safety rather than veterans like Alex who are simply using marijuana as a less powerful narcotic alternative to deal with their pain than the opiates that are fully legal under the law and prescribed at the VA.

Instead of reaping these benefits, our country continues to suffer under the failed war on drugs. We need to put an end to this war on drugs, which has caused so much needless suffering. The government should treat its citizens like responsible adults instead of interfering in their lives, and it should offer to help those suffering addiction instead of incarcerating them. The proper front to win the war against narcotics abuse in this country is a health

war, not a war of violence. We are losing this war. Addicts continue to suffer needlessly every day. Those who would benefit from medical marijuana are continually forced to violate the law or to live their lives in pain.

We can do better as a Nation. Many States are leading the way, and we at the Federal level need to pursue the direction that has been followed by an increasing number of States, and we need to regulate the use of marijuana in a way that is compassionate, that discourages usage among minors, and we need to make sure that we have a health aspect in dealing with addiction where it exists.

WHEN AND HOW WILL AMERICA GET BACK TO WORK?

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

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the opportunity to rise and come before this body to talk about something that I think is a key question that the American people have. We are dealing with a lot of weighty issues these days—Afghanistan, Libya, the debt ceiling, the Tax Code and tax reform—but I believe the key question that we have before us is and the key question that the American people have for us is:

When and how will America get back to work?

Mr. Speaker, it's far more than just creating a bill and labeling it ''job creation bill'' or a whole package of those or a stimulus package of government spending that, frankly, hasn't worked and even admitted to and joked about by the President recently when he said those shovel-ready jobs and those shovel-ready projects maybe weren't so shovel-ready.

No, they weren't.

But it's far more than just creating a bill and labeling it ''job creation.'' It's about creating an atmosphere for private sector growth.

You see, Mr. Speaker, the private sector creates prosperity, not the government sector. The government sector can give a job, but the private sector creates wealth and creates prosperity, and it's not just in our Tax Code and how that's being applied; it's also in the regulatory atmosphere that we present to those job creators.

I can tell you, Mr. Speaker, that this House is trying to inject some reasonableness into a system that has gone awry. Whether it's the EPA creating out of whole cloth regulations that we have not dictated should happen or whether it's the National Labor Relations Board coming up with hurdle after hurdle for these job creators, this administration has continually overstepped the bounds of reasonableness, and it's our job, Mr. Speaker, to rein that in. You would think with 429,000 new jobless claims last week—let me repeat that—with 429,000 new jobless claims we would try to more aggressively create a better climate and change that atmosphere. I can tell you we're trying to do that here in the House. We just need some partners across the other side of the Capitol and in the administration as well.

Recently, the House Republicans had an opportunity to meet with the President at the White House. My good friend and chairman of the Small Business and Job Creators Caucus, of which I'm a member, my friend from Wisconsin, REID RIBBLE, got up and indicated to the President that we need to do three things for success.

One, we need to have consumer confidence. That means, whether they're the people up in the balcony or those who are watching on TV right now, with the money that they have in their pockets, they feel confident enough that they're going to have a little extra, that they can go out and spend some money on an appliance or on a car, which is very important for those of us from Michigan, or maybe on a vacation. We need to have some consumer confidence, and they don't have that right now.

The other thing is we need to have credit available to those small business creators, those job creators, who are out there, who are cash-flowing, who are continuing to make those tough decisions to stay in the black, but they're now finding out that they can't access credit because of the unreasonable regulations that the Dodd-Frank banking bill has put in front of them.

Lastly and thirdly and maybe most importantly, we need certainty. We need a stability that has not been there for a number of years now. We need stability in our Tax Code. We need stability in our regulations. People basically need to know what the rules of the game are so that they can make long-term business decisions to again create those jobs. Now, Mr. Speaker, that's one of the reasons why I support the House's plan for American job creators, and I encourage you to go to my Web site ''Huizenga.house.gov'' to see more about that.

Again, it's not just about a bill that's labeled ''job creation.'' It's about an attitude that we need to have. In this package, we know that we need to remove redtape and the excessive regulations that are out there. We know that we need to expand American domestic energy production. That's a ''must do'' for us. We need to fix and streamline our Tax Code. We need to expand new markets abroad for the goods that our manufacturers make.

But again, Mr. Speaker, it's not just a bill. It's an attitude. We need to have an attitude of, ''Yes, we will work with you to help create those jobs,'' not, ''No, it doesn't matter what your question is. The answer is 'no.' We are not going to help.''

□ 1050

That, unfortunately, Mr. Speaker, has been the dominant attitude of this administration and of this government, and it's time that we change that.

IT IS TIME TO FOCUS ON NATION-BUILDING HERE AT HOME

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

Mr. DEFAZIO. The United States' objective in Afghanistan was to root out, destroy, al Qaeda, Osama bin Laden, and their Taliban hosts. That job is done. Afghanistan has been superseded now as a haven for terrorists by tribal areas in Pakistan, Yemen, and Sudan. The inter- and intratribal disputes in Afghanistan are rooted in ancient history, and 12 to 36 more months of a large U.S. troop footprint is not going to resolve centuries-old conflicts among the Afghan tribes. There never has been, there never will be, a strong central government in Afghanistan.

So I disagree with the President's plan for a snail-pace partial drawdown of U.S. troops over the next few years. We should do it much more quickly and leave only a residual force to prevent a terrorist takeover. There were only a few thousand troops there when we drove out the Taliban and when we pursued Osama bin Laden. Unfortunately, we lost an early opportunity to capture and kill him because of mistakes by then-Secretary Donald Rumsfeld.

But that being done, the President did say something last night with which I strongly agree. He said, America, it is time to focus on nation-building here at home. I couldn't agree more. I've been trying to do that for the last 2½ years but running into roadblocks down at the White House when I try and rebuild the Nation's transportation infrastructure.

Now, let's just think for a minute. We're borrowing and spending $120 billion a year in Afghanistan, both to support our troops and to engage in nation-building, building them schools, building them highways, building them bridges, while our own schools, our own highways, our own bridges are crumbling and collapsing; $120 billion borrowed and spent in Afghanistan, what could we do with that here at home?

We could begin to address the backlog of 150,000 bridges on our national highway system that need repair or replacement; the $70 billion backlog on our transit systems for basic capital maintenance, let alone new investment in new transit systems to more efficiently transport our people; to deal with the 40 percent of the pavement on the national highway system that's substandard; to deal with congestion in our major cities and our ports; to move freight and Americans more effectively.

And in addressing that with $120 billion that we're borrowing and spending in Afghanistan today and instead spending that money here at home, we could put over 3 million to work, not just construction workers. People say to me, well, Congressman, I don't work in construction. It's not just construction. We have the strongest buy-America requirement in transportation of

any part of the government. That means when you buy a transit vehicle, it's going to be made in America. That's manufacturing, that's software, that's engineering, design. It goes all across the economy. It's small business suppliers, minority suppliers under the laws. We could put millions to work and stimulate our economy if that money were spent here.

Last week, I confronted the President's deputy economic adviser, Mr. Furman, over these issues; and he did admit that instead of more tax cuts, which isn't putting anybody back to work—that's their one nostrum which seems to have been adopted by the Obama administration—hasn't worked for a decade, but if we cut them even more, that will then. It doesn't work. Investment works. We know it works. Let's invest. But the President's deputy economic adviser said we can't do that, we can't get the money to do that, but we can do a Social Security tax holiday and borrow $200 billion more and not put people back to work.

Come on. Let's follow up on what the President said last night. Let's get serious about it, and let's make the investments here. America, it is time to focus on nation-building here at home and put our people back to work and ensure prosperity for future generations.

JOB CREATORS IN TEXAS ''JUST SAY NO'' TO MORE GOVERNMENT HELP

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

Mr. BRADY of Texas. Good morning, America. President Reagan once said the nine most terrifying words in the English language were: I'm from the government and I'm here to help.

Recently, I met with job creators, small businesses and mid-size businesses in my east Texas district to talk about jobs, and I wish the President would have been with me to listen to the men and women who create jobs in my district, and they're like the men and women who create jobs across America. In meeting after meeting, job creators in my district made their voices heard loud and clear. They don't want another Washington jobs bill. They don't want government that taxes more, spends more, regulates more, and borrows more. They aren't looking to Washington for more incentives or tools to start hiring.

Want more jobs, they ask? Then get your finances in order and get Washington out of the way of our economic recovery. They want this Congress to cut now and cut deep, and when this Congress thinks it's cut enough wasteful and nonessential government spending, they want this Congress to cut more. In other words, they want their lawmakers to do what it takes to get our Nation back on sound footing.

In Willis, city council member Anna Ross asked, We're making the tough choices in our city budget. When will the Federal Government do the same?

At the Conroe Rotary Club, Angela Allen told me she wants Washington to pay down the debt, go after fraud in Medicare, and above all, get out of the way of our job creators.

In Orange, Texas, small businesspeople flat out rejected more borrowed stimulus. They insist Congress not raise the debt ceiling unless we begin cutting up Washington's credit cards.

And local hospital administrator Jarren Garrett said it as bluntly as can be: Control spending.

In Huntsville, Texas, I heard how concerned people over our huge job-killing Tax Code. Sandra Sherman not only wants us to stop the spending. She wants government out of so many areas of our lives from housing, and banking, and medicine, and energy, insurance, and other sectors.

E.V. Blissard sent a loud message that we should not give in to the big spenders. E.V. is right. We can't give up the fight for a fair tax or to save Medicare and Social Security for our young people.

I heard that same message in Livingston, Texas, and New Caney, Texas, where they said forcing fewer and fewer taxpayers to carry more and more of the Federal Government burden is a sure way to kill the golden goose of prosperity.

Fear and uncertainty of what's coming next from Washington, including higher taxes, higher health care costs, higher energy costs is keeping these employers from putting out that ''Help Wanted'' sign we're all looking for.

In every town hall, roundtable, and civic club in my district the four letter word on the lips of everyone's tongue was ''debt.'' Mr. President, in Texas the businesses that can help America pull out of its economic slump say it's time to cut up America's credit cards and end the spending spree in Washington. They will tell you if Washington doesn't back away from the cliff of more debt, more spending, more regulation, and more taxes, they fear we might cease to recognize our great Nation in the future.

Today, 2 years after that economic recovery supposedly started years after we spent $820 billion against our Republican objections, that stimulus, we have fewer Americans working today than when the stimulus began, one-half million fewer people working than when all that stimulus was supposed to jump-start the economy. Manufacturing is down, factory orders are down, consumer confidence is down. We were promised our unemployment rate right now would be 6½ percent. Well, it is almost 9 percent. We have the largest number of people out of work, unemployed. It's almost at historic levels. We have fewer people working today than almost a quarter of a century ago, fewer people in the workforce in almost a generation.

The stimulus failed. It is time for a new approach. It's time to listen to the job creators. What they really did like, by the way, was the Republican plan for America's job creators to get the Tax Code out of the way of our small business people, to get higher energy and health care costs out of the way of our job creators. They want to lower the barriers so America competes and finds new customers around the world, get those barriers out of the way, and they want a better business climate, more patent reform, more lawsuit reform, get those extra costs out of the way of our small businesses, and they want us to get our financial house in order.

□ 1100

Mr. President, get out of the White House, listen to our job creators. They don't want more government jobs bills. They want you and this Congress out of the way of what they know they want to do. And with that, we will bring jobs, bring the unemployment rate down, and bring us back to the strongest economy in the world, not just for a few years but for the entire century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that remarks in debate must be addressed to the Chair.

THANKING THE NATIONAL LABOR RELATIONS BOARD FOR ITS LEADERSHIP

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

Mr. RYAN of Ohio. Mr. Speaker, I rise today to thank the National Labor Relations Board for moving in a direction with a recent proposed change that will actually strengthen a worker's ability in the United States to unite, to work within a system that has more transparency, that is fairer, that is streamlined so that we can return a little bit more power here in the United States of America to the worker.

Representing a district in northeast Ohio and cities like Akron and Youngstown, and in a region that includes Cleveland and Canton and is not too far from Pittsburgh, we have had a long, proud history in our region of a strong middle class that, in many ways, was provided by union representation, to bring some balance to an economic system, quite frankly, right now that is run by major global multinational interests that will do whatever is necessary to drive down wages for average workers.

I love this economic theory that we hear many times from our friends on the other side that if the minimum wage just wasn't so high, if workers just weren't making as much money, that maybe the economy would start humming. Let's reduce taxes on the wealthiest people in the United States

when they've had a boom for 20 years of an increase in income. But if we reduce wages for middle class people, that somehow this economy will just turn right around.

And let me remind my friends on the other side, we are currently living under the President Bush tax system. If this tax system of cutting taxing for the wealthiest worked had created jobs, we wouldn't have the problems we have right now. Think about it. We are living under President Bush's tax system. This system, in '01 and '03, was supposed to lead to tremendous growth and job creation in the American economy. It hasn't worked. America works when we reinvest back into our people, when we make sure people are trained and educated.

I am for a reduction in the corporate tax. We do need to keep business taxes low so that we can be more competitive. But when you start making hundreds of millions of dollars and billions of dollars, like Warren Buffett and Bill Gates, you've got to pay a little bit more in taxes. And we need that revenue so that we can rebuild our infrastructure in the United States, so that we can make college more affordable in the United States, so that average families in Youngstown, in Niles can send their kids to college to become engineers. That revenue can be used to make sure that every American has affordable health care, so that no family in the United States has to make a decision or stare at the ceiling when they are laying in bed at night, worrying about whether or not their children will have proper health care, or that if one of their kids gets sick, they may not be able to afford health care. That shouldn't happen in the United States of America.

What the NLRB has done is said, Let's give more fairness, more transparency, a more streamlined process so that workers can unite together and have some little bit of leverage against the massive corporate interests. I've been down here 9 years now in this Congress, and it seems to me that whatever the oil industry wants, they get; whatever the insurance industry wants, they get; whatever the multinationals want, they get. And if we don't begin as a country to empower average people to make a good middle class wage, we are not going to be the America any of us want. We are going to be weaker.

You want to talk about family values—these are family values. What the NLRB has done is move us closer to having some family values. So I rise today, Mr. Speaker, to say thank you to the leadership of the NLRB for some of these proposed changes. I hope they continue to move forward. And I hope this is just one small step where we, as a country, say, You know, the middle class is working, if we're manufacturing things in the United States, if we work together with a common cause, a common purpose, if we're healthy, if we're educated, everything else will take care of itself. That's the kind of country that this decision is moving us towards, and I would like to thank them.

SYRIAN VIOLENCE

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

Mr. WALBERG. Mr. Speaker, while our President telegraphs to our enemies a timeline for ending the war that they are certainly willing to continue to commit to, while military efforts continue in Libya with uncertain, undisclosed, and unsuccessful outcomes led by our administration under NATO command, greater atrocities perpetrated against freedom seekers in Syria go unaddressed, unannounced, unconsidered by our President. Why? What's the reason? What's the time limit? It is known that Syria has been a continuing threat to freedom and a strong supporter and sustainer of unrest and terrorism in the Middle East and around the world. They're a strong ally of Iran and a constant threat to our friend Israel.

As freedom-seeking citizens of Syria join, Mr. Speaker, many others in the Middle East in calling for political reforms, respect for human rights, and regime change, the government of Syria and President Bashar Al-Assad is violently and sadistically suppressing the Syrian people, his own people. Tanks, snipers, goon squads, violent attacks on women and children, starvation and dehydration, inhuman imprisonment, torture, and worse has been the norm for the Syrian people for too long—without a strong and principled response from our President and our Nation. Why? We're not calling for a war. We're not calling for troops on the ground. We're not calling for anything right now except to take a stand against this atrocity.

Other nations have stood and voiced their concerns that President Assad has violated its international obligations, including the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Isn't it time for our President and this administration to stand and speak as the world leader and call on President Assad to step down and for the Syrian Government to end its cruel crimes against humanity?

I am firmly convinced that the rest of the peace-loving world will respond to our leadership. They are looking for it. They expect it. They are asking for it, and the Syrian people will be encouraged and defended. And liberty's cause will be promoted in this earthquake zone called the Middle East.

It's time to speak up. May God grant our President and this administration and our government the courage to do so. Because it is for humanity and people like ourselves that we speak.

OLD-FASHIONED ECONOMIC COMMON SENSE

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

Mr. BROUN of Georgia. Mr. Speaker, my constituents know that Washington could learn a lot from using just some good old-fashioned Georgia common sense. I want to tell you a quick story. Earlier this month after one of my town hall meetings, a mayor from a small town in my district came up to tell me about the hard times that her city has been dealing with recently. Unemployment has shot through the roof, and many businesses in Hoschton, Georgia, have been forced to downsize or shut down completely. The mayor told me about how tough times have also required her to make some bold choices about Hoschton's budget. Ultimately in efforts to keep the town afloat, she ended up slashing their budget by a whopping 67 percent. The mayor said to me, ''Everything has to be put on the table. Nothing can be impossible to cut.''

My liberal Democrat colleagues need to take note. It's long past time for the Obama administration to stop spending money like there's no tomorrow. There is a tomorrow, even though right now, with over 9 percent unemployment, that tomorrow is looking pretty bleak.

□ 1110

America's runaway spending has gotten so far out of control that it's hard get a grasp on the amount of debt our Nation is in or how long it will take us to repay the almost $14½ trillion that we have borrowed.

Americans don't want excuses anymore; they want solutions. They want less spending and more jobs. They want burdensome regulations removed from the backs of small businesses who can put so many more people back to work. They want more free choice and less big government when it comes to their day-to-day lives.

Washington needs to follow the lead of small cities, small businesses, and families who are tightening their belts all across this country. That small Georgia town in my district that cut 67 percent of their budget to deal with their financial crisis ought to be a model and a blueprint for the Obama administration and for Congress.

RECESS

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

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

O Lord our God, we give You thanks for giving us another day. You have kept us in life, sustained us, and allowed us to reach this moment.

Bless the Members of the People's House that You have gifted to serve our Nation. Preserve them this day and for the coming day. Supply their needs according to Your riches and prompt them to work harmoniously with one another. Give them a heart for the needs of all people and help them to reason together for the public good. Should they be tempted by rancor, ease their passion and grant them the respectful desire to see past differences toward accomplishments worthy of Your desire for the benefit of all.

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

Amen.

THE JOURNAL

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

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

Mr. HULTGREN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. HULTGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. ALTMIRE 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.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

STATE OF NEW YORK,
DEPARTMENT OF STATE,
Albany, NY, June 20, 2011.

JOHN BOEHNER,
Speaker of the House,
The Capitol, Washington DC.

DEAR SPEAKER BOEHNER: As New York State's Secretary of State, I have received the resignation of Anthony D. Weiner as New York's 9th Congressional District Representative in the United States House of Representatives. The New York State Department of State filed the letter today. A copy of his letter of resignation is attached.

Sincerely,

CESAR A. PERALES,
Secretary of State.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 2011.

Hon. CESAR PERALES,
Secretary of State, New York Department of State, State Street, Albany, NY.

Hon. ANDREW CUOMO,
Governor, Executive Chamber, State Capitol, Albany, NY.

DEAR SECRETARY PERALES AND GOVERNOR CUOMO: I hereby resign as the Member of the House of Representatives for New York's Ninth Congressional District effective at midnight, Tuesday, June 21, 2011. It has been an honor to serve the people of Queens and Brooklyn.

Sincerely,

ANTHONY D. WEINER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from New York (Mr. WEINER), the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER

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

BRING HOME TROOPS IN VICTORY

(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. Last night, we heard President Obama's plan for withdrawing our troops from Afghanistan. While I share the President's goal of wanting to bring home our brave troops as soon and as safely as possible, I'm concerned that political considerations were given more weight in this decision than military strategy.

As a military veteran of 27 years, I understand how important it is to base decisions like this on the guidance of our commanders in the field. Our military commanders are the best military strategists in the world, and they are the ones in a position to know how many and what type of troops they need to do their mission.

When the President announced his troop surge, he included the lasting influence of Taliban among his reasons. The Taliban remains allied with al Qaeda, and both terrorist networks would rather see Afghanistan destroyed than lose their influence over the Afghan people.

Mr. Speaker, we've learned that fighting our Nation's wars from the Oval Office does not work. Let's make sure our troops come home in victory.

MEDICARE TURNS 46

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

Ms. BASS of California. In July, Medicare will be 46 years old. This is an opportunity for all of us to take a look at history.

In 1965, 44 percent of Americans over the age of 65 had no health insurance. Many seniors were pushed into poverty by medical costs. In 1965, when Medicare was first passed, out of 200 Republican Members of Congress, less than half voted for it. Future Presidents Bush and Reagan called Medicare socialized medicine. So it should be no surprise that Republicans are still trying to end Medicare. Today, it's called saving Medicare—we should end it in order to save it.

Seventy percent of the public does not support the Republican plan to end Medicare. And so it is a sad fact that a month before the 46th anniversary of Medicare, Republican Members of the House are not celebrating the Nation's commitment to ensure that our seniors have health care but are instead trying to end Medicare before the 46th anniversary.

HERE THEY GO AGAIN: NLRB AND UNIONS ARE KILLING JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, the NLRB, under the influence of union bosses, on Tuesday acted again to restrict workers' rights. The NLRB proposed new rules that would speed up elections for unionization. In doing so, unions would force workers into union memberships before fully considering both the advantages and disadvantages of membership. By implementing a shorter voting period, U.S. Chamber Vice President Randy Johnson has revealed this is a cleverly disguised mandate to pressure workers into joining a union without making an informed decision.

Moreover, the NLRB wants to delay litigation over many voter eligibility issues. As Chairman JOHN KLINE stated, ''Big Labor has found faithful friends on the Obama NLRB.''

The job-killing influence of unions over the NLRB must be stopped before it tramples the rights of American workers, killing jobs at Boeing in South Carolina, and now killing jobs across America.

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

RELIGIOUS VIOLENCE IN EGYPT

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

Mr. SIRES. Mr. Speaker, I rise today to express my concern for the escalating persecution of the Christian community in Egypt.

We were all inspired by the call for freedom and democracy in Egypt this winter, but for some in Egypt, the transition has led to more threats, more fear, and more violence. While Mubarak is gone, extremist groups in Egypt are using the newly opened political space to escalate their war against Christians. Churches are burning and people are being murdered in the streets over their religious beliefs. If these groups get their way, the opportunity for a democratic and free Egypt would be lost.

As the United States partners with Egyptian communities to support democracy in this time of transition, it is imperative that human rights violations are not pushed aside. The United States must demand that any Egyptian Government protect the rights and lives of its citizens before any U.S. dollars are given to that government.

The respect of human rights, including religious freedoms, is imperative for the future and stability of Egypt and the region.

MR. PRESIDENT, DON'T PLAY POLITICS: SUPPORT AMERICAN ENERGY

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

Mr. HULTGREN. The cost of gasoline is devastating American family budgets, destroying jobs, and debilitating our economy. Gas prices in my home State of Illinois are among the highest in the Nation.

It's clear that America needs an energy policy that will take advantage of America's vast supplies of oil, gas, and other resources. But instead of choosing to boost domestic energy production, which would create jobs and help get our economy moving again, the President has chosen the shortsighted, politically expedient, and financially expensive route of tapping our Strategic Petroleum Reserve. I urge him to reconsider his decision and embrace the legislation we have passed to increase domestic energy production.

I have been proud to support the bills we've passed because they will not only reduce our reliance on unstable and unfriendly regions of the world, they will also create good-paying jobs here at home. So instead of tapping the SPR to help his reelection campaign, the President should do what is truly best for America and support our efforts to increase domestic energy production and create the jobs hardworking Americans are looking for.

□ 1210

SUPPORTING THE EQUAL RIGHTS AMENDMENT

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

Ms. TSONGAS. Mr. Speaker, I rise today in strong support of the Equal Rights Amendment.

Yesterday, I was proud to join 158 of my House colleagues—women and men—in cosponsoring this simple constitutional guarantee that ''equality of rights'' shall not be denied or abridged on account of one's gender. The ERA was passed by Congress in 1972, and won approval from 35 States before falling just three short of ratification. Since then, women have gained significant protections in society, in the workplace and at home; but it is clear that much more must be done.

Earlier this year, a sitting member of the U.S. Supreme Court stated his view that the Constitution does not prohibit ''discrimination on the basis of sex.'' While many legal scholars were quick to disagree, his words illustrate clearly the need for explicit constitutional protections. Without them, Congress has—and has already attempted to—roll back these gains.

I urge my colleagues to join me in supporting the ERA and in standing up for the constitutional protection for women and families.

REDUCING THE CORPORATE TAX RATE

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

Mr. BARTLETT. Mr. Speaker, I am very pleased to rise to support my colleague DONNA EDWARDS and her bill to reduce the corporate tax in order to create more jobs in this country.

The corporate tax is, perhaps, the most regressive tax we have because, in reality, you cannot tax a corporation. It simply becomes a part of the cost of doing business, and they pass it on to the consumer, who pays the tax, which makes everything cost more that the consumer buys, so the consumer will be benefited in several ways when we reduce the corporate tax rate.

Corporations will grow, and there will be more jobs. More corporations will move to this country, creating more jobs. By the way, the revenue stream from this increase in the size of corporations and in the number of corporations may actually increase as a result of reducing the tax rate. There will be more jobs for our consumers, and the things they buy will cost less. This is a win-win-win for everybody.

Thank you, Congresswoman EDWARDS, for your leadership.

WASTEFUL SPENDING WITHIN THE FHA'S INTERNATIONAL SCAN PROGRAM

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

Mr. ALTMIRE. Mr. Speaker, this week, I cosigned a letter to Transportation Secretary LaHood expressing concern about the waste of taxpayer dollars at the Federal Highway Administration's International Scan Program. This program has likely wasted millions of dollars over the past 10 years, sending government officials abroad most recently to study billboards in five different countries, over 17 days, at a cost of $300,000 to the taxpayers.

Rightly, Secretary LaHood responded to our letter by immediately suspending the program, but the question remains: Why did it exist in the first place, and how many others like it exist throughout the Federal bureaucracy?

We must continue to scrutinize the budgets at all Federal agencies so we can put an end to this type of wasteful spending once and for all. Hopefully, the suspension of this billboard program is just a sign of things to come.

ENCOURAGING JOB CREATION AND THE AMERICAN ENTREPRENEURIAL SPIRIT

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

Mr. STUTZMAN. Mr. Speaker, I rise today as the proud Representative of Indiana's hardworking Third District and as an original member of the Job Creators Caucus. I have come to the floor today to talk about what makes America great and what we can do to encourage job creation and America's entrepreneurial spirit.

America's curiosity, passion for excellence and drive for efficiency moves every small business owner and entrepreneur in our Nation. Mom-and-pop grocery stores, local mechanics, independent insurance agents, farmers, and countless others make our Nation great. Make no mistake. Our greatness is not attributed to our prosperity. Rather, America is prosperous because she is great, and she is great because she is free.

As a small business owner and a farmer, I have firsthand knowledge of our Nation's unique and wonderful design. Business owners are free to make the countless decisions that they face each and every day. Unfortunately, that entrepreneurial spirit is under attack. Individual Americans are still restless for opportunity, but a threat comes from an excessive government that limits opportunities and stifles job growth.

In 1913, the Ford Motor Company reduced its production time from 14 hours to 1½ hours. Today, a massive bureaucratic machine produces job-killing regulations at a speed that would make Henry Ford shudder. Every year, unelected bureaucrats issue more than 3,000 final rules, close to 10 rules a day.

I have proudly cosponsored the REINS Act, which would reverse the harmful onslaught of regulation that cripples businesses and thwarts job creation. I know that when government gets out of the way it allows Americans to realize their full potential.

The American entrepreneurial spirit is not dead. Men and women across the

Nation are ready. They want to know if Washington is, too.

WE MUST SUSTAIN AND PROTECT SOCIAL SECURITY AND MEDICARE

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

Mr. AL GREEN of Texas. Mr. Speaker, in these times of great difficulty and uncertainty, our senior citizens want to know where we stand, and I want the senior citizens to know that I stand with them. I will not vote to voucherize Medicare, and I will not vote to socialize to the extent that we privatize Social Security.

Medicare has been there for millions of our senior citizens. It is a program on which they can depend. In their minds, Medicare is better care. We have 40 million seniors depending on Medicare. We cannot take that from them. Many of the seniors in my district depend on Social Security to the extent that, if they don't have Social Security, they do not ''have.''

These two programs mean a lot to the people that I represent. No privatization of Social Security and no voucherizing of Medicare. I will vote to sustain them and protect them.

CREATING A SOUND ENERGY POLICY

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

Mr. FLEMING. Mr. Speaker, President Obama announced today that he is releasing 30 million barrels of oil from the Strategic Petroleum Reserve to alleviate supply disruptions that he claims are as a result of the conflict in Libya. The irony here is obvious: Who attacked Libya and created the disruptions in the first place?

Furthermore, this is the same President whose policies and regulations over the past 2 years have systematically choked our domestic energy production, stifled job creation and resulted in record energy prices for the American public. Releasing oil from the SPR is an obvious political move to cover up the high gasoline prices created by the President's policies.

Mr. President, if you were truly serious about increasing the supply of oil and lowering prices, you would stop being the candidate-in-chief and begin taking leadership on a sound energy policy, parts of which the House has already passed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Members are advised to address the Chair and not the administration.

THE 375TH ANNIVERSARY OF PROVIDENCE

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

Mr. CICILLINE. Mr. Speaker, I rise today to commemorate the 375th anniversary of the founding of the city of Providence, Rhode Island's magnificent capital city.

Providence, fondly known as the creative capital, the Renaissance city and the beehive of industry, has embodied American values since its founding in 1636. When Roger Williams founded the city of Providence, he could not have known what it would become: the city, built upon Roger Williams' tradition of diversity, welcoming immigrants from around the world into vibrant urban neighborhoods.

Having served for 8 years as mayor of this great city, I am aware of its well-earned reputation as the arts and culture center of New England. Providence has been recognized as one of the coolest cities in America, one of the 25 best cities for arts and culture and one of the 100 best cities for young people—to name just a few accolades. It has also been recognized by the U.S. Conference of Mayors for its innovative after-school programs, its world-class arts and entertainment and its restoration of city rivers, the creation of downtown warfront parks and spectacular historic preservation.

Three hundred seventy-five years after its founding, Providence is, without question, one of America's greatest cities, and it is a true honor to commemorate its founding.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT

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

Ms. PINGREE of Maine. Mr. Speaker, last month, when I was standing on the banks of the York River in Maine, I learned that the river serves as a home for species like the New England Cottontail, the Eastern Box Turtle and the threatened Harlequin Duck; but the York River is also a place where people are making their livings.

Fishermen depend on the good quality of the water and access to the waterfront, and farmers in the York River Watershed grow pumpkins, potatoes and other produce that keep Maine communities healthy. The natural beauty of the river draws visitors to the area from around the State and around the country.

Mr. Speaker, later today, I am introducing the York River Wild and Scenic River Study Act, which would commission a feasibility study to find out if the river qualifies as a ''Wild and Scenic Partnership River''—a designation that would help preserve the river as an economic and natural resource for generations to come.

□ 1220

IT'S TIME TO GET AMERICANS BACK TO WORK

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

Ms. EDWARDS. Mr. Speaker, it's time to talk turkey about jobs. Too many Americans are unemployed, and it's time to get Americans back to work. As we enter this new decade in the 21st century, research and development is critical to rebuilding American manufacturing and to creating jobs. In today's global economy, manufacturing here in the United States and innovation remains a linchpin for economic growth that is being challenged rigorously by our competitors around the world.

Today, I rise to highlight legislation I introduced with my colleague from Maryland, ROSCOE BARTLETT, to spur innovation and economic development. Mr. Speaker, H.R. 682, the 21st Century Investment Act, would encourage companies to co-locate their research and development activities with job creation here in the United States. We'd make permanent the research and development tax credit and increase the domestic manufacturing tax credit to 15 percent. Those are jobs here in the United States.

The time was that we were the global leader and the architect of research and development, but not true today. We can and we must do better because of whatever that is we're down to, about number 17 or 21. We can do better; and so by joining Mr. BARTLETT and me, Mr. Speaker, H.R. 689 will reclaim the mantle of innovation and create jobs.

LEGALIZING MARIJUANA

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

Mr. COHEN. Mr. Speaker, in June the Global Conference on Drug Policy, a 19-member group that included former U.N. Secretary General Kofi Annan, Ronald Reagan's Secretary of State George Schultz and Paul Volcker said that the drug war was a failure, that it needed to be readdressed with new priorities, and suggested that this country get out of the Federal marijuana possession business.

It is for that reason and others that I will be joining today with Congresspeople RON PAUL, JOHN CONYERS, BARNEY FRANK, JARED POLIS and others to introduce a bill to get the Federal Government out of possession of marijuana and into interstate and international shipments of marijuana and allowing the States to decide, like they do with alcohol, how they should deal with marijuana. Better they should deal with it as a health policy and not a criminal policy and not stigmatize young people for life with marks on their record that might deny

them employment and taking police officers' work away from violent crimes, where they should be better be used.

SUPERINTENDENT JANE RUSSO'S RETIREMENT

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor a very dedicated leader from my community, our superintendent Jane Russo. She has served the Santa Ana Unified School District for over 25 years. As the first woman superintendent for Santa Ana Unified, she has been a visionary for the community.

Superintendent Russo has built partnerships with parents, with community leaders, with government, and with business leaders. She has taken leadership roles she has mentored and she has shown parents and faculty and administrators, the business community, all of us, what it is to truly collaborate and work together.

With approximately 58,000 students, 61 schools, 4,500 employees, Superintendent Russo manages the second largest employer in Santa Ana and the largest school district in Orange County and the sixth largest school district in California.

Her accomplishments have been recognized at the State and national levels. Under her leadership for the school district's academic performance index, it increased by nearly 100 points, and she received the highest score on State compliance report cards for special education and the highest increase in State testing for English language learners scoring proficient and above.

Ms. Russo will leave a lasting legacy in our district. She has shaped and made our community even better, and I am honored to recognize such a great member of our community, and I congratulate her on her retirement.

MEDICARE

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

Mr. BACA. Mr. Speaker, next week marks the 45th anniversary of implementing Medicare. On this occasion, it is right that Congress work together to protect and strengthen Medicare for our future generations. Sadly, instead of preserving Medicare, my Republican colleagues have approved a plan to destroy it.

The Republican budget privatizes Medicare programs, turning control over to the insurance industry; ends guaranteed Medicare coverage for seniors, replacing it with a voucher system; doubles out-of-pocket medical costs for seniors.

I ask my colleagues, where are your priorities? We should be creating jobs and helping middle class families. We should not be dismantling safety net programs like Medicare and Medicaid.

Let's stop the politics. Let's work together. Let's work on a plan to protect our seniors and be responsible to lower the deficit.

NOW IS THE TIME TO PASS THE PENDING FREE TRADE AGREEMENTS

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

Mr. DOLD. Mr. Speaker, for more than a short period of time, we've had an opportunity to talk about free trade agreements, and when we talk about it, it's about jobs, jobs in the economy. More than 57 million jobs in America are directly supported by international trade. Free trade with other nations not only creates more jobs for Americans; it creates more opportunity around the world.

In my district, over 58,000 jobs are directly supported by exports. In fact, last year almost $20 billion worth of merchandise was exported from my district alone. If Washington is serious about creating more jobs, then we should immediately pass the pending free trade agreements with Korea, Colombia, and Panama.

New jobs are created in our local communities when our Nation increases free trade. Free trade also lowers prices for the American consumer. When burdensome tariffs are lifted, the average American family of four sees an increased purchasing power of approximately $10,000.

Now is not the time to play political games with these free trade agreements. Now is the time to pass these pending free trade agreements so that we can create jobs here at home and help ease the burden on American families.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–40)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2011.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–41)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2011.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton accords Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For

these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 2219, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a)(1) During the 112th Congress, it shall not be in order to consider an amendment to a general appropriation bill proposing both a decrease in an appropriation designated pursuant to section 301 of House Concurrent Resolution 34 and an increase in an appropriation not so designated, or vice versa.

(2) Paragraph (1) shall not apply to an amendment between the Houses.

(b) With respect to H.R. 2219, subsection (a) shall apply only in the Committee of the Whole.

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

Mr. NUGENT. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of H. Res. 320 and the underlying legislation, H.R. 2219, which appropriates funds for the Department of Defense for fiscal year 2012.

The rule is a truly open rule, one which provides for ample debate on the bill and gives Members of both the minority and the majority the opportunity to participate in debates. Any Member can submit an amendment to H.R. 2219 as long as it's germane, in keeping with the rules of the House.

As a member of the Rules Committee, I'm proud of the transparency, the openness, and the free-flowing debate that we've seen thus far in the 112th Congress, especially in the appropriations process. One way we can show our commitment to the change we promised the American people is by supporting open rules like this one. The underlying bill keeps our promise to bring an end to wasteful pet projects. In keeping with the House earmark ban, H.R. 2219 doesn't contain a single earmark.

Now, as a father of three sons all currently serving in the United States Army, this bill is of special importance to me. It's important to the Blue Star moms and dads whose kids have answered the call of duty and are serving their country in uniform. But this legislation isn't just important to the moms and dads and husbands and wives of the loved ones serving overseas. This legislation is important to all Americans. This appropriations bill ensures that the men and women in our Armed Forces are equipped with the tools and the resources they need to get the job done. It's a bill that ensures we can continue to go to bed at night and be safe and sound in our homes, knowing our troops are protecting our Nation and our way of life.

Mr. Speaker, I had the honor and privilege of visiting Iraq and Afghanistan and Pakistan during the last constituent work week. While there, I got to meet many military leaders, our allies, but, most importantly, our troops on the ground. I saw with my own eyes the equipment they're working with and the environment that they're working in. I saw what they had and heard about what they needed to get their jobs done. And this legislation is vital to giving our men and women in uniform the resources they need to perform their mission and, more importantly, to get them home safely.

Mr. Speaker, while I support our troops no matter where the President sends them, I also believe we need to focus on the wars we're already fighting. To that end, I'm sorry there aren't restrictions on using these funds in Libya. I thank Chairman YOUNG and Ranking Member DICKS for not appropriating for further hostilities in that country. We can't stretch our resources so thin that we ultimately end up tying the hands of our troops.

Finally, Mr. Speaker, I would like to take a minute to discuss the rule's commitment to budgetary transparency. The budget resolution adopted earlier this year included specifically delineated funds for operations related to the global war on terror. This fund is capped at $126 billion. The intent of the budget language was to preserve these funds specifically for the war on terror and to ensure that the money wasn't diverted for unrelated programs.

Previous majorities have used similar constructs for the exact same purpose. Additionally, in previous Congresses, the Budget Committee chairman was prepared to advise the Chair that in terms of spending levels, it is impermissible to use funding for the global war on terror to offset increases in spending elsewhere in this bill. The same is true this Congress. Section 2 of the rule codifies the budget resolution's intent and the past practices of this House. The rule prohibits funding for the global war on terror from being used to pay for operations of any other kind. This provides transparency and accountability as to exactly how much money is being spent on the global war on terror, rather than counting the funds as an off-budget emergency spending program.

With that, I encourage my colleagues to vote ''yes'' on the rule and to vote ''yes'' on the underlying legislation.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 2219, the Defense Department Appropriations Act for fiscal year 2012, represents $530 billion in regular discretionary spending, $8.9 billion below the President's request, but $17 billion above the fiscal year 2011 enacted level.

Before going further into my remarks, I would like to thank my friend and fellow Floridian for yielding time to me, and I extend a personal thanks to him and his family, and particularly his three sons that are serving in the Army. I don't have three sons, but I had three uncles who served in the Army in another era, in the Second World War. And as I was proud of them, I am also proud of Mr. NUGENT's sons and the many families and servicemen and -women in our military.

From pay raises for military operations, this legislation offers a basically reasonable and comprehensive approach to our Nation's defense activities.

□ 1240

Yet I'm deeply concerned by really the staggering amounts of money this country continues to devote to the military. At a time of fiscal austerity when the majority is slashing tens of billions of dollars from essential social programs, it's, in my view, absurd that we continue to exempt the Department

of Defense from the same scrutiny that we apply to our domestic programs. For all of the rhetoric that I have heard through the years from my colleagues on the other side of the aisle about runaway spending, the fact of the matter is that Republicans actually increased spending in this bill. While they insist that more families must go hungry, fewer students need to go to college, fewer firefighters and teachers need to work in our cities, and fewer jobs need to be created, the Republican majority believes that $649 billion still isn't quite enough.

The United States accounts for 43 percent of all military spending on Earth. We already outspend Russia and China, the next biggest spenders, by a factor of six. We tell teachers they can't get classroom supplies, but we don't tell admirals that they can't have more submarines. We tell mayors that they can't have more cops, but we don't tell generals that they can't have more ballistic missiles. And we tell Americans that they can't get their roads fixed or their levies strengthened, but here we are funding a next generation of nuclear weapons, not to mention that we already have enough nuclear weapons to kill everybody on Earth 25 times over.

Mr. Speaker, we need to recognize that our priorities are askew and our spending on defense is unsustainable. Let me give you an example:

The Republican majority recently cut one-third, or proposed cutting one-third of the budget—almost $500 million—from the Food for Peace program. Over the course of almost 50 years, this program has delivered lifesaving food supplies to over 3 billion people. As John F. Kennedy correctly noted when he was running for President, ''food is peace.'' Yet these cuts mean that millions of people in vulnerable and underdeveloped regions of the world will not receive food aid from the United States.

The Arab Spring uprisings that arose in Tunisia were largely because of the concerns for food, and that is true elsewhere in the Middle East and North Africa. And this particular year should be a reminder that conflict erupts when people go without their most basic needs, including food.

At the same time when people see that the food they receive is coming from the United States—and I've had the good fortune of visiting around the world, having served over a period of time, 8 years over a period of 10 years on the Intelligence Committee here in Congress and having served previous to that on the Foreign Affairs Committee and now serving on the Committee for Security and Cooperation in Europe, I have had an opportunity to see firsthand in Germany countless amounts of food stamped with ''USA'' on them, and I've seen them in camps, and I suffer with the people now in southern Sudan. My colleague, DONALD PAYNE, and a former colleague, Harry Johnston from West Palm Beach, were together at a refugee camp in Nemili and previous to that in Mombasa, Kenya. I've seen our food aid around the world reduce the kind of anti-American extremism that often festers in these regions and manifests itself into conflicts that we wind up having to go and fight about.

So the reality, Mr. Speaker, is that food aid is actually critical to our national security. And the spending that we do to preempt or prevent conflicts means the less money that we have to spend later fighting them.

We're doing a disservice to our servicemen and -women by cutting programs that reduce the risk of war while adding billions to programs that create ever-more powerful methods to wage war. At the same time, we need to recognize that the increasing amounts we spend on the military means the less money we have here at home to address our pressing domestic concerns.

All of us heard the President of the United States last night speak to this issue, that while it may appear and might readily be perceived as nation building that we are doing in some countries, it is time for us, as the President said, to begin domestic building.

When I went to Iraq a few years ago, they showed us the remains of a water treatment plant. We spent 14 million U.S. dollars building that plant, and just as soon as it was finished, somebody came and blew it up. Mr. Speaker, I see us building water treatment plants in Basra and in Baghdad, in Kandahar and Kabul. But I don't see us building much-needed water treatment plants in the cities of the Glades that I represent—Belle Glade, Pahokee, and Clewiston—as well as others, Deerfield Beach, and Miramar, my hometown, I've had requests for water treatment matters, as well as Riviera Beach. Every year cities and counties in the congressional district that I'm privileged to serve come begging and asking for money to support infrastructure projects that no one is likely to blow up, and yet we don't fund them.

I don't say that we shouldn't help the Iraqi or the Afghan people develop their country, but I do say that we ought to be mindful that in our own country we have bridges collapsing, dams breaking, levies failing, roads crumbling, and water utilities leaking away. We simply cannot justify to the American people our willingness to spend tens of billions of dollars in Iraq and Afghanistan while neglecting those same efforts here at home.

Finally, Mr. Speaker, this measure contains several billion dollars in aid to Pakistan. As I have said before, you can't readily say the word ''Afghanistan'' without also saying the word ''Pakistan.'' To the extent that we are involved in Afghanistan, we also are involved in Pakistan. But we send billions of dollars to Pakistan only to see large sums of that money being used against American interests, funding the very same extremist groups that we are trying to eliminate.

A recent article in the New Yorker magazine noted that the Pakistani military submits expense claims every month to the United States Embassy in Islamabad. No receipts are provided and none are even requested. We're sending money out the door into one of the most conflict-ridden regions of the world without so much as an understanding of where that money is going, what exactly it is being used for, who in Pakistan is giving it to whom, and why someone is receiving it. We know that the Pakistani military and intelligence community support some of the extremist groups that are engaged against United States interests and which have committed acts of terrorism against civilians.

So again, Mr. Speaker, I come around to the point that we spend absolutely too much money on military and defense matters that we do not give half the same attention to debating as we do about cutting nutrition support, as is proposed for women, infants and children or financial aid to college students.

□ 1250

When Belle Glade, Florida, in the congressional district that I serve, comes looking for less than $1 million to fix their infrastructure and provide jobs for their local residents, the Republican majority has a whole long list of reasons of why we can't afford it. And yet, before us today, I see $5 billion for two submarines, $2 billion for one destroyer, and $6 billion for 32 fighter jets.

I maintain, Mr. Speaker, that our level of defense spending is on an unsustainable course. And at a time when we are demanding that the American people do more with much, much less, we also have to make choices and set priorities when it comes to our Nation's military spending.

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

Mr. NUGENT. Mr. Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS). I agree with a lot of what he said.

We talk about Pakistan, and I just came from there. We talk about the threat that the Taliban that are hiding in Pakistan pose to our troops in Afghanistan, and we talk about that every day. We talk about the inaction of the Pakistani military and the ISI in particularly rooting out those that are killing more U.S. troops in Afghanistan than anything else.

I would like to see more direct involvement as relates to Pakistan and their military on accountability issues that Mr. HASTINGS brought up, about the ability for us to make sure that if they're going to be allies in this fight against terrorism and particularly against the Taliban, that they truly are.

But in regards to this bill, the underlying legislation, this is $9 billion less than what the President of the United States requested for military DOD allocations this year, for 2012, $9 billion

less than the President's request. And some of it is to restock our National Guard and Reserve units that have been decimated over the years in regards to fighting wars in two different countries. It's about giving our troops a pay raise. It's about taking care of their medical needs and research in regards to providing medical care for those that are in the military. And guess what? That also then bleeds out into the civilian world in regards to those applications that are developed in the military.

It is about our core mission. The Constitution is clear about our core mission in regards to national defense. It talks specifically about this Nation and what this responsibility is of this Congress in regards to national defense.

I said earlier what does trouble me is that, in this, our chairman did a great job of not putting funding in to fund any more incursions into Libya, but it doesn't restrict it right now. And there's going to be discussion on Libya coming up later today.

But I've got to give credit to the chairman of the committee, of the subcommittee, in regards to appropriations that they really have crafted a piece of legislation that has bipartisan support in that committee. There's bipartisan support across the board in regards to where we need to go in regards to keeping this Nation safe against threats, known and unknown, in the future.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very, very pleased to yield 4 minutes to my very good friend, the gentleman from Georgia (Mr. LEWIS), an icon in this Nation and a passionate person on the subject at hand.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because the American people have grown weary of war. War destroys the dreams, the hopes, the aspirations, and the longings of a people.

A wise man once said, ''Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, hopes of its children.''

These are not the words of Dr. Martin Luther King, Jr. These are not the words of Gandhi. These are the words of a five-star General, President Dwight Eisenhower.

We have spent billions of dollars. Thousands of our sons and daughters have been left dead on the battlefield and scarred by the brutality of war. I'm glad that the President is bringing 10,000 soldiers home from Afghanistan, but we must do more to end this war and start investing in our future.

We cannot continue to fund this war while we tell our seniors there is no money for Medicare. We cannot fund war and tell our children and young mothers that we won't pay for food stamps. We cannot pay for war while our bridges and our roads are crumbling.

We cannot afford to make bombs and guns. We must use our resources to solve the problems of humankind, to build and not to tear down, to reconcile and not to divide, to love and not to hate, to heal and not to kill.

If we want to create a beloved community, create a beloved world, a world that is at peace with itself, if that is our goal, our way must be love, peace, and nonviolence, skilled diplomacy not military might.

We must lay down the tools and instruments of war and violence. Stop paying for war. Believe in the power of peace and end this war.

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

Mr. HASTINGS of Florida. Thank you, Mr. NUGENT. Again, I appreciate your complimentary remarks regarding mine, and I compliment you with regard to yours. I don't think we have a single bit of daylight between us when it comes to the support of the men and women that are in the military.

I do quarrel with, across the 14th Street bridge, the amount of money that we spend at the Pentagon. I have personally seen generals serving generals. And somewhere along the line, that just does not add up to frugality.

Mr. Speaker, the legislation before us provides a comprehensive accounting of our Nation's military activities and includes much deserved pay raises for our troops, critical funding for health programs, and disease research.

Let's make it very clear. The only thing that we could afford was a less than 2 percent raise for our troops. And I personally, and I believe Chairman YOUNG of the subcommittee and the distinguished Floridian who has served on this committee for a protracted period of time and has no peer when it comes to support of the military—he did have one peer that I know extremely well, and he does as well, and that's Ike Skelton, who was not reelected.

□ 1300

We miss Ike and the extraordinary service that he put forward on behalf of this country, first as a soldier and then as a Congressperson.

We can come up with the necessary expenditures to keep our military well-equipped, well-trained, and superior to any other force, but at the same time we need to devote greater attention to the use of these precious resources. I wish that the Republican majority would have devoted as much concern for the non-defense portion of our budget as they do to the vast level of spending contained in this measure. We need to appreciate that spending money on conflict prevention, as my friend Mr. LEWIS pointed out, is far, far cheaper in the long run than spending money on conflict engagement.

We cut social services programs here at home and around the world at our own peril. For when people lack food, lack resources, lack dignity, lack a future and lack hope, their nations will much more easily succumb to the kind of extremism, violence, and instability that we are spending billions fighting.

I have no quarrel with providing the necessary funding to support our servicemen and -women or to carry out their missions. Our Nation needs a lean and powerful and effective military. And we owe a debt of gratitude—as has been expressed and likely will be continuously throughout this appropriations process—to the members of the military and their families for the sacrifices they make and the devotion to duty they demonstrate. When they are sent on difficult missions overseas, it's our duty to see that they have our full and complete support.

But we also have great needs in this country, and we cannot continue to slash funding for essential programs here at home in favor of ever-increasing funding for wars abroad. We cannot continue spending money overseas that will go to waste when water treatment plants get blown up. We can't continue funding dubious efforts in regions where our money trickles down to the very extremists it is supposed to be defeating. And we cannot keep increasing our military budget year after year while devastating essential programs are left by the wayside here at home.

I do have one concern about this rule, and that is the new section that was added to this rule at the last minute that set forth restrictions on the amendment process.

At this time, Mr. Speaker, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I support the rule and the underlying legislation, and I encourage my colleagues to support it as well.

I know that since I've come to the House, I've gotten up here and talked time and time again about our government's core mission. There is no doubt there is nothing more central to the purpose of government than to provide for our Nation's defenses. It's in the Preamble of the Constitution: Provide for the common defense. It's in the oath we took when we were sworn into office to defend the Constitution of the United States against all enemies, foreign and domestic.

H.R. 2219 fulfills our constitutional duty to provide for our Nation's defense. Additionally, H. Res. 320 ensures that we will review this legislation completely in an open and transparent manner that all American people deserve to see.

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

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

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

Mr. NUGENT. Mr. 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 247, nays 168, not voting 16, as follows:

[Roll No. 479]

YEAS—247

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
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
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
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
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (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)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—168

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

NOT VOTING—16

Ackerman
Bass (CA)
Becerra
Garamendi
Giffords
Gingrey (GA)
Hirono
Holden
Hurt
Larson (CT)
McDermott
Napolitano
Rangel
Stivers
Waters
Woolsey

□ 1334

Messrs. WATT and GENE GREEN of Texas changed their vote from ''yea'' to ''nay.''

Messrs. GOHMERT, ROYCE and KINGSTON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. HIRONO. Mr. Speaker, on rollcall No. 479, had I been present, I would have voted ''no.''

Ms. WOOLSEY. Madam Speaker, I was unavoidably detained and was unable to record my vote for rollcall No. 479. Had I been present I would have voted: rollcall No. 479: ''No''—On Ordering the Previous Question.

Mr. BECERRA. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall vote 479. If present, I would have voted ''no'' on rollcall vote 479.

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 479 in order to attend my grandson's graduation. Had I been present, I would have voted ''no'' on the Motion on Ordering the Previous Question on H. Res. 320—the Rule for H.R. 2219—Department of Defense Appropriations Act, 2012.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 173, not voting 7, as follows:

[Roll No. 480]

AYES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
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
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
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
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
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
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton

Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—173

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

NOT VOTING—7

Giffords
Gingrey (GA)
Holden
Hurt
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1351

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

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BACHMANN. Mr. Speaker, when rollcall vote 480 was called, I registered my vote as "aye" and then proceeded to an Intelligence briefing. When I returned to the floor, it was my intention to vote "no" on the next amendment and I registered my vote as such. Unfortunately, due to a staffing error, it was still the same rollcall vote 480, and my "aye" was mistakenly changed to "no." To be clear, I do support the rule providing for consideration of the FY2012 Department of Defense Appropriations Bill.

Stated against:

Ms. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 480 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on H. Res. 320—Rule providing for consideration of H.R. 2219—Department of Defense Appropriations Act, 2012.

AMERICA INVENTS ACT

The SPEAKER pro tempore (Mr. WOODALL). Pursuant to House Resolution 316 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. 1249.

□ 1351

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. 1249) to amend title 35, United States Code, to provide for patent reform, with Mr. POE of Texas (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, June 22, 2011, a request for a recorded vote on amendment No. 1 printed in part B of House Report 112–111 offered by the gentleman from Texas (Mr. SMITH) had been postponed.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 112–111 on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) 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 283, noes 140, not voting 8, as follows:

[Roll No. 481]

AYES—283

Ackerman
Adams
Aderholt
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Inslee
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Serrano
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—140

Akin
Amash
Andrews
Baca
Bachmann
Baldwin
Bass (CA)
Becerra
Berg
Berman
Bilbray
Bishop (NY)
Blumenauer
Brady (PA)
Brooks
Broun (GA)
Brown (FL)
Capps

Cardoza	Hinojosa	Pelosi
Carson (IN)	Hirono	Peters
Castor (FL)	Holt	Pingree (ME)
Chu	Honda	Polis
Clarke (MI)	Hunter	Posey
Clarke (NY)	Israel	Reyes
Clay	Jackson (IL)	Rohrabacher
Cleaver	Johnson (IL)	Roybal-Allard
Clyburn	Johnson, E. B.	Royce
Conyers	Jones	Ryan (OH)
Costa	Kaptur	Sanchez, Loretta
Cummings	Kildee	Schakowsky
Davis (CA)	Kind	Schiff
Davis (IL)	King (IA)	Schock
DeFazio	Kucinich	Scott (SC)
DeGette	Lance	Scott (VA)
Deutch	Landry	Scott, David
Dingell	Lee (CA)	Sensenbrenner
Doggett	Levin	Sherman
Doyle	Lewis (GA)	Slaughter
Duncan (SC)	Lipinski	Speier
Edwards	Lofgren, Zoe	Stark
Ellison	Luján	Stearns
Eshoo	Lynch	Sutton
Farr	Mack	Terry
Filner	Manzullo	Thompson (CA)
Flake	Markey	Thompson (MS)
Frank (MA)	Matsui	Tierney
Franks (AZ)	McClintock	Tonko
Fudge	McDermott	Towns
Garamendi	McNerney	Tsongas
Garrett	Miller (FL)	Turner
Gonzalez	Miller (NC)	Van Hollen
Green, Al	Miller, George	Velázquez
Green, Gene	Moore	Walz (MN)
Grijalva	Nadler	Waters
Gutierrez	Pallone	Watt
Hartzler	Pascrell	Waxman
Hastings (FL)	Pastor (AZ)	Webster
Heinrich	Paul	Woolsey
Higgins	Payne	

NOT VOTING—8

Giffords	Hurt	Scott, Austin
Gingrey (GA)	Napolitano	Stivers
Holden	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mrs. CAPITO) (during the vote). There are 2 minutes remaining in this vote.

□ 1410

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

Messrs. BARTLETT and MULVANEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. AUSTIN SCOTT of Georgia. Madam Chair, on rollcall No. 481 I was unavoidably detained. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Madam Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 481 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Smith (TX) Manager's Amendment.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–111.

Mr. CONYERS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, strike line 3 and all that follows through page 25, line 12, and insert the following:

(n) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect 90 days after the date on which the President issues an Executive order containing the President's finding that major patenting authorities have adopted a grace period having substantially the same effect as that contained under the amendments made by this section; and

(B) shall apply to all applications for patent that are filed on or after the effective date under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) MAJOR PATENTING AUTHORITIES.—The term ''major patenting authorities'' means at least the patenting authorities in Europe and Japan.

(B) GRACE PERIOD.—The term ''grace period'' means the 1-year period ending on the effective filing date of a claimed invention, during which disclosures of the subject matter by the inventor or a joint inventor, or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor, do not qualify as prior art to the claimed invention.

(C) EFFECTIVE FILING DATE.— The term ''effective filing date of a claimed invention'' means, with respect to a patenting authority in another country, a date equivalent to the effective filing date of a claimed invention as defined in section 100(i) of title 35, United States Code, as added by subsection (a) of this section.

(3) RETENTION OF INTERFERENCE PROCEDURES WITH RESPECT TO APPLICATIONS FILED BEFORE EFFECTIVE DATE.—In the case of any application for patent that is filed before the effective date under paragraph (1)(A), the provisions of law amended by subsections (h) and (i) shall apply to such application as such provisions of law were in effect on the day before such effective date.

Page 11, lines 21-23, strike ''upon the expiration of the 18-month period beginning on the date of the enactment of this Act,'' and insert ''on the effective date provided in subsection (n)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I ask unanimous consent that the gentleman from California, DANA ROHRABACHER, be added to this amendment as a cosponsor.

The Acting CHAIR. The Chair would advise the gentleman that amendments do not have cosponsors.

Mr. CONYERS. I yield myself 2½ minutes.

Ladies and gentlemen, this bipartisan amendment adds an important provision to H.R. 1249. It would permit the conversion of the United States to a first-to-file system only upon a Presidential finding that other nations have adopted a similar one-year grace period. This one-year grace period protects the ability of an inventor to discuss or write about his or her ideas for a patent up to a year before he or she actually files for patent protection. And without this grace period, an inventor could lose his or her own patent.

This grace period provision within H.R. 1249 would grant an inventor a one-year period between the time he first publishes his invention to the time when he's required to file a patent. During this time, this would prohibit anyone else from seeing this publication, stealing the idea, and quickly filing a patent behind the inventor's back. Yet the only way for American inventors to benefit from the grace period provision contained in 1249 is to ensure that the foreign countries adopt a similar grace period as well.

The amendment would encourage other countries to adopt a similar period in their patent system consistent with a recommendation by the National Academy's National Research Council. Current law in the United States allows a grace period of 1 year, during which an applicant can disclose or commercialize an invention before filing for a patent. Japan offers a limited grace period, and Europe provides none.

If the first-to-file provision in the bill is implemented, we must ensure that American inventors are not disadvantaged. Small American inventors and universities are disadvantaged abroad in those nations where there is no grace period.

The grace period provision within H.R. 1249 would grant an inventor a one-year period between the time he first publishes his invention to the time when he is required to file a patent.

During this time, this would prohibit anyone else from seeing this publication, stealing the idea, and quickly filing a patent behind the inventor's back.

Yet, the only way for American inventors to benefit from the grace period provision contained in H.R. 1249 is to ensure that foreign countries adopt a grace period, as well.

Small American inventors and universities are disadvantaged abroad in those nations where there is no grace period. As a result, they often lose the right to patent because these other countries do not care about protecting small business and university research.

The United States needs to do more to protect the small inventor and universities not just here but abroad.

Unfortunately, other countries will not do it on their own even though they want the United States to convert to a ''first-to-file'' system.

If H.R. 1249 passes without my Amendment, we will be giving away a critical bargaining chip that we can use to encourage other countries to follow our lead.

My Amendment ensures that the only way to benefit from the grace period in H.R. 1249 is to have foreign countries adopt a grace period.

Without this Amendment, we will be unilaterally transitioning the United States to a ''first-to-file'' system with a weak grace period without any incentive for foreign countries to adopt a grace period.

I should also note that identical language was included in H.R. 1908, the ''Patent Reform Act of 2007,'' which the House passed on September 7, 2007.

Accordingly, I urge my colleagues to support this Amendment.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, the Conyers amendment to tie the changes proposed in the America Invents Act to future changes that would

be made in foreign law is unworkable. I oppose providing a trigger in U.S. law that leaves our patent system at the mercy of actions to be taken at a future date by the Chinese, Russians, French, or any other country. It is our constitutional duty to write the laws for this great land. We cannot delegate that responsibility to the whims of foreign powers.

I know that this idea has been floated in the past, but after working on several pieces of patent legislation over the past several Congresses, and particularly this year on H.R. 1249, it has become clear that this type of trigger idea is simply not workable and is counterproductive.

The move to a first-inventor-to-file system creates a more efficient and reliable patent system that benefits all inventors, including independent inventors. The bill provides a more transparent and certain grace period, a key feature of U.S. law, and a more definite filing date that enables inventors to promote, fund, and market their technology, while making them less vulnerable to costly patent challenges that disadvantage independent inventors.

Under first-inventor-to-file, an inventor submits an application to the Patent Office that describes their invention and how to make it. That, along with a $110 fee, gets them a provisional application and preserves their filing date. This allows the inventor an entire year to complete the application, while retaining the earlier filing date. By contrast, the cost of an interference proceeding before the PTO often runs to $500,000.

The current first-to-invent system harms small businesses and independent inventors. Former PTO Commissioner Gerald Mossinghoff conducted a study that proves smaller entities are disadvantaged in PTO interference proceedings that arise from disputes over patent ownership under the current system. Independent inventors and small companies lose more often than they win in these disputes, plus bigger companies are better able to absorb the cost of participating in these protracted proceedings.

In addition, many inventors also want protection for their patents outside the United States. If you plan on selling your product overseas, you need to secure an early filing date. If you don't have a clear filing date, you can be shut off from the overseas market. A change to first-inventor-to-file will help our businesses grow and ensure that American goods and services will be available in markets across the globe.

In the last 7 years, only one independent inventor out of 3 million patent applications filed has prevailed over the inventor who filed first. One out of 3 million. So there is no need for this amendment. Independent inventors lose to other applicants with deeper pockets that are better equipped to exploit the current complex legal environment.

So the first-to-file change makes it easier and less complicated for U.S. inventors to get patent protection around the world. And it eliminates the legal bills that come with the interference proceedings under the current system. It is a key provision of this bill that should not be contingent upon actions by foreign powers and delay what would be positive reforms for independent inventors and our patent system.

The first-inventor-to-file provision is necessary for U.S. competitiveness and innovation. It makes our patent system stronger, increases patent certainty, and reduces the cost of frivolous litigation.

However, if you support the U.N. having military control over our troops, or if you support the concept of an international court at The Hague, then you would support this amendment's proposal of a trigger that subjects U.S. domestic law to the whims of governments in Europe, China, or Russia.

It really would be unprecedented to hold U.S. law hostage to legal changes made overseas, and would completely go against what this great country stands for and what our Founders fought for: the independent rights and liberties we have today.

For these reasons, Madam Chair, I am strongly opposed to the amendment.

I yield back the balance of my time.

□ 1420

Mr. CONYERS. I yield the balance of my time to the gentleman from California (Mr. ROHRABACHER).

The Acting CHAIR. The gentleman from California is recognized for 2½ minutes.

Mr. ROHRABACHER. Let's just note that Ms. LOFGREN last night presented a case to this body which I felt demonstrated the danger that we have in this law. A move to first-to-file system, which is what this bill would do, without a corresponding 1-year grace period in other countries dramatically undermines the patent protection of American inventors. Some of us believe that's the purpose of this bill because they want to harmonize American law with the weak systems overseas.

Well, without this amendment that we are talking about right now, without the Conyers-Rohrabacher amendment, if an inventor discloses his discoveries, perhaps to potential investors, his right to patent protection is essentially gone. It's not gone from just Americans. Yes, he would be protected under American law; but from all those people in foreign countries without a similar grace period to what we have here in our system, these people are not restricted. Thus, they could, once an American inventor discloses it, at any time they can go and file a patent and steal our inventors' discoveries.

The only way for American inventors to benefit from a grace period here, which this bill is all about, is to ensure that foreign countries adopt the same grace period. And that's what this amendment would do. It would say our bill, which will make our inventors vulnerable to foreign theft, will not go into place until those foreign countries have put in place a similar grace period, which then would prevent them and their citizens from coming in and stealing our technology. Ms. LOFGREN detailed last night in great detail how that would work.

I call this bill basically the Unilateral Disclosure Act, if not the Patent Rip-Off Act, because we are disclosing to the world what we've got. And our people can't follow up on it because there's a grace period here, but overseas they don't have that same grace period. So what we're saying is, to prevent foreigners from stealing American technology, this will not go into effect until the President has issued a statement verifying that the other countries of the world have a similar grace period so they can't just at will rip off America's greatest entrepreneurs and inventors.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–111.

Ms. BALDWIN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 5 (''Defense to Infringement Based on Prior Commercial Use''), as amended, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''section 18'' and insert ''section 17''.

Page 115, line 10, strike ''6(f)(2)(A)'' and insert ''5(f)(2)(A)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Wisconsin (Ms. BALDWIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. I yield myself 3½ minutes.

Madam Chair, I rise to urge adoption of the Baldwin-Sensenbrenner amendment that strikes section 5 in the America Invents Act. Section 5 expands the prior-user rights defense from its present narrow scope to broadly apply to all patents with minimal exceptions.

As we work to rebuild our economy, Congress should be doing all that it can

to foster small business innovation and investment. I believe that section 5 will do just the opposite. Expanding prior-user rights will be disastrous for small American innovators, as well as university researchers, and ultimately slow job creation.

Despite current challenges, the U.S. patent system remains the envy of the world. Since the founding of our Nation, inventions have been awarded exclusive rights in exchange for public disclosure. This system also creates incentives for investing in new ideas, fostering new ways of thinking, and encouraging further advancement and disclosures. It promotes progress.

If proponents of expanding prior-user rights have their way with this legislation, they will give new rights to those who have previously developed and used the same process or product even if they never publicly divulged their innovation and never even applied for a patent. It will transform our patent system from one that values transparency to one that rewards secrecy.

To understand why expanding prior-user rights runs counter to the public interest, it is important to reiterate how critical exclusive rights are for inventions to gain marketplace value and acquire capital. For start-ups and small businesses, raising necessary capital is vital and challenging. The expansion of prior-user rights would only make that task all the more difficult.

Under the system proposed in the American Invents Act, investors would have no way of determining whether anyone had previously developed and used the process or product that they were seeking to patent. In such a scenario, a patent might be valuable or relatively worthless; and the inventor and potential investors would have no means of determining which was true.

Madam Chairwoman, I would like to boast for a moment if I could about Stratatech, a fiercely innovative small business in Madison run by a top researcher at the University of Wisconsin who, through her research there, developed a human living skin substitute. This living skin is a groundbreaking treatment method that we hope will ultimately save the lives of American troops who have suffered burns while serving in Iraq and Afghanistan.

The company was recently awarded nearly $4 million to continue clinical trials for their tissue product. And what can save lives in a desert combat setting abroad will assuredly transform the way doctors save lives of burn victims in hospitals around our country and around the world.

Now, I wonder if Stratatech would have been able to drive this phenomenal innovation and life-saving technology as far as they have with a patent that provides only conditional exclusivity. Would investors have felt as secure advancing this technology in a system shrouded in secrecy? What if Stratatech's patent was subject to the claims of an unlimited number of people or companies who could later claim ''prior use''?

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. BALDWIN. I yield myself 15 additional seconds.

If we let section 5 stand, it is unclear to me whether a similar company would ever secure the funding that they need to grow.

I urge my colleagues to adopt the Baldwin-Sensenbrenner amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, this amendment strikes the prior-user rights provision from the bill. I strongly oppose this amendment.

The bill expands prior-user rights—a strong, pro-job, pro-manufacturing provision. This provision will help bring manufacturing jobs back to this country. It allows factories to continue using manufacturing processes without fear of costly litigation. It is absolutely a key component of this bill.

This provision has the strong support of American manufacturers and the support of all the major university associations and technology-transfer associations. These include the Association of American Universities, American Council on Education, Association of American Medical Colleges, Association of Public and Land Grant Universities, Association of University Technology Managers, and the Council on Government Relations representing the vast majority of American Universities. Prior-user rights ensure that the first inventor of a new process or product using manufacturing can continue to do so.

This provision has been carefully crafted between stakeholders and the university community. The language provides an effective exclusion for most university patents, so this provision focuses on helping those in the private sector.

The prior-use defense is not overly expansive and will protect American manufacturers from having to patent the hundreds or thousands of processes they already use in their plants.

After getting initial input from the university community, they recommended that we make the additional changes reflected in this bill to ensure that prior-user rights will work effectively for all private sector stakeholders.

Prior-user rights are important as part of our change to a first-to-file system. I believe it is important to ensure that we include these rights to help our job-creating manufacturers across the United States. The philosophical objections of a lone tech-transfer office in Wisconsin should not counter the potential of this provision for job creation throughout America.

There are potentially thousands or hundreds of thousands of unemployed Americans who are looking for manufacturing jobs and could benefit from this provision. Without this provision, businesses say they may be unable to expand their factories and hire American workers if they are prevented from continuing to operate their facilities the way they have for years.

□ 1430

For many manufacturers, the patent system presents a catch-22. If they patent a process, they disclose it to the world and foreign manufacturers will learn of it and, in many cases, use it in secret without paying licensing fees. The patents issued on manufacturing processes are very difficult to police, and oftentimes patenting the idea simply means giving the invention away to foreign competitors. On the other hand, if the U.S. manufacturer doesn't patent the process, then under the current system a later party can get a patent and force the manufacturer to stop using a process that they independently invented and used.

In recent years, it has become easier for a factory owner to idle or shut down parts of his plant and move operations and jobs overseas rather than risk their livelihood through an interference proceeding before the PTO. The America Invents Act does away with these proceedings and includes the pro-manufacturing and constitutional provision of prior-user rights.

This provision creates a powerful incentive for manufacturers to build new plants and new facilities in the United States. Right now, all foreign countries recognize prior-user rights, and that has played a large role in attracting American manufacturing jobs and facilities to these countries. H.R. 1249 finally corrects this imbalance and strongly encourages businesses to create manufacturing jobs in this country.

The prior-user rights provision promotes job creation in America. Prior-user rights will help manufacturers, small business and other innovative industries strengthen our economy. It will help our businesses grow and allow innovation to flourish.

I strongly support prior-user rights, and so I oppose this amendment.

I yield back the balance of my time.

Ms. BALDWIN. I yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER).

The Acting CHAIR. The gentleman from Wisconsin is recognized for 1¼ minutes.

Mr. SENSENBRENNER. Madam Chair, this expansion of prior-user rights is a step in the wrong direction. It goes against what this House determined 4 years ago when we last debated this issue, and also it is different than what the Senate has done in March of this year.

The fundamental principle of patent law is disclosure, and the provision in this bill that the amendment seeks to strike goes directly against disclosure and instead encourages people who may invent not to even file for a patent, and that will slow down research

and expanding the knowledge of humans.

The gentleman from Texas talks about manufacturing. I am all for manufacturing. I think we all are all for manufacturing. But what this does is it helps old manufacturing, which we need to help, but it also puts new manufacturing in the deep freeze because they use the disclosures that are required as a part of a patent application.

You vote for the amendment if you want disclosure and advancement of human knowledge. You vote against the amendment if you want secrecy in this process.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Ms. BALDWIN. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–111.

Ms. MOORE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. ESTABLISHMENT OF METHODS FOR STUDYING THE DIVERSITY OF APPLICANTS.

The Director shall, not later than the end of the 6-month period beginning on the date of the enactment of this Act, establish methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans. The Director shall not use the results of such study to provide any preferential treatment to patent applicants.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Madam Chair, I yield myself such time as I may consume.

My amendment would ensure that we have the proper data to identify and work with sectors of the U.S. economy that are participating in the patent process at significantly lower rates.

Specifically, my amendment allows the USPTO to develop methods for ways to track the diversity of patent applicants. It also specifically prohibits the office from using any such results for any preferential treatment in the application process.

I certainly do applaud the USPTO for their outreach to the Women's Chamber of Commerce and to the National Minority Enterprise Development Conferences to try to increase diversity with utilizing the patent process. But some recent data have raised concern that minorities and women-owned businesses are just not keeping up with the patent process.

Preliminary data from a 2009 Kauffman Foundation survey of new businesses show that minority-owned technology companies hold fewer patents and copyrights after the fifth year of starting than comparable nonminority businesses. In fact, the Kauffman data show that minority-owned firms with patents hold only two on average, compared with the eight of their counterparts. Another survey uses National Science Foundation data to suggest that women commercialize their patents 7 percent less than their male counterparts.

Now, the best example I can think of this is the late great George Washington Carver, who we all know discovered 300 uses for peanuts and hundreds more for other plants. He went on to help local farmers with many improvements to their farm equipment, ingredients, and chemicals. However, Carver only applied for three patents.

Some historians have written on whether or not Eli Whitney was, indeed, the original inventor of the cotton gin or whether the invention could have originated from the slave community. At the time, slaves were unable to register an invention with the Patent Office, and the owner could not patent on their behalf because of the requirement to be an original inventor.

Now, African Americans and women have a long history of inventing some of the most influential products in our society, but we also simply do not have enough information to further explore and explain these results. And as our government and industry leaders look into these problems and possibly fix these deficiencies, they run into a major hurdle.

Currently, the Patent and Trade Office only knows the name and general location of a patent applicant. In most cases, only the physical street address that the office collects is for the listed patent attorney on the application. Such limited information prevents us from fully understanding the nature and scope of the underrepresentation of minority communities in intellectual property. Until we can truly understand the nature of this problem, we cannot address it or do the appropriate outreach.

Mr. SMITH of Texas. Will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Madam Chair, I just want to say to the gentlewoman from Wisconsin that I appreciate her offering the amendment, and I urge my colleagues to support it.

Ms. MOORE. I certainly again want to commend efforts from Director Kappos and the Patent and Trade Office that, despite their not having to do it, they do reach out to women and minority communities to try to get them to utilize the Patent Office.

I can say that the ability to innovate and create is just one part of the equation. The key to success for minorities in our community as a whole also depends upon the ability to get protection for their intellectual property.

I urge the body to vote for this amendment.

I would yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. SENSE OF CONGRESS.

It is the sense of Congress that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Madam Chair, as I rise to offer my amendment, I take just a moment of personal privilege to say that, whatever side Members are on on this issue, I know that Members want to protect the genius of America.

I would like to thank my ranking member, Mr. CONYERS, for that commitment, as he comes from one of the original genius proponents, and that is the auto industry that propelled America into the job creation of the century, and to the chairperson of the committee, Mr. SMITH, who ventured out in efforts to provide opportunities for protecting, again, the opportunities for invention and genius.

□ 1440

My amendment speaks, I think, in particular to the vast population of startups and small businesses that are impacted by this legislation. In particular, it is a reinforcement of Congress' position that indicates that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory

behavior that could result in the cutting off of innovation.

We recognize that small and minority businesses and women-owned businesses, which dominate the landscape of America, are really major job creators. Small business is thriving in my own home State of Texas, as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the State's employers and 46.8 of its private sector employment. We know that there are a large number of women-owned businesses and as well growing African American and Latino. But we need more growth—with Asian businesses, small businesses, Hispanic, Native American, African American—all forms of businesses that are part of growing this economy.

Small business makes up a large portion of our employer network. It is important to understand how they will be impacted as a result of patent reform. In this first-to-file, for example, small businesses may in fact be concerned about trying to get investors. As they get investors, they may have to disclose. This sense of Congress will put us on notice that we need to be careful that we allow at least the opportunity for these investors, and that we continue to look at the bill to ensure that it responds to that opportunity. We must recognize again, as I said, that small businesses create jobs. And the number of new jobs that they have created are 64 percent of net jobs over the past 15 years. My amendment, again, reinforces the idea that small businesses can survive in this climate.

I did offer an amendment which provided for a transitional review program for 5 years or add for that to be sunsetted. It was all about trying to protect our small businesses. But I believe this amendment, with its firm statement, gathers Congress around the idea that nothing in this bill will inhibit small businesses from being creative. We can as well recognize all of the growth that has come about from the ideas of small businesses.

I think my amendment also reinforces that we do not wish to engage in any undue taking of property because we indicate that we want to see the innovativeness of American businesses continue. I believe this is an important statement, because the bill is about innovation, genius, creation, job creation, and it should be about small businesses. Small businesses should be as comfortable with going to the Patent Office as our large businesses. In years to come, because of this major reform, we should see small businesses creating opportunity for growth as they develop not into small-and medium-sized but huge international companies.

So I am asking my colleagues to support this amendment, and as well I am recognizing that we do have the opportunity to turn the corner and to put a stamp of new job creation on America.

I rise today to offer an amendment to H.R. 1249, the "America Invents Act." My amendment adds a section to the end of the bill expressing the sense of Congress that "the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation."

We must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property. Several studies, including those by the National Academy of Sciences and the Federal Trade Commission, recommended reform of the patent system to address what they thought were deficiencies in how patents are currently issued.

The U.S. Department of Commerce defines small businesses as businesses which employ less than 500 employees.

According to the Department of Commerce in 2006 there were 6 million small employers representing around 99.7% of the nation's employers and 50.2% of its private-sector employment.

In 2002 the percentage of women who owned their business was 28% while black owned was around 5%. Between 2007 and 2008 the percent change for black females who were self employed went down 2.5% while the number for men went down 1.5%.

Small business is thriving in my home state of Texas as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7% of the state's employers and 46.8% of its private-sector employment.

In 2009, there were about 468,000 small women-owned small businesses compared to over 1 million owned by men.

88,000 small business owners are black, 77,000 are Asian, 319,000 are Hispanic, and 16,000 are Native Americans.

Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

Given the current state of the economy, we cannot afford to overlook the opportunities for job growth that small businesses create.

According to the Bureau of Labor Statistics, between the 1992 and 2005, small businesses accounted for 65% of quarterly net employment growth in the private sector.

Even in unsteady economic times, small businesses can be counted on for job creation. Between 1992 and 2004, the net job creation rate was the highest at the smallest establishments.

Small Businesses Create Jobs. It is a fact. According to the Small Business Administration, small businesses:

Represent 99.7 percent of all employer firms.

Employ just over half of all private sector employees.

Generated 64 percent of net new jobs over the past 15 years.

Create more than half of the nonfarm private gross domestic product (GDP).

Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers).

Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007.

Produce 13 times more patents per employee than large patenting firms; these patents are twice as likely as large firm patents to be among the one percent most cited.

Many successful business owners will credit at least part of their success to the ability to innovate—in technologies, in strategies, and in business models. A huge part of this innovation comes from the ability to create and patent ideas.

According to a study conducted by Business Week, half of all business innovation resources are dedicated to creating new products or services.

Patents are the driving force behind this product innovation, and without strong patent protection, businesses will lack the incentive to attract customers and contribute to economic growth.

While I am happy to be here debating this all important amendment to this bill, it is unfortunate that some of my other amendments supporting small businesses and acknowledging the "takings clause" in the U.S. Constitution were not accepted. In yesterday's Rules Committee meeting, I offered a number of amendments:

I offered amendments that ensure the inclusion of minority and women owned businesses in the definition of "small entities" to ensure they receive the benefits of reduced user fees.

I also offered an amendment ensuring the inclusion of Historically Black Colleges and Universities and Hispanic Serving Institutions amongst entities that receive fee discounts.

Another pro-small business amendment I offered would have extended the grace period for small businesses from one year to 18 months, enabling them enough time to secure financial support and develop their invention in order to bring it to market.

Section 18 of the bill, which creates a transitional review program for business method patents, has raised concerns about the potential to create situations which could run afoul of the "takings clause" in the U.S. Constitution. To address these concerns, I offered a number of amendments:

One of my amendments would have shortened the sunset on Section 18 from 10 years to 5 years.

I also introduced an amendment that would have required the Director of the USPTO to make a determination of whether or not a condition causing an unlawful taking is created by this section.

Lastly, I introduced a sense of Congress amendment that affirms that no provisions in this bill should create a unconstitutional taking.

Despite my concerns with certain provisions in this bill, overall, I believe H.R. 1249 will usher in the reforms needed to improve the patent system, making it more effective and efficient, and therefore encouraging innovation and job creation.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I understand the underlying point of the Member's amendment, and I want to make it clear that my interpretation of this amendment and its intent is to

highlight the problem posed by entities that pose as financial or technological businesses but whose sole purpose is not to create but to sue. I am talking about patent trolls—those entities that vacuum up patents by the hundreds or thousands and whose only innovations occur in the courtroom. This sense of Congress shows how these patent trolls can hurt small businesses and independent inventors before they even have a chance to get off the ground. This bill is designed to help all inventors and ensure that small businesses will continue to be a fountain for job creation and innovation.

For these reasons, Madam Chair, I support the amendment.

I yield back the balance of my time.

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

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

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. LUJÁN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–111.

Mr. LUJÁN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 135, line 22, strike the period and insert a semicolon.

Page 135, after line 22, insert the following:

(C) shall evaluate and consider the extent to which the purposes of satellite offices listed under subsection (b) will be achieved;

(D) shall consider the availability of scientific and technically knowledgeable personnel in the region from which to draw new patent examiners at minimal recruitment cost; and

(E) shall consider the economic impact to the region.

Page 136, line 9, insert before the semicolon the following: '', including an explanation of how the selected location will achieve the purposes of satellite offices listed under subsection (b) and how the required considerations listed under subsection (c) were met''.

The CHAIR. Pursuant to House Resolution 316, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. Madam Chair, I rise today in support of my amendment to H.R. 1249, the America Invents Act. The America Invents Act provides for the creation of United States Patent and Trademark Office satellite offices. For many small businesses and independent inventors, navigating the patent application process can be challenging. Small businesses, entrepreneurs, and innovators are the foundation of our economy but do not always have the resources that larger corporations or institutions have to assist them in obtaining a patent. By improving access to the United States Patent and Trademark Office, satellite offices have the potential to help small businesses and independent inventors navigate the patent application process. However, this bill essentially provides no guidance to determine the location of such satellites offices.

While the language in the bill contains stated purposes for satellite offices, it does not specify that these purposes be part of the selection process. This amendment makes it explicit that the purposes of the satellite offices, which are included in the underlying bill, such as increasing outreach activities to better connect patent filers and innovators with the USPTO, be part of the selection process. It also specifies that the economic impact to the region be considered, as well as the availability of knowledgeable personnel, so that the new patent examiners can be hired at minimal recruitment costs, saving taxpayers money.

The selection of USPTO satellite offices should be done in a way that supports economic growth and puts investors and inventors on a path to success. I think this is a commonsense amendment, and I urge the adoption.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise to claim the time in opposition, though I am in favor of the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, section 23 of the bill requires the PTO Director to establish three or more satellite offices in the United States, subject to available resources. The provision lists criteria that the Director must take into account when selecting each office. This is a good addition to H.R. 1249, and I urge my colleagues to support it. I also hope that one of those offices is in Austin, Texas.

I yield back the balance of my time.

Mr. LUJÁN. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The amendment was agreed to.

Ms. JACKSON LEE of Texas. Madam Chair, because of the graciousness of the ranking member, Mr. CONYERS, and the chairman, Mr. SMITH, of agreeing to my amendment, Jackson Lee No. 5 that was just debated, I ask unanimous consent to withdraw my request for a record vote.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

Without objection, the request for a recorded vote on amendment No. 5 is withdrawn and the amendment stands adopted by the voice vote thereon.

There was no objection.

□ 1450

AMENDMENT NO. 7 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. USPTO STUDY ON INTERNATIONAL PATENT PROTECTIONS FOR SMALL BUSINESSES.

(a) STUDY REQUIRED.—The Director, in consultation with the Secretary of Commerce and the Administrator of the Small Business Administration, shall, using the existing resources of the Office, carry out a study—

(1) to determine how the Office, in coordination with other Federal departments and agencies, can best help small businesses with international patent protection; and

(2) whether, in order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, there should be established either—

(A) a revolving fund loan program to make loans to small businesses to defray the costs of such applications, maintenance, and enforcement and related technical assistance; or

(B) a grant program to defray the costs of such applications, maintenance, and enforcement and related technical assistance.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) a statement of whether the determination was made that—

(A) a revolving fund loan program described under subsection (a)(2)(A) should be established;

(B) a grant program described under subsection (a)(2)(B) should be established; or

(C) neither such program should be established; and

(3) any legislative recommendations the Director may have developed in carrying out such study.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. While the America Invents Act makes a number of important changes to our patent system which are targeted at reducing the USPTO's backlogs and driving innovation, I believe that we must do more to help our Nation's small businesses compete in the global marketplace. Success in the global economy depends more and more on IP assets. America's IP-intensive industries employ nearly 18 million workers at all education and skill levels and represent 60 percent of U.S. exports.

While obtaining a U.S. patent is a critical first step for our innovators towards recouping their R&D costs, capitalizing on their inventions and creating jobs, a U.S. patent only provides

protection against infringement here at home. If inventors do not register in a foreign market, such as China, they have no protection there if the Chinese economy begins production of their patented inventions. Not only is a foreign patent protection necessary to ensure the ability to enforce patent rights abroad; it is necessary to defend American inventors against foreign lawsuits.

High costs, along with language and technical barriers, prevent many American small businesses from filing for foreign patent protection. Lack of patent protection both at home and abroad increases uncertainty for innovators and the likelihood of piracy. While we must reduce backlogs at the USPTO to make domestic patent protection more attainable, we must also look forward to find ways to help our manufacturers and other IP-intensive industries compete globally.

This is why I am offering a commonsense, bipartisan amendment to the America Invents Act along with my colleague, Representative RENACCI, whom I would also like to thank for working with me on this important issue.

This amendment mandates a USPTO-led study with SBA to determine the best method to help small businesses obtain, maintain and enforce foreign patents. This study is to be conducted using existing resources at no cost to the taxpayers, and does not alter the score of the bill. I believe our amendment will help Congress and the USPTO determine the best ways to help American small businesses protect their IP assets, compete globally and boost exports.

I would like to thank Chairman SMITH and Ranking Member CONYERS for working with us on this amendment; and I urge passage of the Peters-Renacci amendment.

I yield my remaining time to my colleague from Ohio, Representative RENACCI.

The Acting CHAIR. The gentleman from Ohio is recognized for 2½ minutes.

Mr. RENACCI. I thank the gentleman for yielding and also for his hard work on the amendment on behalf of American small businesses.

I rise today in strong support of the Peters-Renacci amendment—a commonsense, no-cost study to determine the best method for American small businesses to obtain and enforce patent protections in foreign countries.

Industries that rely on intellectual property employ nearly 18 million American workers and represent 60 percent of American exports. As these industries continue to grow globally, foreign patent protection will become increasingly important to protect these workers' jobs, promote exports and expand our economy.

Our economy is becoming more global by the day, with foreign innovators testing the outer reaches of imagination and enjoying the strong support of their home nations. China, for example, is becoming increasingly aggressive at protecting their innovators' intellectual property rights and is subsidizing applications for foreign patents. We must develop a way here at home to make American small businesses equally competitive in the foreign marketplace. In order to compete with China, we have to stand behind our innovators with equal force.

Our amendment simply directs the U.S. Patent and Trademark Office to conduct a joint study with the Small Business Administration to issue recommendations on how America can do just that. Furthermore, this study is to be completed within 120 days, giving the 112th Congress ample time to implement its recommendations.

Not only are jobs and the economy paramount, but promoting American innovation is also important. Innovation is about much more than economic growth. It breaks boundaries, connects people from distant lands, fires the imagination, and sends a message of hope to those who need it most. Americans should be on the cutting edge of innovation, and this amendment is a good first step toward that direction.

I would again like to thank Mr. PETERS as well as Chairman SMITH and Ranking Member CONYERS. I urge support of the amendment.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I understand the underlying point of the Member's amendment, but other legislation and patent reform in particular have taught us that even small changes can have unintended consequences unless they have been vetted and have gone through the regular committee process.

The problem is in the details. This amendment is drafted as a study. I agree with the first part of the amendment but not the second because its objectives are written very much like a piece of legislation. It seeks to create support for a new program whereby taxpayer funds would be used to pay patent fees in foreign countries.

I am strongly committed to helping our small businesses and independent inventors secure their rights and have a level playing field abroad, but I can't support a result that could create a new entitlement program, a new bureaucracy and the transferring of taxpayer dollars directly to the treasuries of foreign governments. We should not use taxpayer funds to pay patent filing fees to foreign governments.

I do agree with the first part of this study, and am interested to see how the PTO, in coordination with other agencies, can figure out ways to help small businesses with international patent protection. I hope that this will be the focus of the study. The results of this study will show that small business outreach and educational and technical assistance programs are the most effective tools for small business and independent inventors.

I think that the PTO needs to continue its efforts to reach out to small businesses and independent inventors. This bill includes a provision which creates a permanent small business ombudsman at the PTO to work with small businesses to help them secure their patent rights. The PTO also conducts small business outreach programs throughout the country, teaching small businesses about IP enforcement and how to protect their intellectual property both at home and abroad.

Though I do not agree with the policy outline in the second part of the study and will strongly recommend that the PTO and SBA determine that such a program should not be established, I will support this amendment to initiate the study, and I hope that the bulk of it will focus on how to better utilize existing government resources for education and technical assistance to help small businesses with international patent protection.

Before I yield back the balance of my time, I hope that the movers of this amendment might be willing to reassure me and others about the intent and goals of this study.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 15 seconds remaining.

Mr. PETERS. I just appreciate the support for this amendment. It is an important amendment that will give us information we can then use to support our small businesses as they're doing business abroad, and I urge its adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–111.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 108, beginning on line 18, strike ''pending on, or filed on or after,'' and insert ''filed on or after''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, H.R. 1249 correctly changes the policy involving tax strategy patents. Under current law, although it was current law that was never specifically contemplated by lawmakers, tax strategy methods are

patentable. Now these tax strategy patents have complicated the tax filing process and have allowed commonsense filing techniques to be patentable, so H.R. 1249 removes this complication by mandating that tax strategies are deemed insufficient to differentiate a claimed invention from the prior art.

I strongly support this provision. However, there are a number of folks who are currently involved with the process of applying for tax strategy patents, and in effect, we risk changing the rules of the game retroactively for them, a form of takings. There are currently 160 tax strategy patent applications in the process. Many of the inventors have decided to devote thousands of hours of time to disclose their innovations. Again, had this window of patentability never been opened—and it never should have been—this would not have been an issue because these inventors would have retained their innovations as trade secrets.

□ 1500

However, you can't blame them for saying, okay, there's a window on patentability; I will disclose so that I can have the 17-year exclusive. And now the risk is that that calculation that they made to disclose is being changed retroactively insofar as they will no longer have the ability to protect their innovation as a trade secret.

In their patent applications, these applicants have described how to make and use their invention. Many have even provided computer programs, including code, to carry them out. The patent applications have been published, and some of them are pending for many years. Changing the law midstream fundamentally hurts these applicants who did all that was proper under the law at the time they filed their patent application.

The underlying bill as drafted would make those patent applications useless; and because the patent applications have been published, the patent applicant will get nothing for disclosing their secrets, except the expense of pursuing a patent and of course the ability of others to replicate their innovation. Competitors will be free to use their disclosures in the published patent application process.

Changing the law midstream simply sends the wrong message to inventors that one cannot trust the law that is in place when they file a patent. Congress would be sending a message, unless my amendment is incorporated into the underlying bill, that all inventors on any subject matter may have their disclosures taken away from them after they have made the decision to apply for a patent by retroactively negating the possibility of them receiving a patent.

Tax strategy patents should never have been allowed under the law. I think there's broad agreement among all of us in this Chamber on that topic. It's unfortunate that there was a window. However, rational inventors, making a conscious choice, said, hey, in favor of disclosing, I will then accept a 17-year monopoly, and are now being penalized for making what was a very reasonable decision.

Restore equity to the America Invents Act by supporting my amendment. I hope Members on both sides of the aisle will support this, which effectively addresses only those 160 applications that are in effect now. It certainly continues and am in support of the ban on future patents for tax strategies, but there seem to be very few alternatives or remedies to the takings that would otherwise occur under this bill unless my amendment is incorporated.

I strongly urge a ''yes'' vote on the amendment.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment.

Increasingly, individuals and companies are filing patents to protect tax strategies. When one individual or business is given the exclusive right to a particular method of complying with the Tax Code, it increases the costs and complexity for every other citizen or tax preparer to comply with the Tax Code. It is not difficult to foresee a situation where taxpayers are forced to choose between paying a royalty in order to reap the best tax treatment and complying with the Tax Code in another, less favorable way. Tax strategy patents add additional costs and complications to an already overly complex process, and this is not what Congress intended when it passed the Federal tax laws or the patent laws.

The problem of tax strategy patents has been a growing concern for over a decade. Over 140 tax strategy patents have already been issued, and more applications are pending. Tax strategy patents have the potential to affect tens of millions of everyday taxpayers, many who do not even realize these patents exist. The Tax Code is already complicated enough without also expecting taxpayers and their advisers to become ongoing experts in patent law.

That is why I advocated for inclusion in H.R. 1249 of a provision to ban tax strategy patents. H.R. 1249 contains such a provision which deems tax strategies insufficient to differentiate a claimed invention from the prior art. This will help ensure that no more tax strategy patents are granted by the PTO.

Importantly, the House worked hard to find a compromise that will ensure Americans have equal access to the best methods of complying with the Tax Code, while also preserving the ability of U.S. technology companies to develop innovative tax preparation and financial management solutions. I believe the language in H.R. 1249 does just that.

This amendment would allow any tax strategy patent that was filed as of the date of enactment of the bill to move toward issuance by the PTO. However, tax strategy patents are bad public policy whether they were filed the day before or the day after this bill happens to be enacted. The effective date in the underlying bill rightly applies to any patent applications pending on the date of enactment.

In order to reduce the cost of filing taxes for all Americans and to restore common sense to our patent system, I urge my colleagues to oppose this amendment.

Mr. SMITH of Texas. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I have tremendous respect for the gentleman from Colorado, but I rise in opposition to this amendment.

This amendment would cover not only those patent applications that were on file yesterday but, as I understand it, also those that are filed tomorrow. Tax strategy patents are a bad idea, as the American Institute of Certified Public Accountants states. ''It's bad public policy. No one should be granted a monopoly over a form of compliance with the Federal Tax Code.''

This amendment is opposed not only by the American Institute of Certified Public Accountants but also my colleague, co-chair of the CPA Caucus, MIKE CONAWAY, and a majority of the CPA and accountants caucus, together with the American College of Trusts and Estate Counsel and the Certified Financial Planner Board of Standards.

Keep in mind, the purpose of a patent is to encourage innovation. What interest does the Federal Government have in encouraging innovative ways to avoid paying taxes to the Federal Government? It is now time to draw a line against patents on tax compliance.

Mr. SMITH of Texas. I yield myself the balance of my time.

Madam Chair, I oppose the amendment to change the effective date for the tax strategy method section of the bill.

It is possible to patent tax strategy methods, but it is bad policy. It is not fair to permit patents on techniques regularly used to satisfy a government mandate, such as one that requires individuals and businesses to pay taxes.

Tax preparers, lawyers, and planners have a long history of sharing their knowledge regarding how to file returns, plan estates, and advise clients. They maintain that allowing the patentability of tax strategy methods will complicate the tax filing process and inhibit the ability of preparers to provide quality services for their clients.

The effective date applies to any patent application that is pending on, or

filed on or after, the date of enactment and to any patent that is issued on or after that date.

The gentleman's amendment eliminates the application of this provision to those applications pending on the date of enactment. These applications have not been approved so I disagree with excluding these patents-in-waiting.

It was a mistake for the PTO to issue these patents in the first place, given their potential to harm individual taxpayers and tax return preparers. We shouldn't leave the door ajar by allowing more applications in. This just compounds the very problem we're trying to solve.

I oppose the gentleman's amendment, and I urge my colleagues to vote against it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 112–111.

Mr. CONYERS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section (and conform the table of contents accordingly):

SEC. 32. CALCULATION OF 60-DAY PERIOD FOR APPLICATION OF PATENT TERM EXTENSION.

(a) IN GENERAL.—Section 156(d)(1) of title 35, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of determining the date on which a product receives permission under the second sentence of this paragraph, if such permission is transmitted after 4:30 P.M., Eastern Time, on a business day, or is transmitted on a day that is not a business day, the product shall be deemed to receive such permission on the next business day. For purposes of the preceding sentence, the term 'business day' means any Monday, Tuesday, Wednesday, Thursday, or Friday, excluding any legal holiday under section 6103 of title 5.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any application for extension of a patent term under section 156 of title 35, United States Code, that is pending on, that is filed after, or as to which a decision regarding the application is subject to judicial review on, the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. This bipartisan amendment makes a technical revision to H.R. 1249. It addresses the confusion regarding the calculation of the filing period for patent term extension applications under the Hatch-Waxman Act. By eliminating confusion regarding the deadline for patent term extension applications, this amendment provides the certainty necessary to encourage costly investments in life-saving medical research. It also is consistent with the only court case to address this issue entitled, The Medicines Co. v. Kappos. As a result of this amendment, all applications and cases will be treated henceforth in the same manner.

I also want to point out that this exact language has passed the House overwhelmingly on a voice vote in the past, and the prior version of the provision was unanimously passed by the House on two previous occasions and was also in another instance voted out by the Senate Judiciary Committee on a bipartisan basis. It was also accepted in a voice vote by the House Judiciary Committee at a markup earlier this year.

□ 1510

Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, in 2001, a biotech entity called the Medicines Company, or MedCo, submitted an application for a patent extension that the PTO ruled was 1 day late. This application would have extended patent protection for a drug the company developed called Angiomax. In August 2010, a U.S. district court ordered the PTO to use a more consistent way of determining whether the patent holder submitted a timely patent extension application. The PTO is implementing that decision and believes the court's decision resolves the problem for MedCo. Because of this ongoing litigation, the manager's amendment struck language pertaining to MedCo. The Conyers amendment seeks to reinsert that provision.

The Conyers amendment essentially codifies the district court's decision, but it ignores the fact that this case is on appeal. We need to let the courts resolve the pending litigation. It is standard practice for Congress not to interfere when there is ongoing litigation. If the Federal circuit rules against MedCo, generic manufacturers of the drug could enter the marketplace immediately rather than waiting another 5 years. This has the potential to save billions of dollars in health care expenses. While the amendment is drafted so as to apply to other companies similarly situated, as a practical matter, this is a special fix for one company.

Finally, it would be more appropriate for this to be considered as a private relief bill. Private relief bills are designed to provide benefits to a specific individual or corporate entity. The House and the Judiciary Committee have procedures in place to ensure that such bills are properly vetted. This amendment ignores those procedures and denies Members the opportunity to know the consequences of what they are voting on.

To summarize, Madam Chair, we should not interfere with ongoing litigation which may be unprecedented, and we should give this issue regular process in the Judiciary Committee.

I oppose the amendment and urge my colleagues to defeat it.

I yield back the balance of my time.

Mr. CONYERS. I would like to yield 1 minute to the distinguished gentleman from Massachusetts, ED MARKEY, of the Energy and Commerce Committee.

Mr. MARKEY. Madam Chairman, this amendment eliminates confusion regarding the deadline for filing patent term extensions under the Hatch-Waxman Act and provides the certainty needed to encourage critical medical research. It also promotes good government by ensuring that the Patent Office and the FDA adopt consistent interpretations of the very same statutory language. And finally, this amendment is consistent with the only court decision addressing this issue. The court stated that the interpretation that is reflected in this amendment—this is from the court—is ''consistent with the statute's text, structure, and purpose.''

Right now, America's next Lipitor or Prozac could be bottled up at the Patent Office and never made available because of uncertainty regarding the patent term extension process. In order to uncork American innovation and invention, we need a patent extension process that is clear, consistent, and fair. That's exactly what the Conyers amendment does. It enjoys broad bipartisan support, and it confirms and clarifies existing law. It is cost-neutral.

I urge support for the amendment.

Mr. CONYERS. I yield, unfortunately only 75 seconds, to my good friend, also from Massachusetts, Mr. RICHARD NEAL.

Mr. NEAL. Madam Chair, I understand Mr. SMITH's position here, but the truth is that when he suggests that we're doing things that are interfering with ongoing court tests, there have been a series of votes here already about the health care law and guaranteed to have more coming in this institution. So I'm not going to spend a lot of time on that suggestion.

But I rise today in support of the amendment. It addresses the deadline for filing patent term extension applications under the Hatch-Waxman Act. By adopting a clear standard, the amendment would provide the opportunity and certainty needed to allow innovators to conduct the time-consuming and expensive medical research necessary to bring new lifesaving drugs to market.

The amendment clarifies the law in a manner that tracks the only court decision to have addressed this particular provision. It will ensure that all applications and all cases are treated the same. Because the amendment merely

confirms existing law, it is budget-neutral.

The amendment enjoys broad support on both sides of the aisle. I hope that all of my colleagues will join me in supporting it.

Mr. CONYERS. Madam Chair, I am proud now to yield 30 seconds to the distinguished gentleman from Kansas, MIKE POMPEO.

Mr. POMPEO. I rise in support of this amendment.

As a former business owner, compliance with senseless government regulations was one of my biggest frustrations and, honestly, one of the primary reasons I ran for Congress. But it is impossible to comply with regulations when you get two different interpretations from two different agencies, and that's what we have here with this intellectual property rule.

The PTO and the FDA have established two different standards, and this amendment simply seeks to fix that, to give an identical outcome from two different agencies that resulted from different interpretations of the Hatch-Waxman Act of 1984.

Inventors shouldn't have to guess. We can make a clean deadline. I urge my colleagues to support this amendment.

Mr. CONYERS. I yield the balance of my time to the distinguished gentleman from New Jersey, SCOTT GARRETT.

The Acting CHAIR. The gentleman from New Jersey is recognized for 45 seconds.

Mr. GARRETT. Madam Chair, the Hatch-Waxman Act provides for the extension of patent terms covering drug products that must be approved by the FDA. And the extension that we're talking about here, while seemingly straightforward, the Patent Office and the FDA have interpreted it, as we have said, in two different ways, creating uncertainty that has led to miscalculations.

So our amendment, consistent with a court ruling, will clarify that when the FDA provides the final approval after normal business hours, the 60-day clock begins on the next business day. So by doing this, by ensuring that patent holders will not lose their rights prematurely, what this amendment does is it will not only resolve a long-standing problem but will encourage the development of innovative new drugs as well.

With that, I urge the adoption of this very commonsense amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 10 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 112–111.

Ms. SPEIER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 3, insert before the period the following: '', including requiring parties to provide sufficient evidence to prove and rebut a claim of derivation''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Madam Chair, my amendment enhances the derivations proceedings provision in the first-inventor-to-file section of the bill.

As we know, the U.S. Patent Office is a vital tool that facilitates universities and businesses of all sizes to turn ideas and discoveries into successful products. Having said that, we must ensure that our patent system provides strong and predictable intellectual property protections.

This act creates a new process called ''derivation,'' by which a party can defeat an earlier filed patent application by showing that the invention in the earlier application was derived from the party's invention or concept. The bill requires a party to support a petition for derivation by ''substantial evidence'' in order to initiate a proceeding.

The derivation proceedings in this legislation must be a process that is fair, reliable, and permits the Patent and Trademark Office to make a decision based on a solid record of relevant evidence. This amendment helps to accomplish this by requiring the PTO to provide rules for the exchange of relevant information by both parties.

The substantial evidence threshold at the petition stage of the proceedings may not be reasonable in some circumstances. For example, consider a situation where an inventor discloses an invention to a venture capitalist who declines to invest in it. The venture capitalist has conversations with several other VCs about the invention, and eventually a company funded by one of those VCs files a patent application for something very much like the original invention. If a company funded by the original VC has filed the application, the inventor would be able to show substantial evidence of derivation through the disclosure to the VC and the link between the VC and the company filing the application. However, in the instance when an inventor did not personally make a disclosure to other VCs or the company that filed an application, it would be difficult for the inventor to show substantial evidence, particularly relevant to disclosures about which the inventor is unaware.

The public's interest in fostering innovation requires that the derivation proceedings be equitable to both parties and that the PTO have a complete record of evidence on which to make its decision. Inventors must have a fair chance to prove their claim, and defending parties must be able to provide evidence to rebut claims. This amendment accomplishes these goals by requiring the PTO to provide rules for the exchange of relevant information and evidence by both parties.

□ 1520

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Madam Chair, I think this is a good amendment. I urge my colleagues to support it.

I yield back the balance of my time.

Ms. SPEIER. Madam Chair, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

The Acting CHAIR. The gentleman from Maryland is recognized for 2½ minutes.

Mr. HOYER. I thank the gentlewoman for yielding.

Madam Chair, I rise in support of this legislation.

I am a strong supporter, as many of you know, of what we call our Make It In America agenda. ''Make It In America'' simply means that we're going to provide jobs, we're going to provide opportunities, and we're going to build the manufacturing sector of our economy. In order to do that, we also need to enhance the inventive, innovative, and development phases of our economy. This bill, I think, will facilitate this.

I congratulate the gentlewoman from California for this amendment as well, which I think improves this bill, and I rise in strong support and urge my colleagues to support this piece of legislation. I congratulate all of those who have worked on this legislation.

It is, obviously, not perfect. But then again, no piece of legislation that we adopt is perfect. It is, however, a significant step forward to make sure that America remains the inventive, innovative, development capital of the world. In order to do that, we need to manufacture goods here in America; manufacture the goods that we invent, innovate, and develop. Because if we continue to take them to scale overseas, then the inventors, innovators, and developers will themselves move overseas.

So I thank Mr. SMITH, I thank Mr. WATT, and I thank others who have worked so hard on this legislation, Ms. LOFGREN as well, who have dedicated themselves to try to make sure that we have a context and environment in America which will facilitate the inventive, innovative sector of our economy.

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 112–111.

Mr. WATT. Madam Chair, we were expecting Congresswoman WATERS. I would ask unanimous consent that this amendment be delayed until we can determine whether she is still planning to offer it.

The Acting CHAIR. The Committee of the Whole is unable to reorder the amendments.

Mr. WATT. In that case, I offer the amendment as the designee of the gentlewoman from California.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 139, insert the following after line 12 and redesignate succeeding sections (and conform the table of contents) accordingly:

SEC. 29. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, I yield myself such time as I may consume solely to say that this is a straightforward amendment that provides that if one part of the bill is determined to be unconstitutional, it can be severable from the rest of the bill and it doesn't bring the rest of the provisions down. That's a standard policy to put in most legislation.

With that, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise to claim the time in opposition, although I support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. I thank the gentleman for offering the amendment, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. WATT. Madam Chair, I have just been advised that we were mistaken in the desire of Ms. WATERS to offer the amendment. She didn't want me to offer it in her stead, and that's why she didn't show up.

I would just ask unanimous consent to withdraw the amendment, unless the chairman has an objection.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 112–111.

Mr. SENSENBRENNER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3 (''First Inventor to File''), as amended, beginning on page 5, line 1, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''section 18'' and all that follows through ''3(n)(1)'' on line 11 and insert ''section 17 and in paragraph (3), shall apply to any patent for which an application is filed on or after that effective date''.

Page 74, line 3, strike ''derivation'' and insert ''interference''.

Page 74, line 7, strike ''derivation'' and insert ''interference''.

Page 76, line 7, strike ''DERIVATION'' and insert ''INTERFERENCE''.

Page 76, lines 7 and 8, strike ''a derivation'' and insert ''an interference''.

Page 76, lines 12 and 25, strike ''derivation'' and insert ''interference''.

Page 77, line 6, strike ''a derivation'' and insert ''an interference''.

Page 77, line 10, strike ''derivation'' and insert ''interference''.

Page 77, line 23, strike ''a derivation'' and insert ''an interference''.

In section 7 (''Patent Trial and Appeal Board''), as amended, strike subsection (d) (''Conforming Amendments'') and insert the following:

(d) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 35.—Sections 134, 145, 146, 154, and 305 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place that term appears and inserting ''Patent Trial and Appeal Board''.

(2) ATOMIC ENERGY ACT OF 1954.—Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended, in the third undesignated paragraph, by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(3) TITLE 51.—Section 20135 of title 51, United States Code, is amended, in subsections (e) and (f), by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

Page 113, line 20, strike ''as in effect'' and all that follows through ''3(n)(1),'' on line 22.

Page 113, line 25, strike ''(as in'' and all that follows through ''date)'' on page 114, line 1.

Page 114, line 9, strike ''(as in effect'' and all that follows through ''3(n)(1)'' on line 11.

Page 115, line 10, strike ''6(f)(2)(A)'' and insert ''5(f)(2)(A)''.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. I yield myself 1½ minutes.

Madam Chair, section 3 of this bill creates a first-to-file patent system. The sponsors believe that the United States should harmonize with other countries' first-to-file systems. There's no reason to do that.

Our patent system is the strongest in the world, and it's based upon the first recognition of the Constitution in any country that inventors should be protected. I think that the Constitution empowers Congress to give patents only to inventors. We had a significant constitutional argument on this issue yesterday. If the amendment is not adopted, the issue will be litigated all the way up to the Supreme Court.

The current first-to-invent system has been key in encouraging entrepreneurial innovation and evens the playing field for individual inventors who are not represented by a major industry. The first-inventor-to-file system violates the Constitution because it would award a patent to the winner of the race to the PTO and not the actual inventor who makes the first discovery.

If we change to a first-to-file system, inventors who believe they do not have sufficient resources to win the race to the PTO will not have any motivation at all to continue developing the new invention. This will stifle innovation, and given the current state of our economy, that's the last thing we need.

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

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

First-to-file also invites excessive filing and will add to the burden of the USPTO by increasing the examiner's workload. We already have financing problems there. If this amendment is not adopted, it will be worse.

I reserve the balance of my time.

Mr. SMITH of Texas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, the gentleman's amendment strikes the first-inventor-to-file provisions from the bill. I strongly oppose the amendment.

The move to a first-inventor-to-file system creates a more efficient and reliable patent system that benefits all inventors, including independent inventors. This provision provides a more transparent and certain grace period, a key feature of U.S. law, and a more definite filing date that enables inventors to promote, fund, and market their technology while making them less vulnerable to costly patent challenges that disadvantage independent inventors.

The first-inventor-to-file system is absolutely consistent with the Constitution's requirement that patents be awarded to the inventor. Former Attorney General Michael Mukasey has stated that the ''provision is constitutional and helps assure that the patent laws of this country accomplish the goal set forth in the Constitution: 'to promote the Progress of Science and useful Arts.' ''

Under first-inventor-to-file, patent rights are reserved to someone who

independently conceived of an invention before it was in the public domain. And under the Constitution, that is what is required to be considered an ''inventor.''

□ 1530

In fact, early American patent law, that of our Founders' generation, did not concern itself with who was the first to invent. The U.S. operated under a first-inventor-to-register system for nearly half a century, starting in 1790. The first-inventor-to-register system is similar to first-inventor-to-file, a system that the Founders themselves supported early in our Nation's history.

The courts did not even concern themselves with who was the first person to invent until 1870, with the creation of interference proceedings. Those proceedings are the ones that disadvantage independent inventors and small businesses. And over the years, and in subsequent revisions of the law, those proceedings have morphed into a costly litigation tactic.

Under first-inventor-to-file, an inventor submits an application to the Patent Office that describes their invention and how to make it. That, along with just a $110 fee, gets them a provisional application and preserves their filing date. This allows the inventor an entire year to complete the application, while retaining the earlier filing date. By contrast, the cost of an interference proceeding in today's law could run an inventor $500,000.

Accusations that the bill doesn't preserve the 1-year grace period are simply false. This bill provides a stronger, more transparent and certain 1-year grace period for disclosures. This enhances protection for inventors who have made a public or private disclosure of their invention during the grace period.

The grace period protects the ability of an inventor to discuss or write about their ideas for a patent up to 1 year before they file for patent protection. These simple requirements create a priority date that is fixed and public so that everyone in the world can measure the patent against competing applications and patents and relevant prior art.

In addition, many inventors also want protection for their patents outside of the United States. If you plan on selling your product overseas, you need to secure an early filing date. If you don't have a clear filing date, you can be shut out from the overseas market. A change to a first-inventor-to-file system will help our businesses grow and ensure that American goods and services will be available in markets across the globe.

The current first-to-invent system seriously disadvantages small businesses and independent inventors. Former PTO Commissioner Gerald Mossinghoff conducted a study that proved smaller entities are disadvantaged in PTO interference proceedings that arise from disputes over patent ownership under the current system.

In the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first.

Madam Chair, let me repeat that: in the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first. Independent inventors lose to other applicants with deeper pockets that are better equipped to exploit the current complex legal environment.

So the first-inventor-to-file change makes it easier and less complicated for U.S. inventors to secure their patent rights, and it protects their patents overseas. And it eliminates the legal bills that come with interference proceedings under the current system. It is a key provision of this bill.

Madam Chair, the amendment should not be approved, and I urge my colleagues to vote against it.

I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chair, I find myself in reluctant opposition to my colleague from Texas in support of the Sensenbrenner amendment. Section 3 shifts our patent system from the unique first-to-invent system to a first-to-file system.

As I speak to inventors, startups, venture capitalists and angel investors in California, I'm convinced that the proposed transition to first-to-file would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to first-to-file, the rush to the Patent Office will lead to new costs for small businesses as they prepare applications for inventions that they may ultimately find impractical. For small startups, the cost of retaining outside counsel for this purpose will be a drain on their limited resources and mean less money for hiring and the actual act of innovation.

Supporters of first-to-file argue inventors can turn to provisional applications to protect their patent rights. But from talking to small inventors, I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of use.

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

Mr. SENSENBRENNER. I yield the gentleman an additional 15 seconds.

Mr. SCHIFF. I appreciate the hard work that has gone into the bill by the gentleman from Texas. However, I remain deeply concerned that the shift to first-to-file will have lasting negative consequences for small investors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Madam Chair, following is my statement in its entirety: I rise in support of the Sensenbrenner amendment to strike Section 3 of the underlying legislation. Section 3 shifts our patent system from our unique First to Invent system to a First to File system. As I speak to inventors, startups, venture capitalists and angel investors in California, I am convinced that the proposed transition to First to File would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to First to File, the rush to the patent office will lead to new costs for small businesses as they prepare applications for inventions that they ultimately find impractical. The result will be more and lower quality patent applications, undermining the improved patent quality H.R. 1249 seeks to achieve. For small startups, the costs of retaining outside counsel for this purpose will be a drain on their limited resources, and it will mean less money for hiring and the actual act of invention.

Supporters of First to File argue that it will increase certainty in the patent process, but I am skeptical that any such gains in efficiency will result. The interference proceedings at the PTO that are used to resovle disputes regarding patent rights are rare, representing only a tiny fraction of patent filings. Moreover, there is an established, century old body of law on FIrst to Invent. It will take years, if not decades, for similar clarity to develop on a First to File.

Supporters of First to File argue that inventors can turn to provisional applications to protect their patent rights. That sounds good in theory, but from talking to small inventors I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of any use should another entity file a similar patent application.

Madam Chair, I appreciate the hard work that has gone into this bill and the leadership of the gentleman from Texas. However, I remain deeply concerned that the shift to First to File will have lasting negative consequences for small inventors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Chair, I rise in support of the Sensenbrenner amendment. Actually, I don't agree that first-to-file is unconstitutional, and I, in general, am not opposed to the idea of first-to-file.

But, unfortunately, the bill is flawed, and you cannot have first-to-file without robust prior-user rights and a broad prior-user rights used in the grace period. We don't have that in this bill.

And so what we will have are established businesses having to either reveal trade secrets or be held up, have to license their own trade secrets. For startups this is a very serious problem. And coming from Silicon Valley, I'll tell you I've heard from a lot of startups and the venture world that supports them that this provision is defective.

There were other remedies. They were not adopted. All we can do now is

to strike the first-to-file provision. I do that without any reluctance. It will serve our economy best. And I thank the gentleman for offering his amendment.

Mr. SENSENBRENNER. I yield myself the balance of the time.

Madam Chair, the reason that first-to-invent is important is that it allows an inventor to talk to investors, conduct trial and error innovation and deal with leaks, because commercially important patent rights are determined by ordinary, nonburdensome business activities.

Where this hurts the ordinary inventor by going to first-to-file is that he needs to get his venture capital together, and then go ahead and file for a patent. With first-to-file, he has to put all of the money up front to file in order to protect himself; and what that will do is have a chilling effect on the small inventor who needs to get capital in order to perfect a patent and in order to market it. That's why this amendment should be adopted. I urge the Members to do so.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. SENSENBRENNER. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112–111.

Mr. MANZULLO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 10 (beginning on page 81, line 14; ''Fee Setting Authority''), as amended, and insert the following (and conform the table of contents accordingly):

SEC. 10. ELECTRONIC FILING INCENTIVE.

(a) IN GENERAL.—An additional fee of $400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(b) EFFECTIVE DATE.—This section shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Madam Chair, there are a lot of problems with this bill as we have heard about already. In fact, on the wall of my office here in Washington, I have two pictures, among many. One is a picture of W. Edwards Deming and myself, taken just before he passed away in 1993—the real inventor of Lee Manufacturing. The other is of Dr. Ray Damadian, the inventor of the MRI who, when examining this legislation, said if the new changes had taken place in the patent law, had they been part of the patent system when he invented the MRI, the MRI never would have been invented. He knows more than anybody how flawed this bill is.

I want to focus in particular on section 10 of the bill, which allows the Director of the Patent Office to set fees. I'm very concerned about this because, in the last patent fight, in 2004, when I chaired the House Small Business Committee, in return for supporting higher fees with a reduced rate structure for small businesses, the provision in that bill allowing the PTO Director to set fees was removed.

□ 1540

This new bill abrogates that hard-won compromise and allows the director of the PTO to set the fees. It is not wise for the legislative branch to give up more power and authority to the executive branch. I know it's inconvenient to have Congress set fees, but that's the job of Congress, not the job of an unelected bureaucrat.

When I chaired the House Small Business Committee, I continued the tradition of preventing the SBA from unilaterally being able to set fees to whatever level they sought. I don't see why we have to do this with the PTO. Now in the present bill, section 11 actually lowers fees for small business people and has a good patent fee structure. However, section 10 would allow the PTO Director to proceed with the administrative process to eviscerate that section and impose its own fees.

To compound the problem, the Patent Office has been saying for years that if they had the authority to raise fees, they would. In 2002, the PTO strategic plan said they needed to have a fee based upon a progressive system aimed at limiting applications. In 2010, in the white paper on patent reform, they said the same thing.

The Patent Office's idea of cutting back on the backlog is to raise fees. That doesn't make sense. But let's eliminate that authority from the Patent Office. Let's leave that authority with the United States Congress.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, I oppose the gentleman's amendment to strike the PTO fee-setting authority from H.R. 1249.

Although the PTO has the ability to set certain fees by regulation, most fees are set by Congress. History has shown that such a scheme does not allow the PTO to respond to the challenges that confront it.

The PTO, most stakeholders, and the Judiciary Committee have agreed for years that the agency must have fee-setting authority to address its growing workload. This need is critical. The agency's backlog exceeds 1 million patent applications. This means it takes 3 years to get a patent in the United States—far too long. The wasted time leads to lost commercial opportunities, fewer jobs, and fewer new products for American consumers. Moreover, the new fee structure will not only retain the existing 50 percent discount for small businesses, it creates a new 75 percent discount for micro entities. This benefit helps independent inventors and small businesses.

The bill allows the PTO to set or adjust all of its fees, including those related to patents and trademarks, so long as they do no more than reasonably compensate the agency for the services performed.

To the charge that we are abandoning our oversight of the process, I urge the Members to review the oversight mechanisms in the bill. For example, prior to setting such fees, the director must give notice to and receive input from the Patent Public Advisory Committee or the Trademark Public Advisory Committee. The director may also reduce fees for any given fiscal year, but only after consultation with the advisory committees.

The bill details the procedures for how the director shall consult with the advisory committees, which includes providing for public hearings and the dissemination to the public of any recommendations made by either advisory committee.

Fees shall be prescribed by rule. Any proposed fee change shall be published in the Federal Register and include the specific rationale and purpose for the proposed change.

The director must seek public comments for no less than 45 days. The director must also notify Congress of any final decision regarding proposed fees. Congress shall have no more than 45 days to consider and comment on any proposed fee, but no proposed fee shall be effective prior to the expiration of this 45-day period.

Congress will remain part of the process, but PTO is better able to respond to their own resource needs, which, after all, will benefit patent holders and subsequently the economy.

I urge my colleagues to oppose the amendment.

Madam Chair, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Intellectual Property Subcommittee.

The Acting CHAIR. The gentleman from Virginia is recognized for 2½ minutes.

Mr. GOODLATTE. I thank the chairman for yielding.

Madam Chairman, I rise in opposition to this amendment.

The Senate-passed patent bill granted the PTO fee-setting authority into perpetuity. The Senate's goal was laudable. It wanted to allow the PTO to have control over the fees that it charges so that it would have more certainty about rolling out new programs and hiring new examiners to deal with pendency and quality issues. We have, as you know, a very long backlog—3 years, 1 million patents. However, I had strong concerns with granting this much authority to a government agency.

Currently, the PTO must come before Congress to request any fee increases. This forces the PTO to use its current resources in the most efficient manner and also strengthens Congress' hand when it comes to oversight over the agency. Thus, I worked to get a provision into the House bill that would sunset the PTO's fee-setting authority. The bill now terminates the fee-setting authority after 7 years unless Congress proactively acts to extend it. This will allow the PTO sufficient time to structure its fees but will ensure that Congress continues to have a strong influence over that process.

And I might add that the manager's amendment to the bill also strengthens Congress' hand and limits the objective of the PTO to arbitrarily raise its fees because the Congress still appropriates the funds and can only escrow funds—can't divert them to another purpose, but escrows them. PTO will have to come back to the Congress and justify additional funds it receives.

I believe the bill, as it is written right now, strikes the right balance. And I urge Members to oppose this amendment, which would altogether eliminate PTO fee-setting authority.

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

Madam Chair, you don't strike the right balance between an inventor's constitutional right to file for an invention and giving a patent czar the authority to keep him out of the box by allowing him to raise the fees. Mr. SMITH from Texas said it himself; he coupled patent backlog with the ability of the patent director to set the fees. That can only lead to one conclusion: They're going to raise the fees in order to cut down on the patent backlog. It doesn't make sense.

This is the people's House. The Patent Office is the people's house for the little inventor. He must have every opportunity to exercise his constitutional right and file that patent. But if Congress cedes the authority to set those fees to a new authority of the patent director—or we can call him now the patent czar—that patent czar will control for 7 years, at the minimum, the flow of traffic coming through his office. And you know who gets slowed? Do you know who gets hurt? It's the little guy. And the purpose of my amendment is to protect the little guy to make sure those fees are not raised, and also to make sure that the people in this country elect representatives in Congress because it's our job to set the fees, not the job of an unelected person, the person in charge of the Patent Office.

I would therefore urge my colleagues to vote for the Manzullo amendment, to support the little inventor, to support the spirit of entrepreneurship in this country.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

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

Mr. MANZULLO. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112–111.

Mr. ROHRABACHER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 73, after line 2, insert the following new subsection:

(i) INAPPLICABILITY OF POST-GRANT REVIEW TO CERTAIN SMALL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a patent granted to a United States citizen, an individually lawfully admitted for permanent residence in the United States, or a United States company with less than 100 employees shall not be subject to any form of post-grant review or reexamination.

(2) RULEMAKING.—The Director shall issue such regulations as may be necessary to carry out this subsection.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. In this debate, Madam Chairman, we have heard over and over and over again about the gridlock at the Patent Office, which is supposedly what we're trying to correct with this legislation, H.R. 1249, which I have been contending is not designed to help the Patent Office, but to harmonize American law with the rest of the world and make it weaker patent protection for our people.

But what does it do about the backlog, if that's really what people are concerned about? H.R. 1249 would actually tremendously add to the PTO backlog by requiring further post-grant review proceedings at the Patent Office, proceedings which would consume even more limited personnel and money. Added procedures add to the gridlock at the PTO, at the Patent Office, and it will also do what? It will break the back of small inventors and startup companies who are trying to get a new product on the market.

□ 1550

It will empower the multinational and foreign corporations who can grind down the little guy, because what we are doing in this bill is adding even further procedures they have to go through, even after they have got their patent issued to them.

This is the big guy versus little guy legislation. That was even pointed out by the Hoover Institution, which did an analysis of this bill and said, ''The American Invents Act will protect large entrenched companies at the expense of market challenging competitors.''

''A patent should be challenged in court, not in the U.S. Patent Office.''

''A politicized patent system will further entrench those companies with the largest lobbying shops on K Street.''

''The bill wreaks havoc on property rights, and predictable property rights are essential for economic growth.''

''If America weakens its patent enforcement at home, it will set a dangerous precedent overseas.''

''The America Invents Act would inject massive uncertainty into the patent system.''

This is a travesty. It is an attack on American well-being, because we depend on our small inventors to come up with the ideas. The Kaptur-Rohrabacher amendment limits this new burden. If we can't get rid of it, at least we can limit this new burden of all these post-grant reviews they are going to add to companies that have more than 100 employees. It frees up the Patent Office personnel to do their job, helps with that gridlock, and protects the small business man and small inventors at the same time.

I would ask my colleagues to support the Kaptur-Rohrabacher amendment.

I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding and urge my colleagues to support the Rohrabacher-Kaptur amendment, which ensures fairness for small and independent inventors. Without it, this bill will destroy American job creation and innovation since it throws out 220 years of patent protections for individual inventors.

Our amendment addresses a major shortcoming of the bill by eliminating the burden of post-grant reviews and reexaminations on individual inventors and small businesses with 100 or fewer employees.

The new procedures and regulations in this bill will make it extremely difficult for the average citizen to ever get a patent or defend one without our amendment. Our amendment clearly gives the Patent Office the authority to issue appropriate regulations that

ensure that the new regulatory burdens in this bill do not disproportionately impact individual inventors. This amendment is about ensuring fairness for small inventors.

We urge our colleagues to support the Kaptur-Rohrabacher amendment so all inventors in America have a chance to realize their dreams, and, in realizing their dreams, assuring that we will have robust innovation and job creation in our country.

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. ROHRABACHER. Let me just note, our amendment empowers the Director of the Patent Office to extend this 100-employee standard to other small businesses and individual inventors overseas if this is required by a treaty; yes, small businesses and individual inventors overseas. So our amendment does nothing to violate any treaty obligations by giving our own people special rights over foreign individuals.

What it does do, however, is prevent foreign corporations from grinding down our inventors here, like they grind down their inventors overseas. This is what we are doing to prevent a harmonization of our laws, because we don't want weaker patent protection for our people. They already got it overseas against their foreign corporations that grind them down. We want to protect our own people.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, almost everyone in Congress wants to help small businesses. They are the foundation of our economy and are the primary job creators. But this amendment includes certain terms or phrases that have nothing to do with the underlying goal that it purports to achieve.

This amendment appears to focus on small businesses, but in reality the amendment attempts to provide the trial lawyer lobby and patent trolls with an exemption from PTO reexamination, allowing them to continue suing job creators using frivolous or questionable patents. This amendment has nothing to do with small businesses and everything to do with providing an exemption for some of the worst offenders of our patent system.

This amendment will not help independent inventors or small businesses. Small businesses need the PTO reexamination proceedings. Those proceedings strengthen patents, and strong patents are what investors look for when making decisions about whether or not to provide venture capital funding.

The argument that reexam proceedings harass or hurt small businesses is just plain wrong. The reexam proceedings are a cheaper, quicker, better alternative to resolve questions of patentability than costly litigation in Federal court, which can run into the millions of dollars and last for years. This amendment is an immunity agreement for patent trolls, those entities who do not create jobs or innovation but simply game the legal system.

Additionally, this amendment appears to violate our international obligations under the TRIPS agreement. Under TRIPS, we are obligated not to discriminate against any field of technology or categories of patent holders. By providing an exemption from all reexamination proceedings for technological patents granted to patent trolls or nonpracticing entities, this would create a clear violation of our legal obligations.

Our patent system should be designed to ensure that it produces strong patents and patent certainty. The PTO reexamination proceedings help ensure that these important goals are accomplished. This amendment bars any form of reexam for U.S.-owned patents and, thus, would also prevent U.S. inventors themselves from using supplemental examination to even be able to correct errors in the record about their own patents.

This amendment creates a huge loophole in our patent system by exempting entities with 100 or fewer employees. This will not help small businesses but will allow patent troll entities, foreign companies, and foreign governments to manipulate our patent system. It would bar use of the business-methods transitional proceeding against most business-method patents.

This amendment is a recipe for allowing patent trolls and foreign companies and their governments to bypass normal post-grant challenges and enables weak or questionable patents to bypass further scrutiny. There is no legitimate public policy objective in exempting large numbers of those who manipulate our patent system from the rules of the road. It is for these reasons that I strongly oppose this amendment.

I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR. The gentleman from Virginia is recognized for 2 minutes.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment, which is a bad idea. Post-grant review is one of the most important provisions in this bill. It allows third parties, for a limited window of 9 months after a patent is issued, to submit evidence that the patent should not have been granted in the first place.

This allows third parties, many of whom will be small businesses themselves who are familiar with the subject matter, to provide a check on patent examiners. If the evidence shows that the patent is indeed invalid, then the patent applicant should never have received the patent in the first place. If the evidence shows that the patent is valid, then the patent is made stronger and more certain by surviving a post-grant review.

The amendment would exempt small businesses from the post-grant opposition proceeding. However, the quality of a patent examination does not hinge on the size of the applicant, whether it was a small business, an independent inventor, or a large corporation. It hinges on the PTO job of scrutinizing that patent. A bogus patent held by an independent inventor is no less deserving of a second look than a bogus patent held by a Fortune 500 company.

For these reasons, I urge opposition to this very bad amendment.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I would like to refute Mr. SMITH's argument. In fact, he has manufactured an argument against our amendment that says it will violate WTO obligations, specifically citing TRIPS. He seems to object to the use of references to American citizens and U.S. companies, but obviously failed to read the entire amendment which allows the Patent Office to issue relevant regulations for properly implementing this amendment. And if he was so concerned about WTO compliance, he should strike section 18 of his own bill which is clearly WTO noncompliant because it creates a special class for only one industry, the banking industry.

I urge my colleagues to vote against the bill and for the Rohrabacher-Kaptur amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

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

Mr. ROHRABACHER. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112–111.

Mr. SCHOCK. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 112, strike line 18 and all that follows through page 118, line 2, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''in section 18 and''.

□ 1600

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. I thought when we started this Congress that we had agreed to no more earmarks, no more handouts, no more special privileges for any specific industry. But based on reading H.R. 1249, it's obvious to see that it includes controversial language which does just that—section 18, which sets forth a new and different process for certain business method patents for any other patents seeking approval.

Section 18 carves out a niche of business method patents covering technology used specifically in the financial industry and would create a special class of patents in the financial services field subject to their own distinctive post-grant administrative review. This new process allows for retroactive reviews of already-proven patents that have undergone initial scrutiny, review, and have even been upheld in court. Now these patents will be subjected to an unprecedented new level of interrogation.

The other side will argue that somehow magically a number of these financially related patents breezed through the patent office and thus must be reviewed. Well, nothing could be further from the truth. In fact, the allowance rate for these business method patents is the smallest of any of the art forms. In fact, roughly 10 percent of those business method patents applied for are actually approved.

At a time when these small entrepreneurs and innovators need to be dedicating their resources and new advancements to innovation, they will instead, because of section 18, be required to divert research funds to lawyers to fight the deep pockets of Wall Street, who will now attempt to attack their right to hold these financially related patents.

With that, Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield myself 1 minute.

Madam Chair, I strongly oppose this amendment. It strikes a useful provision that would provide a way to review the validity of certain business method patents. The proceeding would create an inexpensive and faster alternative to litigation, allowing parties to resolve their disputes rather than spending millions of dollars that litigation now costs. In the process, the proceeding would also prevent nuisance or extortion lawsuits.

This provision is strongly supported by community banks, credit unions, and other institutions that are an important source of lending to homeowners and small businesses. Finally, this bill only creates a new mechanism for reviewing the validity of business method patents. It does not alter the validity of those patents. Under settled precedent, the transitional review program is absolutely constitutional.

Madam Chair, I now yield 1 minute to the gentleman from New York (Mr. GRIMM), a member of the Financial Services Committee.

Mr. GRIMM. I rise today to call on my colleagues to oppose the Schock-Waters amendment. This amendment would strike one of the legislation's most important reforms, a crackdown on low-quality business method patents, which have weakened the patent system and cost companies and their customers millions of dollars. Infamous patent trolls—people who aggressively try to enforce patents through courts in friendly venues—have made business method patents their specialty in recent years. These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in section 18.

Let us simply set the record straight. Section 18 allows patent experts to reexamine through temporary pilot programs legally questionable business method patents, a problem that the Patent Office has already said it is ready and willing to tackle. Opponents have asserted that the measure would help only the banks. This isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this provision. Companies impacted include McDonald's, Walmart, Costco, Home Depot, Best Buy, and Lowes. These don't sound like banks to me.

Opponents also claim that this section is unconstitutional.

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

Mr. SMITH of Texas. I yield the gentleman an additional 15 seconds.

Mr. GRIMM. Again, there has been a tremendous propaganda campaign basically to sell untruths that we simply need to get past. The truth is, this is best for the small guy. If we really care about the small inventors that create innovation in this country, then we should oppose this amendment.

Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School:

He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country.

Madam Chairman, I strongly urge my colleagues to support this bill and oppose the Schock-Waters amendment to strike Section 18.

Mr. SCHOCK. Madam Chair, I yield 1 minute to my friend, the cosponsor of this amendment, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. As a member of the Judiciary Committee, I rise in strong support of the Schock-Boren-Waters-Sensenbrenner-Franks-Kaptur amendment to strike section 18. For years, the too-big-to-fail banks have attempted to eliminate their patent infringement liabilities to smaller companies and inventors that have patented financial services-related business method patents. They are now coming to Congress in hopes that you will help them steal a specific type of innovation and legislatively take other financial services-related business method patents referenced in H.R. 1249, section 18. This is simply wrong.

Elected Members of Congress should not allow the banks to use us to steal legally issued and valid patents. Financial services-related business method patents have saved financial services companies billions of dollars. But that's not enough for the banks. Because the banks have failed at every attempt to void these patents, they're attempting to use their power to write into law what they could not achieve at PTO or in the courts.

Don't be tricked, don't be fooled, and don't be used. I urge my colleagues to listen to the floor debates.

Mr. SMITH of Texas. Madam Chair, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), who is a member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding.

Madam Chair, I rise in strong opposition to the amendment that would eliminate section 18 of the underlying patent reform bill. Section 18 empowers the Patent and Trademark Office to review the validity of so-called business method patents. This language was drafted in close cooperation with the Patent and Trademark Office and the Department of Commerce. It also enjoys the wide bipartisan support of the Judiciary Committee, which defeated a similar amendment during committee consideration of this bill.

Further, this amendment does not hurt any legitimate inventors. It only allows for the review of abstract patents issued since 1988 when a Federal court ruled that business methods could be patented—a ruling which the U.S. Supreme Court limited significantly last year.

What are these business methods I'm talking about? In one case, a business method patent was issued for interactive fund-raising across a data packet transferring computer network. Once obtained, the patent holder sued the Red Cross for soliciting charitable contributions on the Internet, claiming that his patent covers this entire field. In another example, a patent was granted covering the printing of marketing materials on billing statements.

These patents, and many others in this space, are not legitimate patents that help advance America. They are nuisance patents used to sue legitimate businesses and nonprofit business organizations like the Red Cross or any other merchants who engage in normal activity that should never be patented. In fact, this language will not go after any legitimate patent, but only allow a

review of illegitimate patents, like those looking to patent the ''office water cooler discussion.'' No legitimate inventor needs to worry about a post-grant review. In fact, under this section, the PTO cannot even look at a patent unless they determine that it ''more likely than not'' would be invalid. That's a very high standard.

Let's help America grow and succeed and oppose this amendment.

Mr. SCHOCK. Mr. Chairman, I yield 30 seconds to my friend and cosponsor of this amendment, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of the amendment that I've coauthored with Mr. SCHOCK. During my time in Congress I have been a consistent supporter of small businesses. Here on the House floor we are told nearly every day that small businesses are the engine of our Nation's economy, and there's no discounting that fact.

If included in the final bill, I believe section 18 will pose a devastating threat to America's small business community. Business method patents already endure a lengthy approval process, and section 18 would only make it more difficult for inventors to defend their patents.

I ask my colleagues to support this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR (Mr. YODER). The gentleman from Virginia is recognized for 1¼ minutes.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to this amendment. There is no doubt that the PTO has issued business method patents of questionable merit over the years. Many of these patents are still on the books. Unfortunately, many of these patents are being used by aggressive trial lawyers to extort money from deep pockets. Section 18 of the bill simply creates a process that allows experts at the PTO to reexamine the types of business method patents that the PTO believes to be of the poorest quality. This section was drafted in close coordination with the USPTO and is a pilot program that simply allows them to review certain business methods patents against the best prior art in a reexamination process.

□ 1610

Why would anyone oppose a process that allows low-quality patents, as identified by the USPTO, to be reviewed by the experts?

Business method patents on financial activities are the type of patents that are the subject of lawsuits and abuse most often. They are litigated at a rate 39 times greater than any other patents. Section 18 is designed to correct a fundamental flaw in the system that is costing consumers millions each year. The provision is supported by a broad bipartisan coalition that includes the U.S. Chamber of Commerce.

I urge Members to reject this amendment, which strikes an important litigation reform provision in the underlying bill.

Mr. SCHOCK. Mr. Chairman, I would like to inquire of my time remaining.

The Acting CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. I now yield 1 minute to my friend from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I might just say that, in answer to the question raised by my friend from Virginia ''why would anyone oppose this?'' it is because of the Constitution.

This provision, section 18, is clearly violative of the Constitution. It would have you believe that you could go to court, an article III court, and have a final decision—a final judgment—rendered by a court, including a jury. Then after that, there's not an appeal to an appellate court but an appeal somehow back to an administrative agency?

Does anybody sense there is a violation of the separation of powers? Does anybody understand what the Court said in the Plaut case, which said that the Constitution gives the Federal judiciary the power to not merely rule on cases but to decide them subject to review only by superior courts in article III hierarchy?

You can argue all you want, but that's what the Supreme Court says.

This is an obvious, blatant violation of the Constitution. That's the answer to my friends who say we have to have this provision. Yes, it may be that the U.S. Constitution is the inconvenient truth here. We are not allowed to violate it even though we do it with the best of intentions.

The Acting CHAIR. The gentleman from Illinois is recognized for 30 seconds.

Mr. SCHOCK. Mr. Chairman, for so many reasons, this provision of the bill is flawed. I ask my colleagues to join me in supporting the repeal of section 18, and simply ask this:

Regardless of where your support lies as to the underlying bill, why are we doing something separate for financial services patents? Why are we doing something separate for the business method patents? Shouldn't all reforms affect all patents and all industries?

I would argue this is an earmark and a special provision for one industry, and for so many reasons would ask for a ''yes'' vote on my amendment.

Mr. SMITH of Texas. Mr. Chair, I want to clarify that Section 18 is designed to address the problem of low-quality business method patents that are commonly associated with the Federal Circuit's 1998 State Street decision. Not all business method patents are eligible for review by the patent office under Section 18. Towards that end, Section 18 of the bill specifically exempts "patents for technological inventions" from review.

Patents for technological inventions are those patents whose novelty turns on a technological innovation over the prior art and are concerned with a technical problem which is solved with a technical solution. The technological innovation exception does not exclude a patent simply because it recites technology. Inventions related to manufacturing and machines that do not simply use known technology to accomplish a novel business process would be excluded from review under Section 18.

Section 18 would not cover patents related to the manufacture and distribution of machinery to count, sort, and authenticate currency. It is the intention of Section 18 to not review mechanical inventions related to the manufacture and distribution of machinery to count, sort and authenticate currency like change sorters and machines that scan currency whose novelty turns on a technological innovation over the prior art. These types of patents would not be eligible for review under this program.

Mr. SHUSTER. Mr. Chair, I would like to place in the record my understanding that the definition of "covered business method patent," Section 18(d)(1) of H.R. 1249, the America Invents Act, is intended to be narrowly construed to target only those business method patents that are unique to the financial services industry in the sense that they are patents which only a financial services provider would use to furnish a financial product or service. The example that I have been given is a patent relating to electronic check scanning, which is the type of invention that only the financial services industry would utilize as a means of providing improved or more efficient banking services. In contrast, Section 18 would not encompass a patent that can be used in other industries, but which a financial services provider might also use. Lastly, it is also my understanding from discussions with the Committee that Section 18 is targeted only towards patents for non-technological inventions.

Mr. GRIMM. Mr. Chair, I rise in strong support of the America Invents Act. This is a historic bill. It will drive innovation, create jobs, improve patent quality, and reduce frivolous litigation. This is a good bill for current and future patent holders—big and small.

I do rise today with some disappointment, however, that opponents of this bill have recklessly spread misinformation about the bill and some of its most important provisions. The move to first inventor to file is wholly constitutional and it will strengthen the patent system for entrepreneurs and small businesses. They will no longer have to compete with big business to prove the validity of their patents after filing.

Mr. Chair, I would also like to speak to one of the legislation's most important reforms—a crackdown on low-quality business-method patents, which have weakened the patent system and cost companies and their customers millions of dollars in extra fees. Infamous "patent trolls"—people who aggressively try to enforce patents through the courts in friendly venues—have made business-method patents their specialty in recent years.

These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in Section 18. Let us set the record straight—Section 18 simply allows patent experts to re-examine—through a temporary, pilot program—legally questionable business-method patents. A problem the patent office has said it is ready and willing to tackle.

Opponents have asserted that the measure would help only banks. That isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this bill. Companies impacted include Wal-Mart, Costco, McDonalds, Best Buy, Home Depot, and Lowes. Do any of these companies sound like banks to you? They don't to me, either.

Opponents also claim that this section too is unconstitutional—another untruth. Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School: He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country. Support this bill and oppose the Schock-Waters amendment to strike Section 18.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112–111 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CONYERS of Michigan.

Amendment No. 3 by Ms. BALDWIN of Wisconsin.

Amendment No. 9 by Mr. CONYERS of Michigan.

Amendment No. 12 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 13 by Mr. MANZULLO of Illinois.

Amendment No. 14 by Mr. ROHRABACHER of California.

Amendment No. 15 by Mr. SCHOCK of Illinois.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) 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 105, noes 316, not voting 10, as follows:

[Roll No. 482]

AYES—105

Akin
Andrews
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Benishek
Berman
Bilirakis
Brady (PA)
Broun (GA)
Carson (IN)
Clarke (MI)
Clyburn
Coffman (CO)
Conyers
Costa
Costello
Cravaack
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Filner
Frelinghuysen
Fudge
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Hanabusa
Hartzler
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jackson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kucinich
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Manzullo
Markey
Matsui
McClintock
McNerney
Miller, George
Moore
Pastor (AZ)
Paul
Payne
Pelosi
Petri
Pingree (ME)
Polis
Posey
Rehberg
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Sensenbrenner
Sewell
Sherman
Slaughter
Southerland
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Visclosky
Waters
Waxman
West
Wolf
Woolsey
Yarmuth

NOES—316

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Webster
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Dold
Giffords
Gingrey (GA)
Hinchey
Holden
Napolitano
Rangel
Sánchez, Linda T.
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at

Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 1641

Messrs. AUSTRIA, WHITFIELD, BLUMENAUER, Mrs. CAPPS, Messrs. GARAMENDI, NUGENT, FLEMING, MEEHAN, BRALEY, Ms. SCHAKOWSKY, Messrs. DICKS and LANGEVIN changed their vote from ''aye'' to ''no.''

Ms. ESHOO, Messrs. HONDA, PAUL, MCNERNEY, and Mrs. BACHMANN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. DOLD. Mr. Chairman, on rollcall No. 482, I was unavoidably detained. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 482 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Conyers (MI)/Rohrabacher (CA) Amendment (No. 2).

(By unanimous consent, Mrs. EMERSON was allowed to speak out of order.)

CONGRESSIONAL WOMEN'S SOFTBALL GAME

Mrs. EMERSON. Mr. Chairman, I am happy to have an announcement that's not quite as exciting as that which we've just been watching. However, this is the Congressional Women's Softball Team, and JOE BACA is an honorary member of the team. He is one of our coaches.

DEBBIE WASSERMAN SCHULTZ and I, who are the cocaptains, wanted to, number one, tell you all that we will be playing the Washington news media tonight at 7 o'clock at Watkins Recreation Park up at 12th and D Streets Southeast.

We invite everybody to come and cheer us on. We are going to win this year. We're good.

Probably more than anything else, this has been a wonderful opportunity for us to really bond as friends and as colleagues, not in any partisan way. And we're just very excited and happy that we're playing tonight. We need all of your support.

I yield to the gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I want to thank all the women and our male coaches. We've been practicing for 3 months, two or three times a week at 7 in the morning, all to raise money for a great cause, for the Young Survival Coalition, which helps young women who are struggling with breast cancer or who have survived breast cancer. All of you know that I am a breast cancer survivor, along with SUE MYRICK on the other side of the aisle.

But this game is our opportunity to come together as women, as sisters, as a bipartisan representation in the fight against breast cancer. We invite you all out to come to the game tonight, 7 p.m. at Watkins Recreation Center, and watch us beat the Capitol press corps.

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 483]

AYES—81

Bachmann
Baldwin
Bartlett
Bilirakis
Broun (GA)
Buerkle
Cardoza
Carson (IN)
Clarke (MI)
Clarke (NY)
Coffman (CO)
Conyers
Critz
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Filner
Franks (AZ)
Fudge
Garamendi
Garrett
Gibson
Gonzalez
Gosar
Green, Gene
Hartzler
Hinchey
Hirono
Huelskamp
Hultgren
Hunter
Jackson (IL)
Jones
Kaptur
Kildee
Kind
King (IA)
Kucinich
Larson (CT)
Lee (CA)
Long
Lummis
Manzullo
McClintock
McNerney
Moore
Payne
Pearce
Petri
Pingree (ME)
Polis
Posey
Quigley
Rehberg
Ribble
Rohrabacher
Royce
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schilling
Schrader
Sensenbrenner
Southerland
Stark
Terry
Towns
Turner
Waters
Webster
West
Woodall
Woolsey
Wu
Yarmuth

NOES—342

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sarbanes
Scalise
Schakowsky
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Grijalva
Holden
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 483 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Baldwin (WI)/Sensenbrenner (WI) Amendment.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and a result was announced, when the following occurred.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Chairman, point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. JACKSON of Illinois. The gentlelady was in the well attempting to cast her vote. The Chair did not acknowledge that the gentlelady was in the well and continued to conclude the vote. I think it's appropriate that the House of Representatives, consistent with its rules, and Lord knows, I've been in your position many times, and I've had to stop the vote because a Member was in the well.

It is the tradition of the House to acknowledge a Member in the well when they are casting their ballot, and it does not get shut off.

I would like to make a motion that we reconsider the vote.

The Acting CHAIR. The Chair is constrained to advise the gentleman that a motion to reconsider is not available in the Committee of the Whole.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would ask unanimous consent that the vote be retaken. We had a tremendous effort that consumed money and time for a similar incident in a previous Congress. The smart thing to do would be to recognize this was error, and redo the vote so that we can all move forward in comity.

Mr. CANTOR. Mr. Chairman, I support the request for unanimous consent.

The Acting CHAIR. Without objection, the proceedings are vacated to the end that the question be put de novo.

There was no objection.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The vote was taken by electronic device, and there were—ayes 223, noes 198, not voting 10, as follows:

[Roll No. 485]

AYES—223

Alexander
Andrews
Baca
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Buerkle
Burton (IN)
Calvert
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Hensarling
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (IA)
Kingston
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (CA)
McClintock
McDermott
McGovern
McHenry
McNerney
Meehan
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Pence
Perlmutter
Peters
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quigley
Rahall
Rehberg
Renacci
Reyes
Richardson
Richmond
Rogers (MI)
Rohrabacher
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
Wilson (FL)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder

NOES—198

Ackerman
Adams
Aderholt
Akin
Altmire
Amash
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Buchanan
Bucshon
Burgess
Butterfield
Camp
Campbell
Canseco
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Herger
Herrera Beutler
Himes
Hochul
Huizenga (MI)
Hurt
Inslee
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
LaTourette
Latta
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Mack
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McCollum
McCotter
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peterson
Pingree (ME)
Pitts
Platts
Price (NC)
Quayle
Reed
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (TX)
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Hall
Holden
McIntyre
Napolitano
Rangel
Stivers
Waxman

□ 1659

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote #485 in order to attend my grandson's graduation. Had I been present, I would have voted "aye" on the Conyers (MI)/Markey (MA)/Neal (MA)/Pompeo (KS)/Garrett (NJ) Amendment (#9).

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 7, as follows:

[Roll No. 486]

AYES—129

Aderholt
Akin
Amash
Bachmann
Baldwin
Bartlett
Benishek
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coble
Coffman (CO)
Cole
Conyers
Costello
Cravaack
Davis (CA)
Davis (KY)
DeFazio
Doyle
Duncan (TN)
Edwards
Ellmers
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hanabusa
Harper
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kingston
Kucinich
Labrador
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schmidt
Schock
Scott, Austin
Sensenbrenner
Slaughter
Smith (NE)
Southerland
Speier
Sullivan
Terry
Thompson (PA)
Tierney
Turner
Visclosky
Webster
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey
Young (AK)
Young (FL)

NOES—295

Ackerman
Adams
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellison
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lynch
Mack
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wittman
Womack
Wu
Yarmuth
Yoder
Young (IN)

NOT VOTING—7

Berg
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1703

Mr. THOMPSON of California changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WOODALL. Mr. Chair, on rollcall No. 486, had I been present, I would have voted ''yes.''

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 486 in order to attend my grandson's graduation. Had I been present, I would have voted ''nay'' on the Sensenbrenner (WI) Amendment.

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 329, not voting 10, as follows:

[Roll No. 487]

AYES—92

Adams
Amash
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Boren
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Cardoza
Chaffetz
Coffman (CO)
Cole
Conyers
Costa
Cravaack
Davis (IL)
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Flake
Franks (AZ)
Frelinghuysen
Garrett
Gibson
Gosar
Gowdy
Graves (GA)
Harris
Hartzler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jenkins
Jones
Kaptur
Kingston
Landry
Lipinski
Long
Lummis
Mack
Manzullo
McClintock
McCotter
Miller (FL)
Moore
Mulvaney
Nugent
Nunnelee
Paul
Pearce
Petri
Polis
Posey
Rehberg
Ribble
Rohrabacher
Rokita
Royce
Ryan (WI)
Sanchez, Loretta
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Stutzman
Terry
Thompson (PA)
Towns
Turner
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Young (FL)
Young (IN)

NOES—329

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell

Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gohmert
Gonzalez
Goodlatte
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wittman
Womack
Woolsey
Wu
Yarmuth
Yoder
Young (AK)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
McKeon
McMorris Rodgers
Napolitano
Rangel
Stivers
Woodall

□ 1707

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 487 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Manzullo (IL) Amendment.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 488]

AYES—81

Akin
Bachmann
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Brady (PA)
Burgess
Coffman (CO)
Cole
Conyers
Costello
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emerson
Fattah
Filner
Flake
Franks (AZ)
Frelinghuysen
Garamendi
Gibson
Gohmert
Gosar
Green, Gene
Grijalva
Hall
Harris
Hartzler
Hirono
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Jones
Kaptur
King (IA)
Kingston
Kissell
Kucinich
Landry
Latham
Lipinski
Manzullo
Markey
McCotter
McNerney
Miller (FL)
Pastor (AZ)
Paul
Pearce
Petri
Polis
Posey
Rehberg
Reyes
Rohrabacher
Royce
Ryan (OH)
Sanchez, Loretta
Schilling
Scott, Austin
Sensenbrenner
Southerland
Stutzman
Sutton
Thompson (PA)
Tonko
Turner
Walsh (IL)
Waters
Webster
West
Wolf

NOES—342

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellmers
Engel
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Honda
Hoyer
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Garrett
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1712

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 488 in order to attend my grandson's graduation. Had I been present, I would have

voted "nay" on the Rohrabacher (CA)/Kaptur (OH) Amendment.

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SCHOCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 262, answered ''present'' 1, not voting 10, as follows:

[Roll No. 489]

AYES—158

Aderholt	Gonzalez	Pearce
Akin	Gosar	Pelosi
Amash	Grijalva	Petri
Andrews	Gutierrez	Pingree (ME)
Baca	Hanabusa	Poe (TX)
Bachmann	Harris	Polis
Baldwin	Hartzler	Quigley
Bartlett	Hinchey	Rahall
Becerra	Hirono	Rehberg
Berman	Honda	Rogers (MI)
Bilirakis	Huelskamp	Rohrabacher
Bishop (UT)	Hunter	Rokita
Bono Mack	Inslee	Ross (AR)
Boren	Israel	Rothman (NJ)
Brady (PA)	Jackson (IL)	Roybal-Allard
Brown (FL)	Jackson Lee (TX)	Ryan (OH)
Buerkle	Jones	Sánchez, Linda T.
Burgess	Kaptur	Sanchez, Loretta
Capps	Kildee	Sarbanes
Carson (IN)	King (IA)	Schakowsky
Chandler	Kingston	Schiff
Chu	Kucinich	Schilling
Clarke (MI)	Labrador	Schock
Coffman (CO)	Lankford	Scott, Austin
Cole	Larsen (WA)	Sensenbrenner
Conyers	Lee (CA)	Serrano
Costello	Levin	Shimkus
Crawford	Lipinski	Slaughter
Critz	Lofgren, Zoe	Smith (NE)
Davis (CA)	Long	Smith (WA)
Davis (IL)	Luján	Southerland
DeFazio	Lummis	Speier
DeLauro	Lungren, Daniel E.	Stark
Denham	Manzullo	Stutzman
Dent	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McClintock	Thompson (PA)
Doyle	McDermott	Tierney
Duncan (TN)	McNerney	Tsongas
Edwards	Michaud	Turner
Ellison	Miller (FL)	Van Hollen
Ellmers	Miller (NC)	Visclosky
Emerson	Miller, George	Waters
Eshoo	Moore	Waxman
Farr	Nunes	Webster
Fattah	Nunnelee	West
Filner	Olver	Wolf
Flake	Pallone	Woolsey
Fortenberry	Pascrell	Yarmuth
Franks (AZ)	Pastor (AZ)	Young (AK)
Fudge	Paul	Young (FL)
Gallegly	Payne	Young (IN)
Garamendi		
Garrett		

NOES—262

Ackerman	Barton (TX)	Black
Adams	Bass (NH)	Blackburn
Alexander	Benishek	Blumenauer
Altmire	Berkley	Bonner
Austria	Biggert	Boswell
Bachus	Bilbray	Boustany
Barletta	Bishop (GA)	Brady (TX)
Barrow	Bishop (NY)	Braley (IA)
Brooks	Harper	Olson
Broun (GA)	Hastings (FL)	Owens
Buchanan	Hastings (WA)	Palazzo
Bucshon	Hayworth	Paulsen
Burton (IN)	Heck	Pence
Butterfield	Heinrich	Perlmutter
Calvert	Hensarling	Peters
Camp	Herger	Peterson
Campbell	Herrera Beutler	Pitts
Canseco	Higgins	Platts
Cantor	Himes	Pompeo
Capito	Hinojosa	Posey
Capuano	Hochul	Price (GA)
Cardoza	Holt	Price (NC)
Carnahan	Hoyer	Quayle
Carney	Huizenga (MI)	Reed
Carter	Hultgren	Reichert
Cassidy	Hurt	Renacci
Castor (FL)	Issa	Reyes
Chabot	Jenkins	Ribble
Chaffetz	Johnson (GA)	Richardson
Cicilline	Johnson (IL)	Richmond
Clarke (NY)	Johnson (OH)	Rigell
Clay	Johnson, E. B.	Rivera
Cleaver	Johnson, Sam	Roby
Clyburn	Jordan	Roe (TN)
Coble	Keating	Rogers (AL)
Cohen	Kelly	Rogers (KY)
Conaway	Kind	Rooney
Connolly (VA)	King (NY)	Ros-Lehtinen
Cooper	Kinzinger (IL)	Roskam
Costa	Kissell	Ross (FL)
Courtney	Kline	Royce
Cravaack	Lamborn	Runyan
Crenshaw	Lance	Ruppersberger
Crowley	Landry	Rush
Cuellar	Langevin	Ryan (WI)
Culberson	Larson (CT)	Scalise
Cummings	Latham	Schmidt
Davis (KY)	LaTourette	Schrader
DeGette	Latta	Schwartz
DesJarlais	Lewis (CA)	Schweikert
Deutch	Lewis (GA)	Scott (SC)
Diaz-Balart	LoBiondo	Scott (VA)
Dicks	Loebsack	Scott, David
Dold	Lowey	Sessions
Donnelly (IN)	Lucas	Sewell
Dreier	Luetkemeyer	Sherman
Duffy	Lynch	Shuler
Duncan (SC)	Mack	Shuster
Engel	Maloney	Simpson
Farenthold	Marchant	Sires
Fincher	Marino	Smith (NJ)
Fitzpatrick	Matheson	Smith (TX)
Fleischmann	McCarthy (CA)	Stearns
Fleming	McCarthy (NY)	Sullivan
Flores	McCaul	Terry
Forbes	McCollum	Thompson (MS)
Foxx	McCotter	Thornberry
Frank (MA)	McGovern	Tiberi
Frelinghuysen	McHenry	Tipton
Gardner	McIntyre	Tonko
Gerlach	McKeon	Towns
Gibbs	McMorris Rodgers	Upton
Gibson	Meehan	Velázquez
Gohmert	Meeks	Walberg
Goodlatte	Mica	Walden
Gowdy	Miller (MI)	Walsh (IL)
Granger	Miller, Gary	Walz (MN)
Graves (GA)	Moran	Wasserman Schultz
Graves (MO)	Mulvaney	Westmoreland
Green, Al	Murphy (CT)	Whitfield
Green, Gene	Murphy (PA)	Wilson (FL)
Griffin (AR)	Myrick	Wilson (SC)
Griffith (VA)	Nadler	Wittman
Grimm	Neal	Womack
Guinta	Neugebauer	Woodall
Guthrie	Noem	Wu
Hall	Nugent	Yoder
Hanna		

ANSWERED ''PRESENT''—1

Watt

NOT VOTING—10

Bass (CA)	Holden	Stivers
Berg	McKinley	Welch
Giffords	Napolitano	
Gingrey (GA)	Rangel	

□ 1715

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 489 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Schock (IL)/Boren (OK)/Waters (CA)/Sensenbrenner (WI)/Franks (AZ)/Kaptur (OH) Amendment.

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

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2149) to amend title 35, United States Code, to provide for patent reform, and, pursuant to House Resolution 316, 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.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

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.

MOTION TO RECOMMIT

Mr. MILLER of North Carolina. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of North Carolina. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of North Carolina moves to recommit the bill H.R. 1249 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following (and conform the table of contents accordingly):

SEC. 34. PRIORITY IN PROCESSING PATENT APPLICATIONS.

(a) PRIORITY.—The Director shall prioritize patent applications filed under title 35, United States Code, by entities that pledge to develop or manufacture their products, processes, and technologies in the United States, including, specifically, those filed by small businesses and individuals.

(b) DENIAL OF PRIORITY.—The Director shall not grant prioritization for patent applications filed under title 35, United States Code, by foreign entities that are nationals of any country that the Director has found to deny—

(1) adequate and effective protection for patent rights; or

(2) fair and equitable access for persons that rely on patent protection.

□ 1720

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. The consideration of this bill has been bipartisan to this point, and that certainly does not need to change now. This motion to recommit does not really send it back to committee. It certainly doesn't kill it. It is consistent with the spirit of the bill. This is simply the last amendment and should be considered in the same bipartisan way all the other amendments have been considered.

Mr. Speaker, our future prosperity does depend upon our being the most innovative country in the world, the most innovative economy in the world. American scientists and American engineers are doing great work. We are doing some of the most advanced, sophisticated research in the world. For instance, we lead the world in solar cell research. We are making some of the greatest breakthroughs in that technology. Much of it is funded by the Department of Energy or by other Federal research programs. But 80 percent of the manufacturing of solar cells is being done in Asia, mostly in China.

What is happening is that firms are getting Federal funds to do research to improve solar cell technology. They're developing advanced technology, but when the time comes to manufacture a product coming out of that research, those firms are contracting with Chinese manufacturers to make the products. That is just one example of companies that are doing research here but manufacturing somewhere else when American workers need good manufacturing jobs.

Mr. Speaker, the benefit of innovation should not just be higher profits for American corporations. The benefit should be good jobs for American workers. Under this motion to recommit, those companies will still get their patents, but they don't go to the front of the line. The people who go to the front of the line are those who will pledge that they will do their manufacturing here in the United States, creating good jobs for American workers.

Second, we all know that there are countries in the world that don't really respect American patent rights and that don't treat American inventors fairly when they try to get patents in those countries. This motion to recommit will still allow those inventors, people from those countries, to get patents. We will treat them better than their countries treat American inventors. But they go to the back of the line. They do not get priority when it comes time to have their patents considered.

Help American workers share in the prosperity that comes from American innovation from our research, from our innovation. Support this motion to recommit.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose the motion to recommit and urge my colleagues to defeat it. The America Invents Act is the culmination of 6 years of effort. During this time, the House and Senate Judiciary Committees conducted 23 hearings on patent reform and brokered numerous negotiations among Members and stakeholders. H.R. 1249 has garnered bipartisan and widespread support. This bill improves patent integrity in PTO operations. The bill helps businesses from a broad range of industries, independent inventors, and universities.

But the biggest winners are the American people. They will get more job opportunities and greater consumer choices. This amendment would mean that U.S. companies and inventors would be discriminated against all over the world when they file. It would be open season on American innovators and businesses. We would no longer be able to sell products abroad, and IP theft of U.S. goods would become rampant.

Mr. Speaker, this motion to recommit also consigns our patent system to the one created in the 1952 Patent Act, an era of landline telephones, TVs that offered three fuzzy black-and-white channels, and the manual typewriter. We need to update our patent system, and we need to do it now.

Oppose the motion to recommit and support H.R. 1249.

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 have it.

RECORDED VOTE

Mr. MILLER of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 172, noes 251, not voting 8, as follows:

[Roll No. 490]

AYES—172

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

NOES—251

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Holden
Lamborn
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1743

Mr. FRANK of Massachusetts changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 490 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Motion to Recommit H.R. 1249—America Invents Act.

The SPEAKER pro tempore (Mr. YODER). 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. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 304, noes 117, not voting 10, as follows:

[Roll No. 491]

AYES—304

Ackerman
Adams
Alexander
Altmire
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellison
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lynch
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—117

Aderholt
Akin
Amash
Andrews
Bachmann
Baldwin
Bartlett
Benishek
Bilirakis
Bishop (UT)
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coffman (CO)
Conyers
Costello
Cravaack
Davis (KY)
DeFazio
DeGette
Denham
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Hultgren
Hunter
Jones
Kaptur
Kildee
Kind
King (IA)
Kingston
Kucinich
Lamborn
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Scott, Austin
Sensenbrenner
Sherman
Slaughter
Smith (NE)
Southerland
Stark
Sutton
Terry
Thompson (PA)
Tsongas
Turner
Velázquez
Visclosky
Waters
Waxman
Webster
West
Wolf
Woolsey
Young (FL)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
Meeks
Napolitano
Pitts
Polis
Rangel
Stivers

□ 1749

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 491 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on H.R. 1249—America Invents Act.

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 491 on final passage of H.R. 1249, the America Invents Act, I am not recorded because I was absent due to a death in my family which required me to immediately return to Georgia. Had I been present, I would have vote "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1249, AMERICA INVENTS ACT

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make technical corrections in the engrossment of H.R. 1249, to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and the insertion of the word ''written'' in the appropriate place in the instruction in amendment No. 1 to strike material on lines 23 through 25 on page 114.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the

Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 47

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.J. Res. 47.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 68, AUTHORIZING LIMITED USE OF ARMED FORCES IN LIBYA; AND PROVIDING FOR CONSIDERATION OF H.R. 2278, LIMITING USE OF FUNDS FOR ARMED FORCES IN LIBYA

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–114) on the resolution (H. Res. 328) providing for consideration of the joint resolution (H.J. Res. 68) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; and providing for consideration of the bill (H.R. 2278) to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill (H.R. 2219) and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2219.

□ 1752

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

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

The gentleman from Florida (Mr. YOUNG) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

I first would like to thank the gentleman from Washington (Mr. DICKS), the former chairman of the subcommittee, for the complete cooperation that we had with each other in preparing this very nonpartisan, nonpolitical Defense appropriations bill for 2012.

The base budget of this bill is $530 billion, which is $9 billion below the President's budget request. It was not easy to find the savings, but we were determined to find those savings without having any adverse effect on the warfighter or the readiness of our Nation.

The base bill is $530 billion. In addition to that, rather than having a supplemental for Iraq and Afghanistan, we included a section that is referred to as OCO, the Overseas Contingency Operation, which is $119 billion. The bill includes no earmarks for Members' districts. The bill contains no money for Libya because none was requested. The administration did not request money for Libya. We asked numerous times what their plans were, how long it might take, what the cost might be. We did not get an answer until just very recently. And they said, No, they did not request any funding, and they were basically going to make up the balances by a reprogramming. They would not ask for a supplemental, but they would reprogram some of the existing funds.

It's a good bill. I wish it had more money in it for certain areas. I would like to have seen a much larger pay raise. We provided the necessary funding for the 1.6 percent pay raise for the military, which was the authorized level and the requested level, but we just had to find that $9 billion. The staff had to work extremely hard to make sure that we did not have an adverse effect on any of our soldiers or our overall readiness.

The bill provides $32 billion for the Defense Health Program. We understand the needs of our soldiers that are wounded. There are, unfortunately, too many of them. We have provided what we think is adequate money to care for whatever their medical requirements, their medical needs are. And it includes considerable research into medical issues. The research is important because a lot of the injuries that came out of Iraq and we are seeing come out of Afghanistan are such that in previous wars, the troop would probably not have survived. But because of advancements in medical care, because of the research, because of advancements in medicines, because of the ability to remove the casualty from the battlefield quickly and get to a hospital quickly, we're saving the lives of many of our troops that would probably not have survived in previous wars.

We include funding for the construction of 10 Navy ships. We include money for 32 Joint Strike Fighter aircraft. We include $3.3 billion for 28 F–18 Super Hornets and 12 EA–18 Growlers, $2.8 billion for 116 H–60 Blackhawk helicopters, and $699 million for the Reaper UAV, which is an advancement of the Predator. I'm trying not to go into too much detail because it is a very lengthy bill.

The reductions that we made in order to achieve the $9 billion in savings, we took favorable contract pricing adjustments, contract and schedule delays resulting in fiscal year 2012 savings, unjustified cost increases, or funding requested ahead of the anticipated or historical underexecution of contracts, rescissions of unneeded prior year funds, and reductions that were authorized in the House-passed 2012 National Defense Authorization Act under the chairmanship of Chairman MCKEON. Specific reductions include $435 million in savings from those contract and production delays in the AMRAAM system. We will provide for the RECORD the details of all of the areas where we took the savings.

All in all, it is a good bill for the money that we had available. There are things that we would have added. We would have increased the military pay raise. We just didn't have the money. So we went to the authorized level. There's much more to be said that will be said as we read this bill for amendments, which will probably not happen now until we come back after next week's recess.

I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may utilize.

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

Mr. DICKS. It has, once again, been an honor to work with my friend from Florida, Chairman BILL YOUNG, to prepare the Defense appropriations bill for FY 2012. In the longstanding tradition of this committee, the bill has been prepared on a bipartisan basis, and I support the bill. I know that Chairman ROGERS will be glad to hear that.

I am happy to report that the bill provides the funds necessary to support our troops both at home and in the field. It also makes the investment in research and development and acquisition needed to fully equip our troops and maintain our Nation's technological edge.

□ 1800

Within the funds provided, and after careful review, the committee exercised its constitutional responsibility

to allocate resources to those programs that best support the requirements of our military forces.

In writing this bill, the committee had to make hard choices. The allocation for this bill is $530 billion, $9 billion below the request. While this is $17 billion above the fiscal year 2011-enacted level, much of the increase is absorbed by the military pay, operation and maintenance, and the Defense Health Program accounts.

The bill also provides the funds needed to support U.S. service personnel. Examples of this include the military pay accounts fund at a 1.6 percent raise, consistent with the budget request and the level included in the House-passed fiscal year 2012 armed services authorization bill.

The bill also provides $32.3 billion for the Defense Health Program, including $125 million above the request to continue the committee's longstanding efforts to improve research and treatment of traumatic brain injury and psychological health conditions. The bill also includes funding increases for several research efforts including peer-reviewed breast cancer, prostate cancer, ovarian cancer, and lung cancer research.

The bill fully funds $2.3 billion requested for family programs and adds funding for several initiatives including $250 million to replace schools owned by local education authorities and $40 million for Impact Aid.

The bill addresses many of DOD's most pressing investment needs. It funds 10 ships, as requested in the budget, and 32 Joint Strike Fighter aircraft. I would like to have seen more Strike Fighter aircraft because I believe they're doing a much better job on this program. Last year it was in some trouble. This year Admiral Venlet has said repeatedly that they're, in fact, ahead of the training schedule. So I think this is very good news.

The bill also adds funding to fill gaps in DOD capabilities. Some examples include the M1A2 System Enhancement Package: $272 million is included to prevent a break in production of tanks. And this is something that our committee agreed with on an overwhelming basis, that shutting down the tank line in Ohio would be a terrible mistake because we'd lose the skilled workers and then we're going to reopen this tank line in 2 or 3 years, and it would just be a waste of money. So we bridged that gap.

HMMWV Force Protection: $50 million is added to develop and test and improve armor and other blast protection technologies on the HMMWV.

Long Range Strike: $100 million is added to reduce technical risk and schedule risks for this program. We're moving ahead on a replacement for the Trident submarine. The C–17 replacement is included to replace the operational loss of a C–17 aircraft. The committee has steadfastly replaced—when there have been operational losses, we've replaced the equipment. This is another example.

Special Operation Command shortfalls: this is one thing we had in our bill in 2011, and this year an increase of $250 million is added to address unfunded requirements identified by the Special Operations Command.

National Guard and Reserve equipment: $1.5 billion is included to fund equipment shortfalls in National Guard and Reserve equipment.

Intelligence surveillance and reconnaissance: $50 million is included above the request to continue to fill gaps in DOD ISR equipment.

Israeli missile defense programs: $130 million is added to enhance Israeli missile defense programs including the Arrow missile defense system.

Small business innovative research: $50 million is included to continue the committee's efforts for SBIR Phase III transition.

Historically Black Colleges and Universities: $20 million is added to continue defense research at Historically Black Colleges and Universities.

Energy efficiency improvements: the bill includes $82 million above the request to field equipment that will reduce the energy footprint of deployed Marine Corps units. The bill also includes $10 million above the request for pilot programs to improve DOD energy efficiency.

The bill provides $118.7 billion for operations in Afghanistan and Iraq and for continuing the withdrawal of U.S. forces from Iraq. The bill ensures that troops have essential force protection and provides the means for the Afghans to provide their own security. The bill includes $12.8 billion to train Afghanistan's National Security Forces.

While the bill provides essential support for our troops, I remain concerned about our Nation's direction in Pakistan and ongoing operations in Afghanistan. There is cause to question the reliability of our partnership with both countries. In the light of recent events, we must reassess the extent of U.S. military involvement and the objectives of U.S. foreign policy in that part of the world, reexamining whether U.S. national security requires a continued deployment of over 100,000 U.S. service personnel.

I welcome President Obama's decision to start the withdrawals, and I also urge a ceasefire and a political settlement. After a careful review of the security situation, I believe it is time to significantly accelerate the withdrawal of U.S. forces.

To accomplish this objective responsibly will take some care. By necessity, a political solution in Afghanistan will involve negotiations with Taliban representatives. It will also demand taking into account the interests of surrounding nations to ensure that those neighbors do not fight with one another along sectarian or tribal divides within Afghanistan.

Finally, we must guard against creating a vacuum similar to the one that occurred at the end of the Soviet occupation in 1989. Even with these cautions in mind, I believe it is time to begin the process of bringing the level of deployed U.S. troops in line with a new assessment of our security interests in the region.

I look forward to hearing from General Petraeus and General Odierno. We worked with them on the surge in Iraq, which turned out to be very successful. The military has done a very good job in Helmand and Kandahar and has dominated the Taliban in recent times, which is very positive.

We still have a problem on the eastern front between Afghanistan and Pakistan, and we need to continue to put pressure on al Qaeda, though the capture and death of Osama bin Laden was something that all the troops that have served here since 2001 should take satisfaction in, the person who led the effort against the United States in one of the most horrific acts and one of the most economic destabilizing acts that has ever occurred to our country.

While I have concerns about our Nation's policies in Afghanistan and Pakistan, I strongly support this bill. It's a bipartisan bill, and it provides the resources needed by our troops. I urge your support for the bill.

I also want to thank the staff. I know Chairman YOUNG will join me in this. We have a tremendous staff that works together. They worked together when I was chairman. They're working together now that Chairman YOUNG has—he had been chairman before and has now regained his chairmanship. And the staff has done an extraordinary job. It's a major piece of work to put together a $530 billion bill and know all these programs, and I commend them for their good work.

I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I am happy to yield 5 minutes to the very distinguished chairman of the Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank Chairman YOUNG for yielding me this time.

And thank you and your other partner, this dynamic duo that we have here between Chairman YOUNG and Chairman DICKS. Thank you for your good work.

The nearly $649 billion in total funding within this bill will provide our Armed Forces with the resources they need for the Nation's missions abroad and the protection of our people here at home.

This bill sustains our military readiness, facilitating the continued modernization of our national defense systems and preserving the American Armed Forces as the greatest military in the world.

As our soldiers and marines continue to put their lives on the line to eliminate terrorism and protect freedom around the globe, Congress must provide the necessary support and funding to keep them safe and well equipped, and we must do so in a timely manner.

These efforts include adequate funding for equipment procurement, base operations, and military pay. To improve our defense capabilities and prepare for future challenges, we've provided funding for research and development into new technology.

□ 1810

This legislation also provides essential funding for health and quality-of-life programs for the men and women of the armed services and their families.

But, as in all of our appropriations bills, this year especially, this legislation reflects hard decisions to cut lower-priority programs, reduce spending in programs that can be scaled back, and target funds where they're needed most so that our Nation can continue on the path to fiscal recovery.

No bill, no Department, including the Pentagon, should be immune from scrutiny during these precarious financial times. This legislation identifies fiscally responsible savings, savings that will in no way impair the safety or effectiveness of our troops, the success of our military operations, or our military readiness.

The bill also increases oversight of Defense programs and funds to ensure that tax dollars are being spent wisely and efficiently. We've taken a critical eye and increased scrutiny on some programs to ensure American taxpayers are receiving the proper benefits for their defense investments.

I want to thank, again, Chairman YOUNG and Ranking Member DICKS for their tireless work. In fact, it's a very bipartisan spirit and commitment, and that's the rule of this subcommittee over the decades of time, and their commitment to crafting a very responsible Defense bill. And of course the staff has worked tirelessly to make this day possible.

Mr. Chairman, I urge all of our colleagues to support this bill. It's a good one.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), who is a former member of the Defense Subcommittee and now is the ranking Democrat on the Military Construction-VA Subcommittee.

Mr. BISHOP of Georgia. Mr. Chairman, I am pleased to rise in support of the committee's recommended FY12 Defense appropriations bill.

I'd first like to commend Subcommittee Chairman YOUNG, Ranking Member DICKS, Chairman ROGERS, the subcommittee members and staff on both sides of the aisle for continuing the fine tradition of bipartisan cooperation and teamwork in producing this bill.

Of note, the bill provides $530.5 billion in total for the DOD in fiscal year 2012, $17 billion more than the current level. In addition, the bill provides $118.7 billion for contingency funding for the ongoing military operations in Iraq and Afghanistan.

It continues our longstanding commitment to our troops and their families by including a pay raise for the troops, strengthening health care services for servicemembers and their families, and providing $2.3 billion for family support and advocacy programs.

The bill protects our troops in harm's way by providing $3.2 billion for Mine Resistant Ambush Protected vehicles, $2.8 billion for combating IEDs in Afghanistan and Iraq, and a total of $453 million for the modernization of the M1 Abrams tanks.

The bill also includes an additional $1.5 billion for the National Guard and Reserve equipment, $633 million for military medical research, including $233 million for cancer research, $125 million for psychological health and traumatic brain injury research.

I'm pleased that the committee included $141 million for University and Industry Research Centers, of which $20 million was included for Historically Black Colleges and Universities for research.

As a former member of the subcommittee, I'm reminded of my dear friend and colleague, former Chairman Jack Murtha, who followed one central creed and principle in developing an annual House Defense appropriations bill, and that was to create a bill which provided our servicemen and -women all the resources and tools they need to do their job as effectively and efficiently as possible. I believe this bill does just that. And I do earnestly believe that Chairman Murtha would be very proud of this bill. And I'm pleased to support its passage.

Mr. YOUNG of Florida. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from California (Mr. LEWIS), the former chairman of this subcommittee and the former chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I thank very much Mr. YOUNG of Florida and Mr. DICKS of Washington for the fabulous work they've done working together and developing this measure, which is something over $500 billion. And the public certainly will know that that's no small amount of money. But certainly, also they'll know it is the reason for us to have a Federal Government—funding available to preserve our Nation.

And as we leave this weekend to celebrate the 4th of July and the history of our country and the history of freedom, not just here but also available around the world, we know it's the work of this subcommittee and people like these leaders that have allowed us to continue to be on the point of the spear for freedom around the world.

Indeed, if there's a reason for us to have a Federal Government, it is to be able to preserve our freedom and to provide opportunities for others elsewhere in the world.

Having said that, Mr. Chairman, it's also very, very important for me to point out that we are about serious and difficult challenges, especially in the Middle East at this moment.

A while ago, my friend NORM DICKS mentioned 1989 and Afghanistan and the challenges there. At that point in time, the Soviet Union was attempting to take over all of Afghanistan as a way of taking over the Middle East and to extend their desire to take over the world. A stop to that came by way of this committee's work and leadership from this committee.

If you have not taken the time to read about Charlie Wilson's war, you should, and recognize that that war led to the chants for freedom in Afghanistan.

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 1 minute.

Mr. LEWIS of California. If one would recognize, as of Charlie Wilson's war's time, we were successful at stopping the Soviet Union. But as we had that success, America did what it often does overseas: We walked away and left a vacuum in Afghanistan. And it was that vacuum that allowed the terrorists, al Qaeda and others, to extend themselves and train themselves and put us in the pressure box that we are in today in the country.

America must constantly be aware that we are the force for freedom and, working together, we will continue to help freedom in the world.

Having said that, Mr. Chairman, I want to extend my deepest congratulations to these two gentlemen, these two leaders of this committee, BILL YOUNG and NORM DICKS, extremely talented people who are bringing our committee and the Congress back to regular order so that we can work with one another and make changes in bills like this with free debate on the floor. Indeed, that is the strength of our Congress.

If the people will be patient with us, we'll actually accomplish some things. Indeed, freedom will continue to be a force in the world because of the work of these gentlemen. And our congratulations, as well as our best wishes, go out to their continued work and success.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE), a member of the Appropriations Committee and someone who is a very dynamic leader on our committee and that I enjoy working with.

Ms. LEE. Mr. Chairman, first let me thank our ranking member, Mr. DICKS, for your leadership for this time, but also for your patriotism and for your commitment to our country and to our troops. And it is an exciting committee, and it's a very important committee. And I want to thank Chairman ROGERS for your leadership, and for also his service and for the attempts to bring this committee together in the spirit of bipartisanship.

While I think everyone knows that I respect and support the President and I applaud him for his tremendous leadership on so many issues, like many of

my colleagues, I was tremendously disappointed to hear the President's announcement last night.

□ 1820

Almost three out of four Americans want to bring our troops home from Afghanistan, and this was far from the significant reduction that the American people were expecting. A token troop reduction of 10,000 by the end of this year and waiting another year to remove another 23,000, which in total would merely reverse the 2009 troop escalation, is really, for me, unacceptable; and quite frankly, it flies in the face of the growing bipartisan calls across our war-weary Nation to exit Afghanistan and to refocus on our priorities here at home.

Now, I voted against this original authorization in 2001, which was a very difficult vote for me to cast because I ended up being the only one to cast a ''no'' vote. But I knew then that that authorization was an authorization that was a blank check to wage war for any reason, against any nation, for any length of time. And this has now become the longest war in American history.

As we spend over $2 billion a week on this decade-long war, critical programs—like programs for women and children, nutrition programs, food stamps and Medicare—are on the chopping block. So enough is enough.

There is no military solution in Afghanistan. And in a world where terrorism can emanate from the tribal regions of Yemen or a hotel room in Germany, we cannot adequately address these challenges through a military-first, boots-on-the-ground strategy. It is clear that occupying states and nation-building does not make for effective counterterrorism, and the financial and human costs of continuing this war are indefensible.

With over 1,600 troops killed and tens of thousands more seriously wounded in Afghanistan, the human toll continues to mount each and every day. So we need to bring our troops home and use the savings for our economic challenges here at home, especially for job creation. That's why I'm going to offer some amendments to this bill to end funding for combat operations in Afghanistan and to provide, though, funding for the protection and the safe and orderly withdrawal of our young men and women as quickly as possible. I urge Members to support this amendment.

I will also be offering an amendment to transfer the $5 billion Pentagon war slush fund to a deficit reduction.

The CHAIR. The time of the gentlewoman has expired.

Mr. DICKS. I yield the gentlewoman 2 additional minutes.

Ms. LEE. I want to explain these amendments today during general debate, so I appreciate the time because I think this is important for the public to know that there is a $5 billion Pentagon war slush fund just sitting over there. So I want to offer an amendment to take that war slush fund, $5 billion, and apply it to deficit reduction.

Especially in this time of deficits and a struggling economy, I hope we can all agree that we should not be handing the Pentagon a $5 billion blank check for a war slush fund that has little accountability and runs counter to our constitutional duty to control the purse strings through this Congress.

We also cannot forget about the 45,000 troops in Iraq. I will be offering an amendment to ensure that all of them are brought home at the end of the year as agreed to in our Status of Forces Agreement. My friend and colleague from Illinois, Congresswoman JAN SCHAKOWSKY, and myself will offer an amendment to simply require the Department of Defense to provide audit-ready financial statements. That's a pretty simple request, I would think. Now, this $648 billion budget is $17 billion above last year's budget. It could be cut at least by $75 billion to $100 billion without, mind you, jeopardizing our troops or our national security.

As the daughter of a military veteran, let me just say that I support each and every dollar in this budget for our troops because they deserve our support for their safety and their protection and their economic security; but we should be cutting waste, fraud and abuse out of the Pentagon. And we should begin to cut these Cold War-era weapon systems that have no mission, no reason to be developed in this new world of terrorism when we see ourselves faced with asymmetrical warfare. It just doesn't make any sense. So $648 billion is too much; it's much too much. We can ensure our national security, protect our troops, and reinvest some of these dollars to create jobs at home with a rational defense budget.

We will never pay down our debt as long as the military budget continues to soar.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to a very distinguished senior member of the Defense Appropriations Committee and also chairman of the Subcommittee on Energy and Water, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to associate myself with your remarks and those of the ranking member. This is a good bipartisan bill carved out of an allocation that I would have preferred be higher; but we, too, on this subcommittee must do our part to lower the Federal deficit.

This bill deserves our strong support because, as the chairman said, and others, it has an important pay raise in there for all of our troops who are volunteering. It also provides more first-class medical care for those that are injured. It provides more money for ships, 10 new ships—two of them being *Virginia* class submarines—additional money for fighter aircraft, which are badly needed, and as was mentioned earlier, $1.5 billion for the National Guard equipment for both overseas and home State missions. Remarkably, this money was not requested by the administration.

I also want to take a minute to reflect on the collective bipartisan frustration many are feeling with the administration's handling of the Libyan operation, another of what we might call ''overseas contingency operations.'' We will debate the nature of our national interest on Libya tomorrow as we consider measures that go to the heart of Congress' constitutional role to declare war.

But here this evening this committee is in the process of developing an incredible spending program for fiscal year beginning in October. I understand there are no funds designated for Libyan operations in this bill. However, in reality, this Libyan mission, whether NATO-led or not, is heavily dependent on U.S. assets, and these assets must be accounted for by our committee.

We are all aware that our chairman, Mr. YOUNG—and he referred to it in his remarks—since April 1 sought information from the administration about, first, the nature of the mission in Libya; two, the cost of the mission; three, the length of the mission; and, four, any anticipated changes to the mission. We are also aware that the President finally responded with his June 15 letter to Congress in which he reports that the Department of Defense has spent over $750 million over the last 3 months, $10 million a day in Libya. Mr. Chairman, the President errs when he fails to provide this committee with accurate, timely, and precise information about any mission.

In closing, Mr. Chairman, I support this mark, I support this bill, and I thank the chairman and the ranking member and the committee staff for the great work they've done.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to a very important member of the Defense Subcommittee, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I certainly rise in strong support of this fiscal year 2012 Defense appropriation bill. I want to particularly thank Chairman YOUNG and Ranking Member DICKS and their staffs for a fantastic job. Thank you very much for your hard work and a great bill.

This bill is a great example, when it comes to our national defense, that we work together as Americans, not as Democrats, not as Republicans, but as Americans. At a time that we're in a number of conflicts around the world, it's important that we show that we stand united in support of our troops and against our enemies.

There was a point made about what's the longest war. I would say the longest war in American history is the Cold War. We were in that war for well over

40 years, and we're at war today against terrorism and radical elements out there that are trying to kill us and to maim us and to harm our national interests.

This is a long-term commitment, and I certainly congratulate this committee for doing the job that's necessary.

Mr. Chairman, I rise in strong support of the fiscal year 2012 Defense Appropriations bill. Chairman YOUNG, Ranking Member DICKS and the staff on both sides have worked together to produce a very good bill that supports our warfighters, plans for the future, and funds current operations in Afghanistan and Iraq, while also taking into account the fiscal restraints of the current economy.

I think every Member would agree that our troops deserve the absolute best we can give and this bill reflects that they are our top priority by providing a 1.6 percent pay increase. The bill also provides for important health research—from traumatic brain injury to psychological treatment—in order to help troops transition from battle to home.

The defense funding bill also ensures our military has the necessary equipment to succeed not only in the present, but in the future as well. The bill replaces the C–17 that went down in Alaska last summer, provides for the procurement of 32 Joint Strike Fighter aircraft, funds the building of 10 Navy ships, and provides for the purchase of 48 Reaper UAVs.

Finally the bill accounts for the current operations in Iraq and Afghanistan, ending the bad habit of "emergency" funding bills that were rarely subjected to regular order and often loaded up with non-emergency items. The bill is $9 billion less than the President's request—a reflection of our times and the realization that no department in the Federal Government is exempt from budget cuts.

Again, I rise in strong support of the FY12 Defense Appropriations bill. I commend Chairman YOUNG and Ranking Member DICKS for their hard work and urge my colleagues to vote in support of the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to another very important member of the Defense appropriations subcommittee, the gentleman from Oklahoma (Mr. COLE).

□ 1830

Mr. COLE. Thank you for yielding, Mr. Chairman.

Mr. Chairman, I rise today in support of the fiscal 2012 Defense Appropriations Act and urge all Members to extend their support as well. This is a fine bill that the committee worked on in an open fashion, and it includes input from both sides of the aisle. Thanks to Chairman YOUNG and Ranking Member DICKS, it is a strong, bipartisan bill that will do much good for the defense of our country.

Mr. Chairman, we will have many spirited debates on amendments during the course of the consideration of this legislation, and that is a good thing. But, rest assured, at the end of the day this legislation is and will remain a very good product.

The spending levels in the bill do not exceed the 302(b) allocations adopted by the Appropriations Committee, which are within the overall spending level approved by the House budget resolution.

The bill itself includes $530 billion for the normal operations of the Department and $118.7 billion for the conduct of the global war on terror. It includes a 1.6 percent pay raise for the troops. It has $453 million for the procurement of additional updated Abrams tanks, and it has $2.7 billion for the continued development of the F–35 Joint Strike Fighter, a weapons system that is critical to maintaining air superiority for the United States Air Force.

Additionally, the bill will withhold 75 percent of the funding for the Pakistan Counterinsurgency Capability Fund until the Secretary of Defense provides lawmakers with a report detailing the strategy and metrics for the use of those funds. The committee also adopted an amendment that would provide $1 million for the creation of a bipartisan commission to make policy recommendations on Afghanistan and Pakistan.

Mr. Chairman, this is a strong piece of legislation, one that I fully believe we should support, and I would ask all Members to do so.

Mr. YOUNG of Florida. I would like to advise the Chair that I have no further speakers. I do have a brief closing statement after Mr. DICKS, when he is prepared to close.

Mr. DICKS. Mr. Chairman, first of all, I would like to again thank the chairman for his great work and the work of the staff.

The President did lay out the rationale for why we got involved in Libya. He said that we were there to help protect the Libyan people. There were two resolutions adopted by the United Nations. And it wasn't just the United Nations. You had the Arab League and NATO involved in this. And, yes, I think the President would have been better advised to have asked for authorization, but this was a situation where the Libyan people were going to be slaughtered and the President felt that he had to act.

Some of us just got back from a trip. We saw the men and women who handle the equipment, who fly in there, do the jamming, all the different things that are done. They have done a phenomenal job. And now the President has turned the leadership of this over to NATO and they are taking the lead, though the gentleman from New Jersey is quite correct; they cannot do all these things without tankers, without other things, some of the special intelligence and reconnaissance that we have that just isn't out there for anybody else.

So I hope that tomorrow's debate will be on the merits. Let's look at this thing; let's talk about it. I think this will be a worthwhile discussion. But remember, there was going to be a no-fly zone, an embargo. We were going to protect the people. I think the President laid out exactly what this was about.

We have to look at this in terms of Egypt and the other countries in the area. Thousands and thousands of people are fleeing from Libya, and this is going to cause a major problem in the countries that surround Libya.

Ronald Reagan attacked Libya. I think he called Qadhafi a ''mad dog,'' and I don't remember him coming to Congress before he let the bombers go in there and attack him.

So I am one who is very restrained at the use of force, but in this case I think the President had to act, and he had the United Nations, the Arab League, NATO, he had the French and the British demanding action.

I think we have to look at the result here, too. I think right now the rebels have a very good chance of succeeding, and I hope they can do it in a timely way. We would all like to see this over as quickly as possible. But remember Kosovo. That took a significant amount of time before that worked out. There were a lot of critics, a lot of critics of President Clinton when he did that, but in the end it turned out very well for everyone. In Libya, I think Qadhafi should be replaced. I wish we were more candid about that, and the President has said that.

So I hope we look at this fairly and realize the damage that would be done to the North Atlantic Treaty Organization if the United States all of a sudden pulled all of its forces out of this. They would not be able to continue. This would be a worldwide embarrassment to the United States of America, to our great country and to our military.

I think we have to look at all of the ramifications of this issue. This is a serious matter and should not be politicized. Senator Jackson from my State used to say, when it comes to national defense, the best politics is no politics. Call it on the merits and do it in the best interests of our country and in the best interests of people serving our military.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Again, I want to thank Mr. DICKS for being such a good partner and working in a bipartisan way to guarantee that we did the best we could with the money we had available to provide for the national defense. I would say again, we have not had any impact adversely on any of our troops and we have not adversely affected the readiness of our country, while we have taken some of those slush funds and some of those wasteful funds, we did take some of those, in order to achieve the $9 billion in savings that we were required to achieve.

The bill is lengthy. As you can hear from the various speakers, there are many, many, many parts of this bill. The specific details of the bill have been available for over 2 weeks so that Members have had every opportunity to study the bill.

In order to get where we are, it took a lot of work, because, number one, we

had to finish last year's bill. That was no fault of Mr. DICKS. He worked hard as chairman last year to produce another very good bipartisan bill, cooperating totally with us on the minority side, the minority at that time. But we didn't get that bill to the floor. I wish that we had, but it didn't quite make it.

So this year we finished the work for FY 2011, and now this is the bill for FY 2012. Again, it is a strong, bipartisan, no-politics good defense bill. But in order to get to this point, to get where we are, required tremendous dedication on the part of all of the members of the subcommittee, as well and very specifically as well as the staff. The professional staff of our Defense Subcommittee is very, very special and works extremely hard. I would like to call attention to that staff.

On the minority side, Paul Juola, who also worked on the majority side at one point, and Becky Leggieri. On the majority staff, Brooke Boyer, Walter Hearne, Jennifer Miller, Tim Prince, Adrienne Ramsay, Ann Reese, Megan Rosenbusch, Paul Terry, B.G. Wright, Sherry Young, and the chief of staff, Tom McLemore.

They have done a tremendous job. I know that oftentimes when the House finished its business and Members would retire to their respective homes, staff stayed and they did the analysis that had to be done to achieve the savings that we achieved, but also to make sure that we accomplished what had to be accomplished to provide for our troops, to provide for their welfare, to provide for the readiness of the Nation.

□ 1840

I said in my opening remarks there were other items, other things, other parts of this bill that I would like to have increased. I would like to have been able to increase the pay raise that goes to our military. The money just wasn't there. But we did insist on funding the full 1.6 percent, which doesn't sound like a lot. At least it's not a reduction.

Mr. Chairman, this is a good bill. We're not going to vote on this bill tonight. We will read this bill—it's my understanding now from leadership—for amendment under the 5-minute rule the week after next and we'll be prepared to, again, in a bipartisan way, deal with any issues that might come up at that time.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. WESTMORELAND, 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. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

TEXAS TORT REFORM

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

Mr. OLSON. Mr. Speaker, our Nation's medical liability system is broken. It has put limits on patient access to health care and has increased costs. But since 2003, my home State of Texas has been a leader on medical liability reform. As a result of tort reform, from 2003 to 2009, Texas has seen an increase of roughly 60 percent in new physician licensure applications. And since 2003, Texas had 21,640 new physicians licensed. That means more doctors to treat patients—especially in rural areas with limited access to health care. All major physician liability carriers in Texas have cut their rates, giving Texas doctors affordable premiums and allowing them to focus on quality of care.

Texas is a model for tort reform for the Nation. I urge the Congress to adopt a similar policy to increase patient access to care and save our Nation billions in defensive medicine costs.

HANDS OFF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TONKO. This evening I will be joined by my colleague from California, Representative GARAMENDI. He and I will discuss for this next hour the issue that deals with a program that is tremendously popular in this country, that deals with our senior population as they have the resources through a program dubbed ''Medicare'' that enables them to enjoy with dignity their senior years and to be able to have the security of knowing that there is affordability and accessibility for their health care needs. Obviously, as our senior population continues to grow and the longevity curve continues to climb upward, our senior population has reminded us that their dignity and their quality of life has been addressed in a very strong way as the calculated curve for life expectancy continues to mount, which is a positive force in the lives of all Americans.

The efforts that we see afloat in this House at this Capitol range across a number of cuts and reforms that people are proposing for the future budget for this country. There is this Ryan Roadmap which has been developed and dubbed the ''path to prosperity'' by the author and by the Republican majority in the House. However, many of us have seen it for its true value and its attempts to end Medicare, so much so that we have dubbed it the ''road to ruin,'' a situation that would undo a Medicare program, and it is why signs such as this next to me here would greet many of us when we arrive in our district for district work period or on weekends as we break from session here in the House of Representatives: ''Hands off my Medicare.'' It's very bold, it's very straightforward, and it's very understood. The message is real, and it has reached us because it talks about an attempt here to end Medicare in this House. It would force seniors to find their own insurance in the private market. They would be asked to shop with a coupon in hand. The money that the government would kick in for coverage, part of that coupon would not nearly keep pace with the actual costs—the costs that seniors would be forced to pay.

Of course, as 32 cents—which has been the on-average expectation of the coupon—for every $1 of premium costs would be the outcome, that means that the risk would shift from our senior population to have them dig into their pockets, and the risk would be removed from government and placed in the hands of seniors. It would take away what is a stable, dependable system and put a profit-driven insurance arena of companies in charge of rationing care for our seniors.

This is a very unacceptable outcome, Representative GARAMENDI, and I'm glad that you have joined us this evening in this Special Order, where we'll focus on the Ryan Roadmap and what it really means, what it calculates to do, and the impact it has on so many elements of the population out there. And thank you, Representative GARAMENDI, for joining us this evening as we talk about this attempt to end Medicare and shift the risk from government to seniors.

Mr. GARAMENDI. Representative TONKO, thank you so very much for the opportunity to join you this evening on this critical issue. We often call this the Ryan Roadmap, but it really is the Republican budget proposal. It's not only the chairman of the budget committee that put this out, but every Republican in this House voted for it. So they really have adopted this as their roadmap, as their solution to the problems that face this Nation.

□ 1850

You spoke very eloquently about the way in which this proposal would change who pays and how it's going to be paid for. It shifts the burden away from all of us. It shifts the burden onto individual seniors.

One of the things that I found very interesting was: How much does it cost an individual senior?

Now, recognize that those who are seniors today also suffer. It's not just those who will become seniors but those who are seniors today, and I'll

come back to that during this discussion because that's a very, very important part. Our Republican friends have often said this doesn't affect anyone on Medicare. Well, the Medicare portion doesn't, but the Medicaid does because it does cut Medicaid. We'll come back to that. What I want to focus on is the shift of responsibility here and what it's going to cost an individual.

If you are not yet 55, then you're going to be in a system that is not Medicare. As you say, it's a voucher program. It's a program in which the government will give you a voucher, a ticket, and say, ''Go buy your insurance.'' What's going to make up the balance? The individual is going to make up the balance, and this little chart lays it out pretty clearly.

If you're 55, then you'd better start finding $182,000 right now because, when you become 65 and go on the non-Medicare program, you're going to have to come up with $182,000 in order to be able to buy the insurance that you need. Similarly, if you're 50, you're going to have to have $231,900 in order to be able to purchase the private insurance coverage. It goes on. If you're 40, you'll need $343,800. So you've got to put that money away because, when you become 65 and the Medicare is not there for you, you'll be having to make up the difference.

The bottom line on all of this is—I love this one. I think you'll recognize it, Mr. TONKO. We used this some time ago. It's the tombstone. ''Medicare, 1965–2011, Created by LBJ, Destroyed by GOP?''

They are destroying Medicare.

Medicare is a program that has been around since 1965. It guarantees that every individual in America who has turned 65 will have this health insurance policy—a policy that guarantees them benefits, doctors' visits, hospital visits, and under the new Affordable Health Care Act, an expansion of services, a whole series of preventative services available without cost to seniors. It actually saves us money. It's very, very interesting that if you spend money up front for prevention, as we do in the Affordable Health Care Act, which, incidentally, every Republican voted against and voted to repeal, that benefit that goes to seniors free saves taxpayers money and keeps seniors healthy.

Mr. TONKO. You point out the line in the sand drawn for 55 and over and 55 and under and that there is a different treatment. People would try to suggest, if you're 65, say, and you're qualifying for Medicare, if you go forward, the folks below 55 will never join the system, and that will cause fluctuations in the crowd that's 65 and over today. As that happens, as they grow older and as the life expectancy keeps strengthening and going north, not south, there is no replenishing of the younger eligible Medicare community. As you climb the age chart, the correlation with health care and your need for services rises. So the younger element within the Medicare eligible community was, I think, providing stability in the fund. I think it disrupts even the actuarial outcome of that universe as you no longer allow the entry of new populations with time.

Mr. GARAMENDI. That's absolutely true.

I was the insurance commissioner in California for 8 years. Actually, that's the way insurance works. It's a large pool, all of whom share the risk. If your risk pool, as you just described it, becomes older and older——

Mr. TONKO. With no younger seniors coming in.

Mr. GARAMENDI. Exactly.

Suddenly, you've got a very, very expensive pool.

Mr. TONKO. Right.

Mr. GARAMENDI. Now, on the other hand, the very same thing occurs on the private insurance side.

On the private insurance side, we're going to see in the Republican budget plan, the Ryan plan, a whole population of people who have become 65 who are no longer eligible for Medicare. Now they're going into the insurance sector, the private insurance sector.

Mr. TONKO. A community for whom we have not done insurance writing. The actuarial science has not been applied. We've had 45 years of reprieve.

Mr. GARAMENDI. Exactly. So will the insurance companies want to see those people? No, they won't because those people are now 65. They're at an age where they're going to have higher medical expenses.

You're asking the private insurance companies to take this whole new population of older, more expensive people into their private insurance companies, into that pool, the result of which is that private insurance company's pool will become more expensive. They know those people who are now 65 in the private insurance pool are going to get ill, that they're going to be more expensive, and so their doors are going to be subtly slammed shut. As to the availability, while presumably guaranteed by law, advertising won't be there, and the insurance agents won't be there to serve that population, and there is going to be all kinds of not-so-subtle discrimination, making it not only expensive for the individual but difficult to get quality insurance. In fact, there is no guarantee about the benefits in the Republican proposal.

Mr. TONKO. Right. If you'll suffer an interruption here and allow me to just share what, I think, both of us have talked about, people at home, because this is such a drastic proposal, can't believe that it's a real proposal. We have to remind people it is very much alive and it has legs, so much so today that the majority leader of the House, who was at the Vice President BIDEN table for negotiations on the debt ceiling bill today, walked, along with a Republican Senator spokesperson for that House, for their conference, the Republican Conference. They dropped out of the talks today simply because they want certain revenues at that negotiating table to be exempt, or certain proposals.

So we're saying, look, this has to be a bipartisan approach that has a tender balance here: that you cannot drop out of that balance certain impacts to the economy, like $800 billion worth, which is the price tag for the wealthy in this country, where they want that dollar amount to be absolutely cast in stone.

Mr. GARAMENDI. Let me see if I understand.

What you're saying is that, in the negotiations, the Republicans are saying they are willing to cut services to seniors—Medicare. We also know that there is a proposal by Mr. SESSIONS, a Republican, to terminate Social Security. So they want to reduce the benefits to seniors or even the availability of the programs to seniors, but they don't want any new taxes on the super wealthy.

Mr. TONKO. Exactly.

We're saying as Democrats in the House and as Democrats on the Hill what must be on the table. We need to have on the table discussions about oil breaks, which trace their roots over a hundred years' worth of policy decisions. Tax breaks for the wealthiest 2 percent of Americans must be on the table. These are the important things. Big Oil profits, which are historically the largest, are the reason, in order to afford those sorts of handouts and wealthy tax cuts, they need to carve into a program like Medicare. It's in order to make it all balance. So we're saying no, no, no, that these things must be on the table.

Mr. GARAMENDI. All that we do here is make choices. All of these laws are choices about solving this international problem. Do we want to solve it this way or that way? It's about choices. This issue of how we're going to deal with the budget and the budget deficit is about choices.

The Republicans have made a very clear choice. They are deciding that their choice is to reduce the benefits to seniors—Medicare, Medicaid benefits, an almost $900 billion cut in the Medicare program that provides support for seniors who are in nursing homes—and to terminate Medicare so that you're forced into a private insurance market. That's the choice that they've made rather than to go and get our money back from Big Oil.

□ 1900

Choices, they have refused both here on the floor, refused to take back the subsidies that were given to the big oil companies, I suppose arguing that somehow these oil companies are hurting, that they're not profitable. Well, not so.

Just take a look here just this last year. ExxonMobil saw a 69 percent increase in their profits, $10.7 billion profit; Oxy, 46 percent, $1.6 billion; Conoco, 43 percent increase, $2.1 billion; Chevron, 36 percent, $6.2 billion; BP, 16 percent increase, $7.2 billion.

Oh, by the way, you know who's billion dollars those are? Those are the folks that buy gasoline and diesel at the pumps. That's money right out of the pockets of consumers, and, in addition, they get billions of dollars of our tax money that you and I pay in addition to the gasoline tax. They get that for additional profit.

It is wrong. It's about choices. The Republicans have made a very clear choice here: take away from the seniors, take away their Medicare, and make sure that the oil companies continue to receive their subsidies.

Mr. TONKO. You know, you talk about choices, and the choices are do we continue Medicare—and obviously the Democrats in the House want to improve, they want to strengthen Medicare, not deny it, not end it—make it more stable, make it an even stronger program. There's a choice. Their choice would be to have tax earmarks for what sort of things? For corporate jets, for golf bags, for snow globes. These are the choices. And beyond choice, there are contrasts.

Now, this chart here somewhat incorporates what you're talking about there with Big Oil. We have $131 billion that is given away yearly to Big Oil and millionaires, handouts, tax cuts.

Mr. GARAMENDI. How much?

Mr. TONKO. $131 billion.

Mr. GARAMENDI. A year?

Mr. TONKO. Yes. Contrasted with the $165 billion that are yearly cuts to Medicare. So it's almost an equal swap. And we see that you need to end Medicare in order to provide for the wealthy tax cuts for millionaires and billionaires and handouts, mindless handouts to oil companies sitting on historic record profits. This year alone, in the first quarter, we're at about $36 billion in profits.

So why, if we'd done just this mindlessly for nearly a century's worth, why would we continue that and put at risk a program that will be celebrating its 45th anniversary in a few days? Why would we do that when the quality of life for the many, many, the many in the masses of Medicare eligibility are being put at risk for the far fewer who are going to get the millionaire, billionaire tax cuts and the oil handouts?

Mr. GARAMENDI. It's about choices. It's about where do you stand. Do you stand with the seniors and Medicare and the continuation of Medicare and the benefits that they need literally to survive or do you stand with the Big Oil companies? It's very, very clear.

Just look at the way the votes come down here on this House floor. Over the last 5 months, we've seen vote after vote after vote where the Democrats have suggested that we eliminate these subsidies, all of them, the subsidy to Big Oil, that we install the higher income tax for the superwealthy. We're not talking about the working stiff out there in the plant. We're talking about the superwealthy, those that have an adjusted gross income—that's after all of the deductions—of over $250,000. Take it to a million. But just raise their tax rate on that upper income above $250,000 3 percent, not talking about a huge increase, a 3 percent increase, and yet our Republican friends say, oh, no, we can't do that. We have to whack the elderly. We've got to go after the elderly. We've got to take away their Medicare benefits.

This is unconscionable. It is terrible economic policy. It is unconscionable that anyone would make such a choice—give the wealthy more; take it away from the seniors. What would lead a person to do that?

Mr. TONKO. Not only do they talk about these choices over and above the senior community, but they've made it clear that their negotiations at the table begin and end with this destruction of Medicare while protecting subsidies for Big Oil and to include the tax breaks for millionaires. That, you know, is very clear. That is the directive. That is part of a line drawn in the sand on negotiations, which makes it very difficult, because what it tells us is that they're willing to put at risk the full faith and credit of these United States on the line.

And we know we have just struggled to crawl out of a situation, a recession that's found 8.2 million jobs lost in America. We're just climbing that hill to recovery, and they're willing to put the full faith and credit of the United States at risk and perhaps, most likely, cause a new economic calamity.

Mr. GARAMENDI. We often talk about this, and what you're referring to is the deficit reduction negotiations that are going on between the Vice President and the leadership of the House and the Senate, and that's good. Negotiations have to take place. But in the negotiation, it's very clear where the two parties come down. You've described it so very, very well that in those negotiations, it appears as though our Republican colleagues are willing to put the full faith and credit of the United States—this is our worthiness, our financial worthiness as a Nation—on the line so that they can cut benefits to seniors, so that they can cut programs that provide food for pregnant women and children, so that they can make cuts in the school lunch programs, so that they can make cuts in the infrastructure, in the education programs that keep this country moving forward, in exchange for no taxes on the wealthy. They're willing to put this entire Nation's financial strength at risk so that they can reward the superwealthy in this country.

Mr. TONKO. And if someone could at least rationalize the benefit of that program, if they could at least quantify good, societal good that comes with that sort of thinking. In recent history, twice over in recent history we've witnessed that relief, that that top income strata has not caused and inspired a trickle down that produced jobs, that enabled people to see investments made in an economic recovery. In fact, the reverse was true. We saw what happened. They reduced these taxes for millionaires and billionaires, 8.2 million jobs lost, and the American economy brought to its knees, when in fact, now, the people have said, look, our top priority is jobs. We heard it. All of us that serve in this wonderful Chamber heard it in the last election of November of 2010. It couldn't have resonated more boldly, more clearly. It's about jobs. It's about growing the economy.

Stop shrinking the middle class. Start growing the economy. That was the directive, and so what they wanted was to make certain that we would allow for dignity to continue, that health care costs would be contained. As we did the reforms to health care, we included improvements for Medicare. They wanted that Medicare program to continue. And when you listen to the American public out there—and we'll talk about this in a minute—the polling, most recent, today that was released indicates there is strong support for continuing Medicare. They support strengthening Medicare, and they have denounced this attempt to bring an end to Medicare. They are angry about it, not just for their generation. And I'm saying ''they'' as seniors. They are concerned because they want their children and grandchildren to enjoy that same order of security that has served them so well with their health care needs.

Mr. GARAMENDI. How well you've said it, Representative TONKO. The choices are very, very clear. We do have a deficit problem, and you and I should spend some time talking about how we got into that in the first place and how we can get out of it.

But to put this Nation's financial strength on the table and say, as Republicans are, they are willing to let this Nation go into default on its obligations, first time ever, and if that were to happen, it would kick off another financial crisis around the world because the rest of the world depends upon the willingness of the United States to pay its debts, because that's the security in the banks around the world.

□ 1910

And if the United States isn't willing to do that, suddenly, this Nation's going to be in deep trouble, and the world economy along with it. And guess what? It's going to cost us a lot of money because the interest rates will go up. If the United States isn't trustworthy, it's risky; therefore, you have to pay higher interest.

So we need to understand that this is a default crisis. It's not the debt ceiling. It is a default crisis that we're facing. And to use it as a lever to harm seniors is unconscionable. But yet that's what they're doing as they continue to call for cuts in Medicare and the Medicare program. We shouldn't let it happen.

We do have—well, before we go there, I keep coming back to this. In 1965, the

United States decided that we were going to end poverty among the seniors. The seniors were the most impoverished part of the American population. And added to the Social Security program was a health insurance program called Medicare, an extraordinary expression of the American compassion, an extraordinary expression of the American desire to take care of their parents and to provide the necessary health care services. Here we are in 2011 with a proposal by the Republican Party to terminate Medicare. How can it be? How could we have come to this? And to say that it's the deficit that's causing this to happen is, I think, wrong.

Before we turn to the deficit, I just think that we—you and I have talked about this, Representative TONKO, and we should cover it. We've talked about it a little bit. We know that the cost of Medicare is going up. And it is something that is of concern to you and me and, I think, to everybody in this Nation. But Medicare costs go up along with the total inflation in health care. It's the whole health care system that goes up, and Medicare rides along in that inflation. It is not the cause of the inflation. There are many other causes of the inflation in health care.

In order to deal with the cost to Medicare, you don't destroy Medicare and throw Medicare into the insurance market. What you have to do is to control the underlying costs of health care. There are some things that you can actually do in Medicare.

For example, Medicare part D, which is the pharmaceutical portion of Medicare, passed by the Republican Congress in 2003 without any way to pay for it, all borrowed money. Well, okay. So much for the Republicans' desire to pay as you go. But it was all borrowed money. And into the law the Republicans wrote a provision that prohibited the Federal Government from negotiating drug prices. The Federal Government is a price taker. Whatever the drug companies want to charge, the Federal Government has to pay. We could save tens, hundreds of billions of dollars over 10 years by simply allowing the Federal Government to negotiate the prices of drugs for seniors.

Mr. TONKO. And you know, you are so right. That preclusion that came in that measure was an outright avoidance of providing a benefit to the senior community. I know the number because we talked about it today in another session. It's $156 billion that could be saved over that 10-year stretch just by bulk purchasing the pharmaceutical needs for the Medicare program.

Mr. GARAMENDI. But the Republicans wouldn't allow it.

Mr. TONKO. Exactly.

And it's not just a savings to the government, but it's also a savings of $27 billion to individual seniors. So right there is an opportunity to provide for stability and to rein in costs within the Medicare program. But it takes the sort of compassion and the determination and the outright leadership to make certain that we make it stronger. What they've said today—I was in a hearing on the Budget Committee—is that, well, look, the way we're going to do this is sharpen the pencil. There is going to be this competition, and everyone's going to fight to serve the senior citizen for her or his health care needs. With the market taking over, they're going to drive down the costs and provide the benefits.

Since Medicare was initiated, the private sector premium costs have risen by 5,000 percent. Medicare is far below that curve. There isn't that marketing program. There isn't that administrative overcharge that really has driven these prices to go out of sight. And what we have here is an attempt to put the insurance company into the driver's seat.

Mr. GARAMENDI. Well, as the insurance commissioner in California for 8 years, let me just pick that issue up.

The insurance companies are extraordinarily inefficient compared to Medicare. I know that a lot of people think that government is inefficient. It is not the case in Medicare. Medicare collects the money and distributes, pays the bills for about 3 percent of the cost. The private insurance companies are about 30 percent.

Now, on the other end, you've got the cost of administration. It may be another 7, 8 percent administrative costs for the doctors and hospitals for Medicare. But on the private insurance side, because there are so many different policies, so many different forms, so many different coverages—this is covered, that's not covered; this is exempted; this is the copay for this and a different copay for that—it is utter chaos for the provider. So about 15 percent of that 30 percent, about half of that 30 percent is administrative costs and commissions and sales and advertising on the part of the insurance companies, and the other 15 percent is the administrative costs on the part of the providers, the hospitals and doctors.

It is absolutely the most inefficient way to deliver medical services and to pay for them. Medicare is one-half the administrative cost both for the provider as well as for the collection and the payment of the bills.

Mr. TONKO. And I think it's probably what underlies the thinking of Americans out there, because when they were polled just recently with the poll that was shared with people today, there is overwhelming opposition to the GOP plan to end Medicare. So much so that in that effort by the GOP to convert Medicare to a voucher system, 57-plus percent said ''no'' to that idea. And when you look at independent voters out there as a separate bloc of measurement, it closes into 60 percent, at 58-point-some percent.

So people are saying overwhelmingly, We do not want to convert this into a voucher system, where you get 32 cents on every dollar that you need. And they're saying very clearly: Hands off my Medicare. The message couldn't be clearer: Hands off my Medicare.

Mr. GARAMENDI. I want to pick up one more issue. I know my Republican friends over here are constantly saying, oh, but in the Affordable Health Care Act you took $500 billion out of Medicare. Let's understand what that's all about.

In 2003, in that program, the Medicare part D program, two programs were actually put in place. One was the drug benefit. Another is what is called Medicare Advantage. This is the supplemental program for Medicare. The Medicare Advantage program, when it was put in, to entice the insurance companies, the private insurance companies to participate, they were given a 16 percent bonus over and above their cost. So for 8 years or 7 years, they enjoyed a built-in additional profit of some 16 percent, which——

Mr. TONKO. Just to get the concept up and running.

Mr. GARAMENDI. Just to get it up and going.

And they continued to receive that additional 16 percent, additional profit, guaranteed profit. When we did the Affordable Health Care Act, we said, Wait a minute. They don't need that any longer. The program is up. It's going. The advertising and everything else is in place, the administrative system. So we want to take back that additional profit given to the insurance companies.

That's where the $500 billion is over a 10-year period. That's money that was saved by creating an efficiency and, once again, ending an unnecessary supplement. It did not in any way, shape, or form change any of the benefits that seniors received in the Affordable Health Care Act. There was a sentence. It said, ''No benefit changes,'' period.

Mr. TONKO. Right.

And where we saw overpayment for services provided, where there was unnecessary profit accrued in certain areas, we said enough is enough. The taxpayers shouldn't pay for adding to the profit column beyond reason for those private sector types that said they can do it cheaper, which was the claim. We can do it cheaper. Let us have this Medicare Advantage model, and we will show you how we can provide benefits. It didn't require such vast overpayment.

□ 1920

Mr. GARAMENDI. No more subsidies.

Now that I'm on a roll, in that Affordable Care Act, there was additional money for the Internal Revenue Service, the IRS, specifically to go after Medicare fraud. We know it's a problem. In the previous years, the Republican budgets reduced the effort of the Medicare program to go after fraud. So we put money into the Affordable Health Care Act to go after fraud. Guess what happened when the Republicans came to power. They eliminated

the money that the IRS needed to add additional agents to go after Medicare fraud.

Mr. TONKO. Right.

Mr. GARAMENDI. What's that all about?

Mr. TONKO. In situations where we found recently—and there was an article in a major paper, The New York Times, that reported that there were CT chest scans done two times over at many locations where they were recovering those dollars through Medicare and found that to cost some $25 million worth of waste, of fraud in the system. Now, that's just one small example of one small bit of opportunity and activity in the health care field.

Think of it. If you have the agents, as you suggested, and if they are funded in a way that produces dollars of savings simply by having the infrastructure, the human infrastructure, to go out and chase this fraud down, we can then benefit. There are systems here that we developed that have the checks and balances, that have the bells and whistles, that have the preventative element. Even the efforts that we made in the Affordable Care Act to not require copayments or deductibles for any of the screenings and the annual checkups for our seniors—wonderful concepts to, again, contain the costs of health care within the Medicare model, which we thought was a wonderful thing to do.

And you're right, there's no move here. When you end Medicare and make no adjustments and just hand it over to the private sector and say, Keep on your trend of being much more expensive than Medicare and go out there and sharpen the pencil, without changes that they want to induce into the program, nothing changes; but the cost increases for the seniors.

Mr. GARAMENDI. So if you're looking at the deficit and dealing with the deficit, you don't have to destroy Medicare to save money. In fact, it will cost us more money, not directly in taxes but out of the individual pocket. No doubt about it.

The other thing is that there are many, many ways to bring down the cost of health care. Many of those are in the Affordable Care Act, which our Republican friends want to repeal. And let me just go through them:

There's the end of the subsidies for the insurance companies, which we just talked about. There's the money for the IRS agents to go after fraud. There is in the legislation a provision that says that hospitals will not be paid for reinfections. One of the most expensive things in the hospital system is when a patient gets an infection in a hospital and comes back into the hospital. These are very, very simple things called ''cleanliness'' and ''hygiene'' at the hospital to bring down the infection rate. And in the Affordable Care Act, it said, no, no, if there's a reinfection in the hospital, we're not going to pay you a second time around, forcing the hospitals to keep it clean.

Electronic medical records, eliminated or attempted to be eliminated by the Republicans. All of these things are good for health. The preventative care.

Mr. TONKO. And the annual checkups. Don't forget those. And just undoing the requirement for copayment or deductibles for those screenings and annual checkups. There was this compassionate, reasonable, thoughtful approach to contain costs, provide for the continuation of a program that has grown immensely valuable in the lives and the fabric of our senior community.

And you know what's interesting too? This ''hands off my Medicare'' is not just resonating with today's seniors. In the recent poll that I just cited, 61 percent of those age 35, Representative GARAMENDI, and older and 63 percent of those age 55 and older said they would be worse off under this GOP plan. Worse off. So the more people check this out, all age groups—under 55, under 35, over 65—are all saying, Hands off my Medicare. It's no wonder that the message has been resoundingly delivered throughout this country, no matter what region. You're on the west coast. I'm on the east coast. We're hearing it from coast to coast.

Mr. GARAMENDI. And everything in between, Hands off my Medicare, Hands off my children's Medicare.

However, we're saying that. The public is saying that. Democrats say we will not give an inch on Medicare. We will control the cost within the total health care system, but we will not allow the destruction of Medicare. Keep your hands off Medicare. The public is saying that.

And what are our Republican friends saying? They're saying, Keep your hands off Big Oil subsidies. Hello. What's that all about? They're saying don't touch the subsidies, the billions of dollars annually that the oil industry gets, our tax dollars given to the oil industry. Don't touch that. Keep your hands off those subsidies. But they want to put their hands onto Medicare and literally destroy Medicare.

Mr. TONKO. So you're saying that—to quote your dollar figure from earlier—if you're 54, 55 years old, save another $182,000 to cover your health care costs with the end to Medicare because the system has to pay oil subsidies to the historically profit-rich oil industry.

So they're saying, okay, garner up those dollars, save somehow the $182,000 additionally that you will require for your health care coverage because we have to give this mindless handout to the oil companies. Or guess what, $6,000 more out of your pocket per year for your health care coverage because we won't have the dollars if you don't do that to pay the oil companies or to give the millionaires and billionaires their tax cut.

These are the priorities that need to be addressed thoughtfully at a negotiating table. And the ridiculousness of the empowerment of the most powerful at the expense of the masses of those who have received quality of care and dignity addressing their golden years, that has to be sacrificed just so that this stubbornness of negotiation can continue where you're going to have this Darwinistic outcome.

Mr. GARAMENDI. Representative TONKO, we do have a deficit problem. We have to address that. We've talked about ways that that can be done in the health care sector without harming Medicare. But one of the most important things in addressing the deficit problem is to put people back to work.

Americans want to work. They want to earn a living. They want to have enough money to pay for their home or their rent and food and take care of their children so their kids can go to school. We need a jobs program. We need a jobs program in America. We need to be able to put people back to work. We're into almost the end of the sixth month of this session. Not one jobs bill put forward by the Republican Party. Not one. They talk about cuts in taxes as though that's somehow going to create jobs, and there's absolutely no evidence that it does.

Mr. TONKO. What does grow jobs is strengthening purchasing power so that as the middle class of America, which is the engine that drives the economy, has the available cash to purchase things, to be out there and allow for the upper strata to have their products sold, purchased, you're going to destroy purchasing power of many households, senior households, those who have to save $182,000 before they qualify as seniors. That's going to drain this economy.

Mr. GARAMENDI. That's money directly out of the pockets, and that's money that has to be set aside.

What I would like to take a few moments on, with your permission, is to talk about a program that you and I and our colleagues on the Democratic side have been working on now for the last, almost a year now, and we call it Make It In America. It's that great American middle class, the heart and soul of this country, the men and women that went to work every day and made something. They made cars. They made jet airplanes. They made engines. They were out in the fields. They made the tractors. America was the great manufacturing center of the world. And in the last 20 to 30 years, we've allowed that to dissipate.

We want it back, and we know we can get it back. We have the ability in this Nation to rebuild the manufacturing base of America; and when we do, we will rebuild the middle class of America. We call this Make It In America. And it's so important.

You come from an area that still is a great manufacturing sector and was once the greatest center of it.

Mr. TONKO. Absolutely. The 21st Congressional District of New York, in the capital region, Mohawk Valley of upstate New York, hosts the original

infrastructure of the Erie and Barge Canals, the route that gave birth to a necklace of communities called mill towns that became the epicenters of invention and innovation that inspired a westward movement, that inspired an industrial revolution.

□ 1930

That pioneer spirit is the DNA of America. Give us the opportunity to invest in ideas, and we turn that into manufacturing and we go forward.

But it begins and ends with a quality workforce. And the cuts proposed in Head Start, with a quarter of a million children being denied Head Start opportunities, the huge cuts to title I funding to get resources to our schools, especially those in most difficult situations, would destroy the workforce of the future. Without investment in education, there is not a strong and vibrant workforce that can continue to carry our strength as a Nation in this global economy. So that is a start.

And then also, I have witnessed in my region, where we're the third-fastest growing hub in this Nation for science and tech jobs, high tech jobs, that when you start cutting away at R&D, you're going to destroy the opportunity that we have as we continue to cluster with these science and tech-related jobs.

Mr. GARAMENDI. Representative TONKO, I come from the San Francisco Bay area. We are the first great science research technology. We'll let you be number 3. But we're number 1.

Mr. TONKO. Not for long.

Mr. GARAMENDI. But the point here is that our strategy of ''Make it in America'' includes a half a dozen different specific programs, one of which you talked about, which is the education system.

Why in the world, when we need, as you just said, to build the ability of the American worker to compete, smart, capable, would we reduce the education funding? But that's precisely what our Republican friends have done. They've taken money out of the Pell Grants for college, very significant, Head Start. All of the Federal education programs are being reduced by the Republicans at a time when we have to build it. So if we're going to make it in America, we need a well-educated work force.

This one up here we call trade. Listen, China's cheating. China is cheating on their currency. And no matter how creative, how competitive we are, how hard our workers work, it's virtually impossible to compete against China because of their currency cheating. The Democrats want to put on this floor, send to the President a demand that the United States take action, against China on their currency issue so that we could have a fair trade situation.

Mr. TONKO. Absolutely. The currency issue is epicenter to the solution that's required. Fair trade is what really allows us to compete effectively. This imbalance that's been able to continue is very harmful to our economy, to the workers of this country.

You know, the working families have taken it on the chin. The middle class of America needs that purchasing power, that enhancement of purchasing power. Then you see economic recovery. Then you see people putting people to work because, as that activity continues to grow and snowball, you will require the investment in jobs in all, from service sector on over to manufacturing on over to R&D. And where you plant R&D as a center of invention, of ideas of innovation, there will come to be next door to that planting the manufacturing elements that will allow our manufacturing sector to prosper.

Mr. GARAMENDI. Well, R&D, research and development. In the continuing resolutions pushed forward by the Republican party and successfully enacted and signed into law by their intransigence to deal with any new revenues, the research budgets of the United States were significantly reduced at a time when we actually need more research.

Research into energy. We know we have an energy crisis. We know we need to move to new energy sources. And yet the Republican budget reduced the energy research for this Nation.

Automotive research. We're just now beginning to claw back and rebuild our automotive industry, and so research into batteries and new efficient automobiles—eliminated by the Republicans. What are they thinking?

Mr. TONKO. And when you talk about battery manufacturing, advanced battery manufacturing taking place in my district, you're talking about the linchpin. You're talking about that connector to all of the opportunities out there that transition us into alternative technologies. It begins and ends with that battery development. And we have those opportunities. We've invested in those. We need to continue to take that curve northward so that you put the money down that will grow jobs. That's investing.

There is the rightful expectation that there will be lucrative dividends from that investment. And when you look at the global race, this is much similar to the global race on space in the early sixties, when we got knocked on the seat of our pants in the late fifties with the Sputnik moment, and that woke us up, and we involved ourselves, and we embraced with great passion getting that race done in winning style. And we won it.

Today we have more competitors. You've got China, Brazil, India, Germany, Japan, all investing in a global race on clean energy and innovation, and we're going to tie our hands behind our back.

Mr. GARAMENDI. Take away the resource money and see what happens. We lose the race.

We know we all get sick, right? Why would you ever put forward a policy to reduce research in medical services and the basic understanding of the human gene, of understanding how we can solve medical problems? Why would anybody propose a reduction in the research for medical care?

I don't know. But they did. And they succeeded in reducing the budget for medical research.

So energy, medical research, automotive, transportation research, they reduce it in the budget and they expect our economy to grow, to be competitive? I don't get it, but that's what they have done.

Mr. TONKO. There are quantifiable benefits that come not just with job creation, but with service delivery. If you provide for this sort of basic research, you're providing for cures to illnesses that have continued to haunt the fabric and quality of life of individuals. And if we can discover and unleash that potential, there is a quality of life that's addressed. There's hope that's delivered to the doorsteps of families across this country. And so it goes well beyond job creation. But you're absolutely right. These are jobs that are of high quality, that require, again, the investment of America's know-how. They are opportunities for intellectual capacity that we, as a Nation, invest in higher ed, and this is putting that higher ed product to work.

Mr. GARAMENDI. Let's take another example. And this comes up on the energy policies of this Nation.

I think we all understand that the oil industry has done rather well, and we continue to subsidize the oil industry. Efforts to eliminate those subsidies and to shift those to the new green technologies have been blocked by our Republican friends.

Now, we do have money going to subsidize, to provide incentives for the clean energy industry, wind turbines and solar photovoltaic systems. I have a bill in, actually two bills, that say that our tax money must be spent on American-made equipment.

For example, I have two big wind farms in my district, the Altamont and the Solano wind farms. They're huge, huge pieces of equipment, towers 400 feet high with blades that are a football field across, made overseas in Europe and China. And I'm looking at it and I'm going, wait a minute; our tax money's being used to help build these systems? And yet they're not American-made? I said, no, no, no, no. If our tax money's going to be used in this way, it's going to be used to buy American-made equipment. That bill is in. It's now being slowed down, blocked in the various Republican committees here. But it seems to me foolishness to allow our tax money to be sent offshore.

We also, all of us, pay 18½ cents excise tax for gasoline. That money is used to build roads, highways, bridges, and to buy trains and buses and light rail systems. My legislation says that that money must be used to buy American-made equipment. Those trains,

those buses, those light rails, the steel in the bridges, will be American-made.

Why don't we bring those jobs back home? We can do this using money that is already available, already being spent, but sometimes all too often spent on foreign-made equipment.

Mr. TONKO. And talk about this sort of innovation economy where you invest in America, you make certain that our infrastructure that moves goods and people is as sound as it can be. But as we invest in the growth of jobs and ''Make it in America,'' and you talk about the clean energy economy, the alternative technologies, the innovation that comes with advanced battery manufacturing, that stops the trail, eventually, of dollars that are exported out of this Nation, going into the Mideast, $400 billion plus a year to maintain this fossil-based economy that has us gluttonously dependent on fossil-based fuels that are imported from unfriendly nations to the United States.

□ 1940

There has to be a cleaner way, a more innovative way, one that embraces the American intellect and the ingenuity that enables us to grow products that are not on the radar screen. That's how a great nation continues its greatness; that's how it continues to become even greater, by putting to work its brainpower and developing products that are kinder to the environment, strong in their manufacturing element that produces here in these United States and draws upon the workforce and the R&D potential of everyone from trades up to the Ph.D.s involved in that equation of success. I think it's a way to empower us across the board.

Mr. GARAMENDI. As we come to the conclusion of this, the Make It In America agenda is a powerful agenda to rebuild the American manufacturing base to put middle class America back to work so that they can have the home that they want, so that they can take care of their children's education, so that they can have, once again, pride in this Nation. We can do it. And these are the policies—a fair trade policy in which we tell China, no, no, no, we're not going to let you cheat on your currency any longer, where the tax policy makes sense.

This one. An example. Somewhere in the last 30 years, built into the tax laws was an incentive for American corporations to shift jobs offshore. They take a job; they send it offshore; they got a tax break. I don't know where it came from. I know it was in the Codes. And what we did in the tax bill last December was to eliminate that tax break for American corporations sending jobs offshore. It passed. The President signed it, but our Republican colleagues, to a person, voted against it. They voted to keep that tax break for American corporations to shift jobs offshore. Doesn't make sense to me, but it's gone. And that's the kind of policy we want to put in place, where we take care of Americans who are working in America.

Mr. TONKO. And you know, Representative GARAMENDI, just about an hour ago we were talking about it all being about principles, values, priorities, contrasts, and choices. Well, if we go with the choice to not make it in America, not invest in innovation, research for medical purposes, means that we may not be able to contain those costs of medical needs, of health care, because we will avoid the discovery of better treatments, new cures, prevention elements that all come with the medical research and medical innovation that can be made in America.

And then we have opportunities to keep Medicare alive, not destroy it, by containing costs for health care and allowing for the dignity of life and the quality of care to go forward without this treatment to end Medicare. And the choice is to avoid powerful industries like the oil industry, giving them mindless handouts, or do we invest in education, higher education, job creation, quality of life issues, housing opportunities? These are the choices we're talking about.

This hour has been, I think, an opportunity for us to exchange, with a clearer expression, what the contrast is on the floor of the House of Representatives and what it is between this Path to Prosperity that we have seen as a Road to Ruin, one that would end Medicare, continue handouts to record profit oil industries, to continue to advocate for millionaire and billionaire tax cuts at the expense of America's middle class that needs a stronger purchasing power and needs to know that her children and grandchildren will have the opportunities, equal opportunities for quality education and a college degree.

Mr. GARAMENDI. Thank you very much, Representative TONKO.

Our promise to the American seniors and those who want to become seniors is that this tombstone that the Republican Party wants to put out there—that is, the termination of Medicare—will not happen. We will not let this happen. Medicare is part of the American agenda. It is part of what is good about America, and it will not be terminated by anybody. That's our promise. That's where we draw our line in the sand.

Thank you very much for this opportunity.

Mr. TONKO. Thank you very much, Representative GARAMENDI. It has been a great opportunity to share this hour with you.

We only ask that thoughtfulness guide the negotiations—either on a deficit ceiling bill or on budgets as we go forward—thoughtfulness and a desire to grow opportunity for all Americans. We're at our best when the inclusiveness of this process enables everyone to be empowered and not just the special interests, the wealthy oil industry that has set record profits 2 years in a row.

With that, I thank the Speaker for the opportunity, and I yield back the balance of my time.

FRESHMAN CLASS ON JOBS AND DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Alabama (Mrs. ROBY) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. ROBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my Special Order regarding the debt and jobs.

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

There was no objection.

Mrs. ROBY. Mr. Speaker, I am joined here tonight by Members of the freshman class once again to focus this discussion on jobs, and I immediately had just one glaring road sign in my mind as I sat here and listened to the Democrats talk about their so-called plan, ''Make It In America,'' and it's ''stop,'' s-t-o-p. This has to stop. The American people deserve the truth. And what you just listened to, what was just presented to you is not that.

We have got to focus in and look at—which we're going to do tonight in a very good discussion—this job-killing legislation that has been presented by the very side that just stood up and told the American people that we're out to kill Medicare and so on and so forth. People can't make it in America right now because of the heavy hand of government that is bearing down on them, because of this job-killing legislation and overreaching regulation that continues to be promoted by the other side. And we've had enough. So let's stop. Let's stop the demagoguery. Let's get down to the truth. We're going to have that discussion here tonight.

The average unemployed American has been searching for a job for 39 weeks, the longest average time in history to be looking for a job. Twenty-one million jobs are still needed by 2020 to return our Nation to a full job recovery. Companies in the United States of America are hitting the brakes on hiring and production.

I want to start our discussion here and I want to hit on three points. I am going to talk very quickly about health care, about boiler MACT, and about energy and jobs. And that's going to lead for the discussion here tonight.

On May 19, a small business owner received documents from his insurance carrier stating that, due to ObamaCare the coverage in his policy would be updated with the new terms of the law on the anniversary of his enrollment. Four days later, this small business

owner received a statement from the same insurance carrier stating that his monthly premium would increase by 25 percent. And I have those documents here with me tonight.

Why does the administration continue to state that Americans will not see significant increases in their health care coverage when it is already happening right now?

Mr. Speaker, I would like to submit these documents into the CONGRESSIONAL RECORD.

CAREFIRST
BLUECROSS BLUESHIELD,
Washington, D.C., May 23, 2011.

DEAR MEMBER: the purpose of this letter is to inform you of your premium rate for the upcoming year. Please take a moment to review this important information.

Your current monthly premium is $174.00. Beginning 08/01/2011, your monthly premium will change to $218.00. Please note that this is a change in your monthly rate.

We regret this increase is necessary, but it reflects the cost of providing you the coverage called for in your policy. As a not for profit organization, we operate on the smallest possible margins, consistent with financial soundness.

Our service hours are Monday – Friday from 7:00 am – 7:00 pm. So that we may serve you as quickly as possible, please have your ID card available. You can also access your plan information from the convenience of your home computer by visiting www.carefirst.com/myaccount.

Sincerely,

RICH MACHA,
Senior Director,
Customer Service & Technical Support.

CAREFIRST, BLUECHOICE, CAREFIRST, BLUECROSS BLUE SHIELD,
May 19, 2011.

DEAR MEMBER, the Patient Protection and Affordable Care Act (PPACA), also known as the Federal Health Reform law, requires that the coverage policy you purchased be made compliant with the terms of the new law on your first contract anniversary date. These new benefits will improve the benefits under your plan. The changes to your coverage are outlined below and are effective as of your next anniversary date, with the exception of the removal of the lifetime maximum limit which took effect on October 1, 2010.

No Lifetime Maximum: If your plan was subject to a lifetime maximum limit, this limit was removed effective October 1, 2010. You now have benefits with no lifetime maximum dollar limit.

No Annual Dollar Limit on Essential Health Benefits: PPACA requires that certain benefits provided in your coverage plan be considered ''Essential Health Benefits''. Any annual dollar amount limits applicable to these benefits will be removed, except any annual visit limits that may apply to specific services under your coverage plan which will remain in effect.

No Cost-Sharing for Preventive Services: An expanded range of preventive services, including recommended immunizations and screenings, will become available from CareFirst participating providers with no cost-sharing to you—no deductible, copayment or coinsurance.

Emergency Services: Due to the requirements of the new law, your share of the costs of emergency services you may obtain from an out-of-network provider will be the same as if you saw an in-network provider.

In the near future you will receive a letter with your renewal rates. You will also receive a new ID card and a contract amendment containing the new benefits outlined above.

If you have any questions, please call the Member Service telephone number listed on your member ID card. Our service hours are Monday—Friday from 7:00 am—7:00 pm. Please have your ID card available so that we may serve you as quickly as possible.

Sincerely,

ANDREW F. SULLIVAN,
Senior Vice President,
Consumer Direct Services Unit.

The Obama administration is encouraging employers to retain coverage. How can a small business owner retain coverage if it forces them into bankruptcy?

And I'm going to point you again to Don Cox. He's a small business owner. He owns 15 Pizza Huts in Alabama, and he is very proud of his products and his employees. The health care regulation is on the top of his list. In 2014, Don would have to provide all of his employees with health insurance. Sadly, only five Pizza Huts will be able to stay afloat; 10 out of the 15 will go bankrupt due to this health care law. They stand on the floor tonight and they submit to you that we need to make it in America, and we can't make it in America due to their job-killing health care legislation. If Don provides health insurance to all of his employees, then 10 Pizza Huts go bankrupt. And although when we're looking at his balance sheet he is making a profit, almost all of the profits were returned back into the business.

Last week, when we stood on this floor a couple of weeks ago, I talked about Rheem Manufacturing, who spent $1 million adding on to their already 700,000-square-foot facility in Montgomery, Alabama, where they provide over 1,000 jobs. That $1 million investment was to comply with Federal regulations.

□ 1950

The Environmental Protection Agency has been an agency that has been particularly troublesome in overburdening businesses and placing roadblocks to domestic energy production.

I want to talk about the EPA's proposed boiler MACT rule and what that would do to small businesses. I have had people in my office all week talking about this. Next week I am going to be touring an International Paper mill in Prattville, Alabama, and boiler MACT impacts 42 boilers and four process heaters at 19 IP facilities. Their compliance costs for just boiler MACT and the commercial and industrial incinerator rule are $600 million.

This is not rocket science. We are standing around and our friends on the other side of the aisle are asking us, where is our jobs bill? And yet I would like to return the question to them and say, where is yours? All you have done for the past 2 years or more is do your best to stifle job creation, American job creation right here in the United States. Enough is enough. This must stop.

Then, of course, today we learn that the President has decided that he is going to dip into our own energy oil reserves right here in the United States and yet does everything he can to stand in the way of energy production right here in the United States. We have got to lessen our dependence on Middle Eastern oil.

Americans deserve the truth, and I hope tonight's discussion will provide that opportunity.

At this time I would like to yield to my friend from Illinois as much time as he would consume.

Mr. KINZINGER of Illinois. I thank the gentlelady for yielding.

I think she said it perfectly. I'm a young guy. I remember in the eighties watching the ''Where's the Beef'' commercials. Everybody remembers that. Well, here is the question: Where's the jobs? Where's the jobs?

I remember a little over 2 years ago the President promising that if we passed an $800 billion stimulus, unemployment would not exceeded 8 percent. Well, where did that get us? In fact, if you look at the President's own charts, they said that by this time under this stimulus plan unemployment would be about 6.5 percent.

I will tell you, that is compelling when you see that on a chart. When you are a country facing a huge economic crisis in a slide, that is very compelling. But it didn't work. It was a waste. We wasted $800 billion of hard-earned money, most of which was borrowed, on something that didn't work.

Now, Americans are still feeling the pain. In fact, unemployment went up towards 10 percent. Counties in my district in Illinois have unemployment upwards of 11 percent. It didn't work at all. And now I have actually heard our colleagues on the other side of the aisle float a second stimulus. They say, well, $800 billion wasn't enough. It probably needed to be more. Well, why don't we just make it $5 trillion or $10 trillion. If we can just print money and borrow it, tax, borrow, and spend our way to prosperity, make it $10 trillion. That is ludicrous. We know that is ludicrous.

I hail from Illinois. Illinois is the President's home State. Illinois has a huge problem with folks looking for work that can't find it. Illinois used to be a manufacturing economic powerhouse in the United States. It is not hard to drive around and see abandoned warehouses or abandoned factories. Joliet, Illinois, a city in my district, knows that all too well. They understand that.

So what do we do? Well, recently Illinois came up with a decision. Well, the budget is bad. Yeah, the budget is bad, because you are running business out of your State. As a result they say, we have to raise taxes, so in Springfield they raised the individual income tax rate and then they raised the corporate tax rate.

Now, there has got to be some good news to this, right? Well, the State of Illinois has had $300 million in increased tax revenues that they have

seen from this corporate tax increase. Oh, but if you read The Wall Street Journal just shortly ago, you would read that $240 million has already been given away to these corporations to incentivize them to stay in Illinois because they were looking at leaving because of this high tax rate.

I will tell you, the definition of insanity is doing the same thing over and over and over again, but expecting different results. We cannot tax, borrow, and spend our way to prosperity.

You talk to any small businessman out there, small businesswoman or job creator, owner of a factory that is just trying to take their products to market, and they will tell you the biggest hindrance, one of the biggest hindrances, besides a lack of confidence, is the government.

I have talked to a lot of people and said, how much better would your life be if you weren't forced to sit around day after day and just fill out government paperwork? You could take that employee and make them productive. They may be able to go out and sell goods. They may be able to go out and expand the business.

Nope. We have got to tax and regulate in this town. This town is really good at taxing and regulating, at putting things through a bureaucracy and letting bureaucrats have their way.

We are going off a cliff, and it is time to pump the brakes. It is absolutely time for us to get deadly serious about reducing the size of the Federal government, cutting spending, and getting Americans back to work.

Our colleagues on the other side of the aisle like to say, where is your jobs plan? Well, we have put forward plenty of jobs plans. One of them includes drilling for oil here at home, which we will get into, which my good friend here actually that will be speaking soon sponsored, and I commend him for that.

But there is a fundamental difference between the two parties here. The Democrats believe that government creates jobs. You hear that all the time in what they say. Listen closely. They say, we just need a jobs bill. We need $800 billion in more spending. We need this program.

What you are going to hear tonight is the Republican view. The Federal Government doesn't create jobs. The Federal Government can't make jobs. We can take tax money and put it through a bureaucracy and spit out a paycheck. Jobs are created in the free market. We can create an environment for job creation, and that is what our freshman class came here to do, and we aim to do it.

Mrs. ROBY. I thank the gentleman from Illinois. Your comments are right on.

Before we move on, I want to share with you, I heard from a gentleman today, a businessman in Greenville Alabama, and I am going to quote him: ''Economic conditions being what they are, we are in a situation where real estate values are declining, demand for our products is declining, and the value of the dollar on world markets is declining. All of these factor into the uncertainty of business today. In the long term, I can't see any expansion until regulations are eased and the health care bill is killed.''

Now, you want to talk about whether or not we have a jobs plan? This is their jobs plan. What this businessman in Greenville, Alabama, is facing is exactly what the other side of the aisle has proposed, and he can't create jobs.

We have time and time again shown leadership here in the House, in the majority, trying to repeal this job-killing legislation, and we run into roadblock after roadblock with the Senate majority and with the White House.

I would now like to yield time to the gentlelady from Washington.

Ms. HERRERA BEUTLER. Thank you. I am excited to be here this evening to talk about something that our country has too few of—jobs.

In my neck of the woods in southwest Washington State just about every county, save one, has double-digit unemployment, and we have had those disappointing numbers now for many months, almost 30-plus. So we are at a place right now where families are hurting. Moms who are paying the bills at night thinking about health care payments, thinking about getting the kids to school, how much it is going to cost to fill up the gas tank, what the cost of meeting the mortgage is going to be.

These are the real challenges that middle America is facing right now, and that is why we are here. That is why we are fighting. That is why we want to rein in spending, because, as this chart actually shows, less government means lower unemployment.

Less government spending means, if you look at this, and this is from 1980 to 2010, they have almost tracked equally, our unemployment numbers and the Federal Government spending or outlays. The red line is just that, it is government spending. The blue line is unemployment rate.

It is very easy to see that when the Federal Government actually spends less and leaves that money in the pockets of that mom who is trying to make her mortgage payment, or that single dad who is attempting to get food on the table, put shoes on the kids, pay for the housing, pay for the transportation costs, it means that when we let them keep more of their hard-earned money, we actually improve the economy nationally.

□ 2000

And that's what we need to do. When I travel southwest Washington, over the last few months I have had the opportunity to talk with many, many individuals, businesses, families. And there's really a common theme: Let us succeed. I believe in making it in America. I believe in having things manufactured here and doing things here in America. Quit relying on these other countries to produce things. But you know what has to happen? We have to create an environment that makes it easier for people to do business here in America.

Let me give you a few names: Tom Cook, he owns Taco Bell franchises in my neck of the woods; Cliff McMillen, owner of Vancouver Pizza; Sherry Malfait, owner of Washougal Flowers. What do all these folks have in common? They're small business owners, number one. They're creating jobs in our community. Secondly, they're all facing government-initiated problems, whether it's higher gas prices because of this administration's refusal to explore for American energy here in the United States; whether it's a regulatory environment like the health care bill that the gentlelady from Alabama talked about. It's one of the number one issues I hear about from small employers. They are unsure what regulation, what shoe is going to drop next when it comes to this health care bill.

These business owners are fighting to survive; and we need to make it easier for them to survive, which is why this House passed over four solutions for gas prices. We heard from small business owners and employers across America, and we responded. We have now passed no less than four bills that allow Americans to explore for American energy using American workers here in America. Four bills. We call on the Senate to step up and pass those bills so that we can create those jobs and we can bring gas prices down so these business owners that I've talked about can compete with businesses not just in the United States but globally.

Talk about regulations? I think about Tidewater Barge, which is located on the Columbia River. The Columbia River is the fourth largest river system in the United States. It is right in my backyard. Tidewater Barge are barge operators. They move freight up and down the Columbia River. Every time I have the opportunity to talk to either those employees or the employer there, they just ask me what's going to happen next. What regulation are you going to send our way that's going to make it more difficult for us to compete.

Health care is a big issue for them. They offer a tremendous health care plan to their employees—vision, dental, you name it. I got the chance to meet with those employees last summer. One of the things that they shared with me—in fact, I had a sweet lady come to me, middle-aged, worked for the company for a while, came to me in tears because she was so afraid of the cuts to Medicare that the Obama administration was putting forward. Over $500 billion. She knew what that meant for her mother and her mother's health care. She was terrified.

So, on one hand, I have the employee saying this is impacting us individually, and then I have the owner saying, Look, this health care bill is going

to cost my employees this tremendous health care plan. It's going to jeopardize it.

Why are we making it harder for these businesses to operate? We should be making it easier for them to operate, not harder. That's part of what we're doing here. We're going to hold this administration—or anybody, really; it's not a Republican or Democrat issue—we're going to hold anybody's feet to the fire. If you work in the Federal Government and you're making it harder for businesses to survive, guess what, we have our eye on you. And we're going to work to advance policies off this House floor like the American energy bills I mentioned earlier. We've also put in place and are fighting to put in place a replacement bill for the disastrous health care bill that was passed last year.

One of those things that I support and it's making it way through committee right now is purchase of health insurance across State lines. That would allow individuals who are right in one of the most costly insurance markets to purchase health insurance. You get on your computer, just like they do for auto insurance—everybody can think of the lizard or the caveman—get on your computer and choose a health care plan from any State in the Union. It has to be regulated by one of those States. Pick one that best meets your needs and your pocketbook. That will drive down costs immediately. And it's not going to grow government, and it's not going to cost taxpayers.

These are commonsense solutions that get us where we need to go. They're going to grow jobs in America, and they're going to return and empower families and individuals and business owners, not the government. It's the right solution. I invite my colleagues on the other side of the aisle to join us.

Mrs. ROBY. I thank the gentlelady from Washington. Again, you make great points. And what we all know as we travel around our districts and we talk to business owners is that it's that very uncertainty associated with ObamaCare that is preventing these job creators to create jobs. They're sitting in their boardrooms, they're sitting around the table in the break room and they're saying, How do we plan for 2014 when we don't know how this is going to affect us? All of the regulations that have yet to be written. Yet, right before we have this hour to share together and to share with America, we see posters of a tombstone where we're out to kill Medicare. Yet ObamaCare alone cuts Medicare by $500 billion.

We have a plan. They don't have a plan. Their plan is the status quo and Medicare dies. That's their plan. Our plan sustains Medicare for this generation and future generations.

Thank you so much.

I now yield to the gentleman from Wisconsin.

Mr. DUFFY. I thank the gentlelady for yielding. I agree with most everything you said tonight, but I have to disagree with you on one point. With regard to Medicare, the President does have a plan. I talk to seniors all over my district. One of the things that makes our seniors so angry is that over the course of their lifetime, the money that they have put in their Social Security accounts, it's been robbed. It's been taken out and spent for other things.

So what the President does in ObamaCare is he takes half a trillion dollars out of Medicare and uses it to spend for ObamaCare. Everyone agrees that we have to fix Medicare. The President agrees there's a problem, Bill Clinton agrees there's a problem, Republicans agree there's a problem. How do we fix it? Well, what the President does is says, I'm going to institute the IPAD board, the Independent Payment Advisory Board. This is a board that's going to look at prices that we pay our health care providers, and it's going to reduce those reimbursements—reimbursements that are already incredibly low.

What does that mean? It's going to affect the access to care for our current seniors. That is absolutely unacceptable. We have a plan in place that's going to save Medicare, it's going to protect Medicare, and we're going to continue this great program for future generations. Let's not be mistaken. The President has a plan that is going to kill Medicare and provide a lack of service to our seniors.

I do want to move from that to jobs, though, because that is what is on everyone's mind. As I travel central and northern Wisconsin, people are concerned about jobs. There's a lack of opportunity. There's a lack of prosperity. And so I want to review what the Democrats did, which is they talked to folks who will come up with abstract theories. They went and talked to university professors, and they came up with an $800 billion-plus stimulus bill. Remember, that was their jobs plan: $800 billion of government spending. They said government spending will lead to economic growth, prosperity, wealth, and sustainable jobs.

We know that government spending doesn't lead to sustainable jobs. It has never worked. It doesn't work. And that's why when they promised that we would have unemployment of only 8 percent and we would create millions of jobs, the alternative happened. We've lost millions of jobs, and we've had unemployment reach almost 10 percent.

What we've done is not talk to the professors who sit in the classroom. I've gone out and talked to job creators, people who are actually putting people in my community back to work. And what do they say? Why aren't they creating jobs? They continually talk about uncertainty in the marketplace. What does that mean? When they talk about uncertainty, they talk about a $14.3 trillion debt, the fact that we're going to borrow $12.5 trillion this year alone. We're going to borrow a trillion dollars every year for the next 10 years. As the gentleman from Illinois said, we are cascading towards a cliff and there's a road sign that says: Danger: Pump the breaks. You're about to go over. That's what we're going to do.

Our job creators are saying, Listen, with this massive debt, it creates uncertainty. It creates uncertainty because we don't know what interest rates are going to be in the very near future. We're concerned about inflation because government is printing money to purchase our debt. They're concerned about punishing tax increases. They're concerned about health care costs with ObamaCare. As the gentlelady from Alabama said, they're concerned about regulation.

□ 2010

In my district, we have a great forest product industry. We make paper in my district. Boiler MACT is going to kill jobs in central Wisconsin and send them to China where they have no regulation.

All these things have come together to create uncertainty, which means our job creators aren't reinvesting; they're not expanding; they're not growing; they're not innovating. Do you know what? It doesn't hurt the job creator. It hurts the families in our communities because they have a lack of opportunity for jobs.

I want to just point to a chart that we have here.

When we have recessions, there is what's called ''symmetry.'' If you have a U-shaped decline in this recession, you'll have a U-shaped recovery. If you have a V-shaped decline, you'll have a V-shaped recovery. That's our history, and you'll see that in this chart. What has happened differently in this recession, the great recession, is we've had a V-shaped decline; the recovery has ticked up a little bit, and then it has flat-lined. Why has it flat-lined?—because of the uncertainty that has been created coming from Washington: from our Democrat colleagues on the other side of the aisle and this administration. It's causing a lack of willingness for our job creators to reinvest.

I want to bring up one last point.

I continually hear how our friends want to increase taxes on our job creators. I think anyone who looks at that says we will not create jobs by taxing the job creator. I think it's a good example. If those who say we should raise taxes are concerned about jobs going overseas, it's a pretty simple example that I use:

You have Wal-Mart and Target and Kmart—all the big-box retailers. They compete against one another, right? They're competing. Yet Kmart is not doing so well. They're laying people off. They're closing stores, right?

My friends on the other side of the aisle, the Democrats, they would come in and they would advise Kmart. They'd say, Listen. You have to bring in more revenue. You have to keep

these people employed. You have to keep these stores open. You need more revenue. To bring in more revenue, all you have to do is raise your prices. If you raise your prices, you'll bring in more revenue.

We all know that's not what will happen. If you raise your prices at Kmart, you will drive more shoppers to Wal-Mart and Target. If you raise the cost of doing business in America, you are going to send more of our jobs to China, India, Mexico, Vietnam; but you're going to outsource these jobs because you're raising the cost of doing business in America.

Let's make sure we make America a competitive place where our job creators can do what they do best, which is to create jobs and to put our hard-working families back to work.

Mrs. ROBY. Thank you so much. I appreciate your comments.

As I did, you brought up Boiler MACT. I do want to point out that we have a colleague from Virginia, the gentleman from Virginia, Representative MORGAN GRIFFITH, who introduced legislation just yesterday—again showing leadership on this side of the aisle—about deregulating the EPA to issue achievable standards for industrial, commercial and institutional boilers, process heaters, incinerators, and for other purposes. For that, we are very grateful for his leadership.

I would now like to yield time to the gentleman from Colorado.

Mr. GARDNER. I thank the gentlelady from Alabama for her leadership on this matter and for the time and opportunity tonight to speak about jobs, our economy and what's happening to our country.

Something that really startled me a little bit tonight was when the gentlelady from Washington made this statement. In speaking to her constituents, in speaking to businesses around her district, she mentioned that one of them said, Let us succeed. I was taken aback when she said that, that somebody would actually come to her and say, All we want the government to do, all we want our policymakers to do, all we want our regulations to do is to let us succeed.

Isn't it amazing that we have transformed our economy from a time when people could go out and achieve what they wanted to achieve by working hard, by sacrificing, by taking risks, and now they're concerned because their government is in a place where it won't let them succeed. I'm glad that you mentioned that tonight because I think that's at the very heart of what every single one of us has talked about tonight and what we will continue to talk about over the next months and years to come:

How do we make sure that the policies that we put in place in this country aren't government-driven decisions that dictate what we're going to do for people's businesses or lives?—but instead get government out of the way so that we can let our businesses, our families and America's working families succeed?

Yesterday, a report was issued by the Congressional Budget Office, but I don't know how many people saw or took the time to listen to or to read what the Congressional Budget Office report had to say. It talked about the fact that we have a $1.6 trillion deficit in this country and that we have a $14 trillion debt, all of this at the same time that our unemployment levels in this country have crept back up over 9 percent—unacceptably high.

Those of us in the Chamber tonight were sent here in November because we believe that we have more important work to do than simply spending money that we don't have, than passing regulations that kill jobs. The work that we were sent here to do in November is work to get our economy back on track.

The report from the Congressional Budget Office indicates that the situation of our economy is actually worse than many have been led to believe. Our national debt will grow to be larger than the entire U.S. economy this year. We officially owe more than the entire country produces in a year. That will happen at the end of this year. If this isn't a wake-up call to what is happening in our economy, to what is happening in our spending, I don't know what will be. We cannot afford to wait and delay. We've got to solve this problem now.

I want to read a quote from the Congressional Budget Office report: The sooner that long-term changes to spending and revenues are agreed on and the sooner they are carried out once the economic weakness ends, the smaller will be the damage to the economy from the growing Federal debt.

The report didn't say we can avoid the damage. The report didn't say there won't be any damage. The report said the smaller will be the damage. A $14 trillion debt. A $1.6 trillion deficit. That is damaging our economy; it's damaging our country, and it's damaging our opportunity to create jobs and long-term economic stability. It is a clear call to action from the Congressional Budget Office. We've got to be bulldogs around this Chamber when it comes to reducing our spending. We have to make sure that we are standing up to the regulators who want to put people out of business simply because they're sitting behind a desk and think they can.

Tom Blach is a constituent of mine who came to me 2 years ago and said, I'm worried that I'll lose my business because of overregulation. Do you know what he saw over the course of the last 2 years? He saw the people he did business with, the people he partnered with leave the State of Colorado because of overregulation.

Last Saturday, I had the opportunity to tour Roggen, Colorado, Haxtun, Colorado, Akron, Colorado, in the Eastern Plains to talk to farmers, wheat growers, cattlemen, ag businessmen, all who came to me with a similar theme: what is happening to them with overregulation and their concern that they won't have the opportunity to pass on their legacies to future generations because of a government that has decided it knows best and knows more than they.

I want to talk a little bit about what the gentlelady from Alabama said when she was referring to the tombstone that we saw shown earlier by the minority, which said ''ending Medicare'' on the tombstone.

Today in committee, we had an opportunity to vote on an amendment that said we will oppose and vote against any amendment, any bill, any legislation that would end Medicare. Do you know what our colleagues on the Democrat side of the aisle did? They voted ''present.'' They voted ''present,'' refusing to stand up for Medicare because they know, when we ask where their plan is, they don't have one. When we ask them where the jobs are, they don't know. When we ask them for leadership, they run and hide. Why?—because they're voting ''present'' when it comes to saving Medicare.

Mrs. ROBY. Thank you so much.

I would now like to yield to the gentleman from New York.

Mr. REED. I thank the gentlelady from Alabama for yielding time, and I thank my colleagues for coming to the floor of the House tonight to stand with us as we have a discussion with the American people—an honest and open discussion. That's what we were called to do in November of this past year with the great election that brought this majority to this Chamber, because we were sick and tired of the smoke and mirrors, of the gamesmanship and of the political rhetoric of yesterday.

□ 2020

We are here today to lead. We are here today to talk in an honest and open fashion about not talking points generated from a political party but a philosophy that will bring America back to be the land of opportunity, not only for us but for our kids and for our grandchildren.

You know, I love hearing the stories that my colleagues are offering about constituents from their home district, about people that are suffering and that are looking for jobs, that are in the ranks of the unemployed. But I also think of the people that are presently in a job, people like Brad Pfister and his wife, Tammy, who are raising a beautiful young girl by the name of Alexa, and they sit in their living rooms, watching their daughter play with the family toys, the Slinky, all the things that, you know, we think of as the American Dream, the things that we enjoy with our families. And what he's worried about is will he have a job, not just tomorrow, but will he have a job 6 months from now? Will he have a job a year from now?

That uncertainty, that fear is something that the men and women and

children of America should not have to live in because we are the strongest Nation on the face of the Earth. We are the land of opportunity. So, when you hear us talking here tonight, it is not about political posturing. It is about articulating a philosophy to America that we, each of us, hold dear, and the philosophy can really be summed up in four points.

You hear us talk a lot about the national debt, and I've been asked at town hall meetings on a regular basis, why is that such a fundamental issue? Why, other than the threat that it presents to us as a Nation, because everyone gets that, why is it so important that we get the national debt under control? And my response has always been that if you're going to create the confidence in the American market in the people that are going to expend millions, billions of dollars to create that new manufacturing base in America, they've got to have the confidence that the American market, that the fiscal house of the United States Government, is in order so that they can make that investment in a safe and secure market. So that's issue number one.

Not only do we have to balance the books and get our fiscal house in order, we have to have an honest conversation about removing the excessive regulations that are being promulgated out of Washington, D.C., and in our State capitals throughout the entire Nation. And when we talk about that, what we're talking about is not going in and repealing all regulation. It's about having commonsense, reasonable regulatory oversight, but not going to the point that we're seeing out of Washington, D.C., that is letting go of common sense and regulating, in my opinion, for the sake of just regulating. That is not good government.

We also believe that our Tax Code in America needs to be reformed. We have talked greatly about it, not only because it's the right thing to do, but also to create a marketplace in America that's going to be competitive worldwide because we are in the world economy. That is the reality of our world, and we need to recognize it, and we need to give our private sector those tools or that environment that allows us to compete on the world economic stage.

The fourth point that I think many of my colleagues here tonight hold near and dear, just like I do, is that we have to adopt and commit our Nation to a comprehensive, domestic orientated energy plan. Why is that important? Not only because of the national security interests that so many people can inherently latch on to—you know, we are importing about 9 million barrels of oil a day, coming from countries and sources that are publicly adverse and sworn enemies of the United States of America. So it just doesn't make sense. But a second issue that needs to be articulated on the energy plan is that if we can grow a domestic, stable source of energy here in America, we will create a marketplace in America that can rely on long-term, stable, low-cost sources of energy.

I can tell you as a small developer myself, when I looked at putting a project together, there were always three things I looked at in the private sector. I said, what are the taxes, what are the insurance costs, and what are the utility costs? And as a mayor of a small city, the city of Corning, my hometown in New York, when I met with developers who were looking to locate into our community, utility costs were always in the top three of concern.

So, if we can adopt and commit ourselves to a domestic orientated, comprehensive energy plan, I am confident we can lower those costs so the American market can become competitive again. That means bringing back our manufacturers. That means building things here in America. And as my colleagues have articulated over and over again, government is not here to create jobs. That is not what our Founding Fathers envisioned. What the Founding Fathers envisioned was a government that preserved and protected the right to have the opportunity to succeed in one's life, not a guarantee to succeed, not one where the government is the one signing the front of the paycheck, but, rather, the individual is going out and earning that paycheck without interference from the government and from sources in the private sector.

I am so happy to be here with my colleagues this evening, and I join you proudly in this fight, in this philosophy of leadership that we have brought to Washington, D.C., and will continue this fight and continue the leadership out of this House Chamber to stand for America, for our kids and our grandchildren, and make it again the land of opportunity that we have all enjoyed.

Mrs. ROBY. I thank the gentleman from New York.

Before I call on the gentleman from Arkansas, I just want to make a point to your story about a company here in the United States trying to achieve exactly what you're talking about. We know the private sector creates jobs. Our friends on the other side of the aisle, all they're doing is standing in the way. We continue to lead, to deregulate.

Recently, a startup company named Staxxon based in Ohio developed prototypes and patented an innovative new technology for shipping containers that could save U.S. manufacturers, retailers, and sea, rail, and truck carriers millions of dollars annually by reducing the cost of moving and storing shipping containers. Staxxon raised about $1 million, all private money, to hire 5 people, buy supplies, hire local welders, and build prototypes. The third party costs—attorneys, accountants, filing fees, printing, et cetera, of compliance with the relevant security regulations to raise $1 million in $30,000 units from private individuals was over $75,000, enough to hire a full-time welder.

He has expressed the need to make the regulatory barriers to raising private investor startup money for innovative entrepreneurial companies like Staxxon much lower while maintaining reasonable protections for private investors and large banking and investment companies.

It is easier for an individual to get a credit card with a $30,000 limit or a home equity loan for $30,000 than it is for the same person in this country, the United States of America, to decide to invest $30,000 in a United States startup company like Staxxon, which goes directly to the point that you're making.

Again, House Republicans continue to lead, but we don't see the same leadership on the other side of the aisle.

I would now like to yield time to the gentleman from Arkansas.

Mr. GRIFFIN of Arkansas. I thank the gentlelady from Alabama.

One of the ways that we in the House are focused on creating an environment so the private sector can create jobs is by pushing the President to do something about the pending trade agreements. There are three pending trade agreements: one with Panama, one with Colombia, and one with South Korea. And all three of them are just sitting there, sitting there while other countries are developing relationships and increasing exports to these countries.

Now, in January of last year President Obama said, ''If America sits on the sidelines while other Nations sign trade deals, we will lose the opportunity to create jobs on our shores.''

□ 2030

I couldn't agree more. The President recognized last year that we need to move quickly with regard to these agreements that will increase exports. Why? Because if we increase exports, we increase jobs. Some estimates say that if we pass these three trade agreements, that we will create hundreds of thousands of jobs. So it's not just important that we pass them. It's important that we pass them quickly.

Why? Well, I sat down this past week with the Ambassador from Colombia, and he was talking about how his country has greatly increased trade with Europe while they're waiting on the administration here in the United States to move on the agreement with their country so that we can increase our exports and do business more efficiently, create jobs in this country. He said, We're waiting. We're waiting for the administration to take action. We keep hearing, It's coming. It's coming. We're working on it. But he knows that those are just words. We need to get these trade deals passed and in place so that we can compete.

Right now, businesses from Europe are visiting South Korea, they're visiting Colombia, they're visiting Panama, and they're doing business. And

the problem that we have, even if we ultimately get these agreements passed—and I certainly hope we will—we will have lost valuable time. It's not like flipping a switch. When the agreements are passed, everything is equal. We're competing with Europe for the business of Colombia or Panama or South Korea. It's not that easy.

Why? Because while we are sitting on the sidelines waiting for these deals to be passed, the Europeans and others around the world are developing relationships. They're flying to these countries. They're meeting for lunch. They're touring their factories. They're exchanging business cards. They're signing contracts, all while we sit idly by, waiting on the President to do something.

The President talked about doing something on these deals last year. He recognized that if we don't do something, we're going to lose the ability to compete. But what has he done? Nothing. Talk is cheap, Mr. President. We are waiting on you to move these trade deals with Colombia, with South Korea, and with Panama. You want to do something that sends a signal to this country that you are serious about job creation, Mr. President? Then get those deals passed. Get those deals passed. Get out of the way of our businesses and let them compete with Europe and other countries around the world so that they can create jobs. We're ready in this House. We're ready. We will help you get them passed. Just join us, Mr. President.

Mrs. ROBY. I thank the gentleman from Arkansas.

I would now like to yield to the gentleman from Indiana.

Mr. STUTZMAN. I thank the gentlewoman.

It's good to be with you all this evening and talking about the situation that we are currently in in our country. I will tell you, what a sobering moment, being first elected to Washington and coming and finding out about the budget situation that we currently face. This is about our kids' and our grandkids' futures. And I know for myself and for all of you that that is why you run for office, that is why you ran to come to Washington is to address the challenges that we have here in Washington.

It's hard to comprehend the budgeting that has been taking place over the past several years here in Washington, D.C. When we're all back at home and we're facing a tough economy, we're facing a job market that is not that strong, our friends and family, we have people that we know personally that are out of work and are trying to survive in a very fragile economy, yet it seems like we come to Washington and we explain the situation back home and it continues to fall on deaf ears. It falls on deaf ears at the White House. It falls on deaf ears on the other side of the aisle. It falls on deaf ears in the Senate. And ladies and gentlemen, I believe that this is a time for us. This is the greatest opportunity that we will have to change the way Washington works.

We talk a lot about the debt that we are facing here in this country, $14 trillion of debt. We have a debt ceiling, a vote that's coming up here before long. We've almost maxed out the credit cards. And there's just no discussion, no real fortitude to deal with the spending habits of Washington, D.C.

Now, I can tell you that taxes and debt kill jobs, and if we want to get people back to work, we need to tackle both of those and address them in a meaningful way that will produce work for Americans.

I was in a Budget Committee meeting today, and it just is so surprising to me and it just shows the position of so many Washington politicians, that they're out of touch with reality. And that when you have a $1.5 trillion deficit, the quickest way for politicians in Washington is, well, let's just raise taxes. Well, if any taxes go up in this economy, it's going to kill job creation.

As my friend from Wisconsin was talking earlier about the comparison between Walmart and Kmart, he hit the nail on the head. You raise prices, people are going to go somewhere else. And the solution to the Democrats here in Washington is, well, let's just raise taxes to pay for the deficit that we have.

Let me just give you a quick comparison—and I will end briefly here—is that if you are making about $2,000 a month but you are spending $3,500 a month, you are in a pretty deep hole. And every American knows it. We all know that if you are spending $1,500 more than what you are taking in a month, that's a recipe for disaster and bankruptcy. That's where we are at in Washington. The Federal Government is spending $1,500 a month more in comparison to what we're taking in in a month.

Now, their solution is taxes. Their solution is to increase the debt. Neither one of those is the right solution. I believe for us to get jobs back in our economy and job creators who are working, whether it's down at the McDonald's and it's those who are going to be, you know, making the Big Macs there at McDonald's and providing a job for a high school kid or for a college kid, that's what people are looking for. They are looking for confidence in this market.

Ladies and gentlemen, it's good to be with you this evening. I'm thrilled that you are here and that you are spreading the message of what needs to happen here in Washington. I look forward to more discussion.

Mrs. ROBY. Thank you.

And as we move into a discussion now, with the little bit of time we have left, it's like owning a business that brings in $100,000 worth of profit, yet you owe the bank $400,000. That, again, goes to the example that you made about your household, our businesses. Everyone is tightening their belts in this country but for the Federal Government.

I would like to yield to the gentlelady from Washington.

Ms. HERRERA BEUTLER. You know, it's really interesting. There are two different philosophies competing here. One is government does it best, and the one you hear tonight is that the American people do it best.

This last week in the Small Business Committee, Treasury Secretary Tim Geithner was there defending how slowly they have moved to make credit available to small business. When I think about small business owners—Steak Burger in Vancouver, you can get a great steak burger there, steak sandwich—you know, these are small businesses that are hiring young people, high schoolers, kids in college. And as they are trying to keep some of these part-time, minimum-wage kids in jobs, right, it's making it harder for them when the Treasury Secretary believes that raising taxes is how we meet the spending binge here. It's just ridiculous. It's two fundamentally different beliefs.

We here on the House floor tonight believe that Americans can grow jobs and manage their own money much better than the Treasury Secretary or than Washington, D.C. It's just plain simple.

So, thank you.

Mrs. ROBY. I yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. I want to say, look, this is a great example of freshmen that have come here from all different backgrounds for the purpose of saving our country, saving our Union. And we've seen a great diverse group here from different States, from different backgrounds, and it really is amazing.

I've got to just say, standing here, I am inspired by what I am seeing for the future of America, and I really think we are going to go some places.

□ 2040

I think we cannot be second-best anymore. I don't think people have to say that America is going to be second-best. We can always stay best.

Mrs. ROBY. And, again, at forums like this tonight, as I stated at the beginning, Americans deserve the truth, and the strongest truth comes directly from the mouths of Americans who are feeling the pain in their homes and in their businesses.

I yield to the gentleman from Wisconsin.

Mr. DUFFY. I agree. Americans are sick of being lied to. We're going to level with the American people.

We just had a joint economic hearing a couple of days ago, and we learned that it is 18 percent more expensive to manufacture in America as opposed to other countries, and that's outside of wages. That's our Tax Code and our

regulations. It's more expensive to manufacture in America. Those are the policies right here in Washington that are making it more expensive. That's absolutely wrong.

I've got to tell you I had a chance to listen to our colleagues on the Democrat side of the aisle go on about tax breaks for big oil companies. I don't know if anyone heard their great conversation about tax breaks for big oil companies.

But I just got here in January. I'm a freshman. I'm new to this, but I don't recall our passing any bills that had tax breaks for oil companies. And they had control of this House for 4 years. Where were their bills to deal with tax breaks for big oil companies? I never saw them.

I hear this commentary that tries to get people ginned up, and it takes our eye off the ball, which is true job creation and making us more competitive in a global economy.

Mrs. ROBY. And becoming less dependent on Middle Eastern oil is all about these very energy bills, that, again, we have shown consistent leadership on just in the 6 months that we've been in the majority.

I go to the gas pump. I pump gas in my car. I know how much it costs. I'm in the grocery store. I see the rising costs of food as it relates to these energy costs. And yet again today we see the President dip into our oil reserves, which should be for emergencies, yet we're using it for politics at a time when this country must become less dependent on Middle Eastern oil.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentlewoman.

And what's amazing about the argument, today the President releases the oil from our emergency reserve. Yet yesterday on this very floor, a number of people were arguing that, no, we don't need new expansions in production. We don't need more oil being put online in this country because that won't lower the price of fuel. So yesterday they were saying that more supplies won't reduce the price of fuel, but today they're saying release this strategic petroleum reserve because it will reduce the price of fuel. A very confused argument.

Mrs. ROBY. Very. Thank you so much.

Mr. DUFFY. Will the gentlewoman yield?

Mrs. ROBY. I yield to the gentleman from Wisconsin.

Mr. DUFFY. And if you look at tapping into these oil reserves, what does that do to endanger the security of this country? As the gentlelady knows, in the South, whether it's tornadoes or whether it's floods or whether it's hurricanes, things happen in the gulf where we would have to tap into the reserve because our energy supply could be at risk. And here for political purposes to try to drive prices down over the summer driving season, the President has tapped into that reserve. I think that's absolutely unacceptable for political purposes, especially, as we know, that real risks come up that can cause us a need for that energy supply.

Mrs. ROBY. Thank you.

I yield to the gentleman from Arkansas very quickly.

Mr. GRIFFIN of Arkansas. I would just like to say there have been a lot of topics covered tonight, from Medicare to debt to energy. They all relate to jobs. Whether we're talking about reducing the regulatory burden, revising the Tax Code, passing trade agreements, working on energy development and becoming more energy independent, or paying down the debt, they all relate to job creation and making this a country where the private sector can create jobs.

Mrs. ROBY. Again, thank you to all of the freshmen who are here tonight and the States you represent, the districts you represent. We all are here to work for America and American jobs. Thank you for your time, and I look forward to doing this again soon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERG (at the request of Mr. CANTOR) for today from 4 p.m. and for the balance of the week on account of flooding in his district.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 24.

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of official business.

ADJOURNMENT

Mrs. ROBY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Friday, June 24, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2151. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS) (RIN: 0750-AG74) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2152. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (RIN: 0750-AH23) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2153. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition Amendments (DFARS Case 2011-D017) (RIN: 0750-AH16) received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2154. A letter from the Secretary, Department of Defense, transmitting notification that the President approved a new Unified Command Plan; to the Committee on Armed Services.

2155. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Agency Office of the Inspector General (DFARS Case 2011-D006) (RIN:0750-AG97) received June 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2156. A letter from the Assistant Secretary, Department of Defense, transmitting a proposed change to the U.S. Army Reserve Fiscal Year 2009 National Guard and Reserve Equipment Appropriation procurement; to the Committee on Armed Services.

2157. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8181] received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2158. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Securities of Nonmember Insured Banks (RIN: 3064-AD67) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2159. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Record Retention for Regulated Entities and Office of Finance (RIN: 2590-AA10) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2160. A letter from the Secretary, Department of Health and Human Services, transmitting the thirty-first annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

2161. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals [FNS-2008-0001] (RIN: 0584-AD60) received May 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2162. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Report to Congress for Fiscal Year 2008; to the Committee on Education and the Workforce.

2163. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2164. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued through August 12, 2010 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2165. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2166. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-10-2253); to the Committee on Foreign Affairs.

2167. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2168. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2011, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2169. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2170. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2180. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2181. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2182. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2010 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2183. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2184. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2185. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for FY 2010 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2186. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2187. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA403) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2188. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No.: 110207101-1257-02] (RIN: 0648-BA54) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2189. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 110311192-1279-02] (RIN: 0648-BA01 and 0648-BA95) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2190. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 1 [Docket No.: 110218142-1276-02] (RIN: 0648-BA91) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2191. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100804324-1265-02] (RIN: 0648-BA01) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2192. A letter from the Asssitant Attorney General, Department of Justice, transmitting the Department's report detailing activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2010, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 328. Resolution providing for consideration of the joint resolution (H.J. Res 68) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; and providing for consideration of the bill (H.R. 2278) to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law (Rept. 112–114). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 828. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; with an amendment (Rept. 112–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 1470. A bill to amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes; with an amendment (Rept. 112–116). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. House Joint Resolution 1. Resolution proposing a balanced budget amendment to the Constitution of the United States; with an amendment (Rept. 112–117). Referred to the House Calendar.

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 Ms. HAYWORTH:

H.R. 2305. A bill to amend title 38, United States Code, to make memorial headstones and markers available for purchase on behalf of members of reserve components who performed inactive duty training or active duty

for training but did not serve on active duty; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. CONYERS, Ms. LEE of California, Mr. POLIS, and Mr. COHEN):

H.R. 2306. A bill to limit the application of Federal laws to the distribution and consumption of marihuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. CROWLEY, Mr. SAM JOHNSON of Texas, Mr. STARK, Mr. NUNES, Mr. BLUMENAUER, Mr. FLAKE, Mr. COSTA, Mrs. BONO MACK, Mr. LARSEN of Washington, Mr. GOODLATTE, Mr. MATHESON, Mr. LANCE, Mr. WELCH, and Mr. WOMACK):

H.R. 2307. A bill to repeal the tax credits for ethanol blenders, to repeal the tariff on imported ethanol, and for other purposes; to the Committee on Ways and Means.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. JONES, Mr. MCHENRY, Mr. CONAWAY, Mr. KING of New York, Mr. CAMPBELL, Mr. SCHWEIKERT, Mr. STIVERS, Mr. DOLD, Mr. MANZULLO, Mr. HURT, Mr. CANSECO, and Mr. YODER):

H.R. 2308. A bill to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders; to the Committee on Financial Services.

By Mr. ISSA (for himself and Mr. ROSS of Florida):

H.R. 2309. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, 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. SPEIER (for herself, Ms. BALDWIN, Mr. ROTHMAN of New Jersey, Mr. HONDA, Mr. MORAN, Ms. CASTOR of Florida, Mr. BLUMENAUER, Mr. TOWNS, Mr. MCGOVERN, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. FRANK of Massachusetts, Ms. CHU, Mr. HIGGINS, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. MOORE, Mr. POLIS, Mr. PALLONE, Mr. RYAN of Ohio, Mr. DEUTCH, Mrs. MALONEY, Ms. BROWN of Florida, Mr. ENGEL, Mr. CICILLINE, Ms. NORTON, Mr. BERMAN, Mr. SHERMAN, Mr. CONYERS, Mr. MICHAUD, Mrs. CAPPS, Mr. SERRANO, Ms. RICHARDSON, Mr. OLVER, Ms. LORETTA SANCHEZ of California, Mr. STARK, Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mr. HANNA, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CAPUANO, Ms. LEE of California, Mr. NADLER, and Mr. HOLT):

H.R. 2310. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself and Mr. DAVIS of Illinois):

H.R. 2311. A bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations; to the Committee on Ways and Means.

By Mr. JONES (for himself and Mr. KISSELL):

H.R. 2312. A bill to amend title 10, United States Code, to provide a special rule with respect to purchases by the Department of Defense of textile and apparel products of Federal Prison Industries; to the Committee on Armed Services.

By Mrs. MCMORRIS RODGERS (for herself, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. GOWDY, Mr. CHAFFETZ, Mr. LATTA, Mr. HARRIS, Mr. KINGSTON, Mr. NEUGEBAUER, Mr. HASTINGS of Washington, Mr. SIMPSON, Mrs. HARTZLER, Mr. COFFMAN of Colorado, Mr. JONES, Mr. REHBERG, and Mr. LONG):

H.R. 2313. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota in that Fund, and certain other authorities, and to rescind related appropriations; to the Committee on Financial Services, and in addition to the Committee on Appropriations, 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. DAVIS of Kentucky (for himself and Mr. TIERNEY):

H.R. 2314. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services, Homeland Security, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Ms. DELAURO, Mr. MORAN, Ms. NORTON, Ms. MOORE, Mr. OLVER, Ms. SCHWARTZ, Ms. CLARKE of New York, Mrs. CAPPS, Mr. ELLISON, Ms. BROWN of Florida, Mr. NADLER, Mr. HINCHEY, Ms. DEGETTE, Ms. FUDGE, Ms. RICHARDSON, Mr. BLUMENAUER, Mr. WU, Ms. PINGREE of Maine, and Mr. SERRANO):

H.R. 2315. A bill to promote the economic self-sufficiency of low-income women through their increased participation in high-wage, high-demand occupations where they currently represent 25 percent or less of the workforce; to the Committee on Education and the Workforce.

By Mr. SCOTT of Virginia (for himself, Mr. PAUL, Mr. CONYERS, Mr. BARTLETT, Mr. HASTINGS of Florida, and Mr. ELLISON):

H.R. 2316. A bill to apply reduced sentences for certain cocaine base offenses retroactively for certain offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. WU (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2317. A bill to promote green transportation infrastructure through research and development, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SESSIONS (for himself, Mr. WEST, Mr. MACK, Mr. STUTZMAN, Mr. MARCHANT, Mr. JONES, Mr. GRIFFITH of Virginia, Mr. YOUNG of Florida, Mr. BONNER, Ms. HAYWORTH, Mr. FORBES, Mr. CROWLEY, Mr. FORTENBERRY, Mr. CONAWAY, Mr. CARTER, Mr. FARENTHOLD, Mr. TIPTON, Mr. BUCHANAN, Mr. BURGESS, and Mr. NEUGEBAUER):

H.R. 2318. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $500; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas:

H.R. 2319. A bill to cap noninterest Federal spending as a percentage of full employment GDP, to require that budgets and budget resolutions adhere to these caps, to enforce these caps, to increase financial transparency for mandatory programs, to provide for a line-item adjustment, to require the parings of significant spending increases and adjustments to the debt ceiling, and to provide for a Federal Sunset commission to assist Congress in eliminating Federal agencies and programs that no longer serve a public need or reforming those that are inefficient or ineffective in serving a public need, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2320. A bill to amend the Internal Revenue Code of 1986 to permanently extend existing elective tax treatment for Alaska Native Settlement Trusts; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Ms. SEWELL, Mr. BROOKS, Mr. BONNER, Mr. ROGERS of Alabama, Mr. LONG, Mr. ROSS of Arkansas, Mr. HARPER, Mr. JONES, Mr. WESTMORELAND, Mr. PALAZZO, Mr. DUNCAN of Tennessee, Mr. CARNAHAN, Mrs. ROBY, Mr. CLAY, Mr. AUSTIN SCOTT of Georgia, Mr. WOMACK, Mr. CRAWFORD, Mr. ROE of Tennessee, Mrs. HARTZLER, Mr. LUCAS, Mr. COLE, Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. GUTHRIE, Mr. DESJARLAIS, and Mr. NUNNELEE):

H.R. 2321. A bill to provide temporary tax relief for areas damaged by 2011 Southeastern severe storms, tornados, and flooding, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. BENISHEK (for himself and Mr. KILDEE):

H.R. 2322. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPITO:

H.R. 2323. A bill to amend title 23, United States Code, to permit the State of West Virginia to allow the operation of certain vehicles for the hauling of coal and coal by-products on Interstate Route 77 in Kanawha County, West Virginia; to the Committee on Transportation and Infrastructure.

By Mrs. CAPITO (for herself, Mr. SHULER, and Mr. SARBANES):

H.R. 2324. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself, Mr. LOBIONDO, Mr. HOLT, Mr. HINCHEY,

Mr. FITZPATRICK, Mr. DENT, Mr. RUNYAN, Mr. ANDREWS, Ms. SCHWARTZ, and Mr. MEEHAN):

H.R. 2325. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mr. HOLT):

H.R. 2326. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the National Education Innovation Network and the National Innovation Corps; to the Committee on Education and the Workforce.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. CULBERSON, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. BARTLETT, Mr. MACK, and Mr. BILBRAY):

H.R. 2327. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. WELCH, Mr. DEFAZIO, Mr. GRIJALVA, Mr. OLVER, and Mr. STARK):

H.R. 2328. A bill to require the Chairman of the Commodity Futures Trading Commission to impose unilaterally position limits and margin requirements to eliminate excessive oil speculation, and to take other actions to ensure that the price of crude oil, gasoline, diesel fuel, jet fuel, and heating oil accurately reflects the fundamentals of supply and demand, to remain in effect until the date on which the Commission establishes position limits to diminish, eliminate, or prevent excessive speculation as required by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of Ohio (for himself, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. UPTON, Mrs. EMERSON, Mr. COBLE, Mr. PITTS, Mrs. SCHMIDT, and Mr. BROOKS):

H.R. 2329. A bill to amend the Servicemembers Civil Relief Act to provide for certain requirements for financial institutions that are creditors for obligations and liabilities covered by that Act; to the Committee on Veterans' Affairs.

By Mr. LOEBSACK:

H.R. 2330. A bill to establish a National Flood Research and Education Consortium to plan, coordinate, conduct, and share research on flooding, flood prevention, and other flood-related issues, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. STARK, and Ms. HIRONO):

H.R. 2331. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year-olds for at least 1 year preceding kindergarten; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. FARR, and Mr. CONYERS):

H.R. 2332. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 2333. A bill to enhance safety of individuals by banning the use of hand-held mobile devices while driving, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN (for himself, Ms. BERKLEY, Mr. HASTINGS of Florida, and Mr. WOLF):

H.R. 2334. A bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and treat the harmful consequences of pathological and other problem gambling, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. NOEM (for herself, Mr. KLINE, Mr. LEWIS of California, Mr. COLE, Mr. PAUL, and Mr. MCCLINTOCK):

H.R. 2335. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Ms. PINGREE of Maine (for herself and Mr. MICHAUD):

H.R. 2336. A bill to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. COSTA, Mr. FARR, Ms. TSONGAS, Mr. ROHRABACHER, Mr. CONNOLLY of Virginia, Mr. FALEOMAVAEGA, Ms. BUERKLE, Ms. WILSON of Florida, Mr. DOGGETT, Mr. CAPUANO, and Ms. SPEIER):

H.R. 2337. A bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POSEY (for himself, Mr. MILLER of Florida, Mr. SOUTHERLAND, Ms. BROWN of Florida, Mr. CRENSHAW, Mr. NUGENT, Mr. STEARNS, Mr. MICA, Mr. WEBSTER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Ms. CASTOR of Florida, Mr. ROSS of Florida, Mr. BUCHANAN, Mr. MACK, Mr. ROONEY, Ms. WILSON of Florida, Ms. ROS-LEHTINEN, Mr. DEUTCH, Ms. WASSERMAN SCHULTZ, Mr. DIAZ-BALART, Mr. WEST, Mr. HASTINGS of Florida, Mrs. ADAMS, and Mr. RIVERA):

H.R. 2338. A bill to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; to the Committee on Oversight and Government Reform.

By Mr. QUIGLEY (for himself and Mr. POLIS):

H.R. 2339. A bill to create a Lobbying Disclosure Act Task Force, and to make certain modifications to the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself and Ms. SPEIER):

H.R. 2340. A bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Ethics, 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. LINDA T. SÁNCHEZ of California (for herself, Mr. BRALEY of Iowa, Ms. DELAURO, Ms. EDWARDS, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HONDA, Mr. KILDEE, Mr. LANGEVIN, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE, Mr. PASCRELL, Mr. PERLMUTTER, Ms. PINGREE of Maine, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. WU):

H.R. 2341. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. CUMMINGS):

H.R. 2342. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2343. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2344. A bill to amend title 18, United States Code, with respect to the good time credit toward service of sentences of imprisonment; to the Committee on the Judiciary.

By Mr. STUTZMAN:

H.R. 2345. A bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY (for herself, Mr. STARK, Mrs. MALONEY, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. WATERS, Mr. OLVER, Ms. HIRONO, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mr. FILNER, Ms. MOORE, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. RUSH, Mr. MCDERMOTT, Ms. CHU, Mr. ELLISON, Mr. HINCHEY, Mr. GRIJALVA, Ms. BROWN of Florida, Mr. HONDA, Ms. NORTON, Ms. FUDGE, and Mr. SERRANO):

H.R. 2346. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance,

family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, House Administration, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2347. A bill to authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation; to the Committee on Natural Resources.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. MORAN, Mr. WITTMAN, Mr. SCOTT of Virginia, and Mr. CONNOLLY of Virginia):

H. Con. Res. 62. Concurrent resolution to commemorate the 75th anniversary of the dedication of Shenandoah National Park; to the Committee on Natural Resources.

By Mr. MCGOVERN (for himself, Mr. HASTINGS of Florida, Mr. WOLF, Mr. PITTS, and Mrs. MYRICK):

H. Res. 327. A resolution expressing the sense of the House of Representatives that the trial and subsequent convictions of Mikhail Khodorkovsky and Platon Lebedev by the Government of the Russian Federation constitute a politically motivated case of selective arrest and prosecution which put in serious doubt the rule of law and the independence of Russia's judicial system; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. CULBERSON, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. BARTLETT, Mr. MACK, and Mr. WEBSTER):

H. Res. 329. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 6th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. PETERS:

H. Res. 330. A resolution amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. HAYWORTH:

H.R. 2305.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, of the United States Constitution reserves to Congress the power to raise and support Armies and provide and maintain a Navy, as well as make Rules for the Government and Regulation of the land and naval Forces.

By Mr. FRANK of Massachusetts:

H.R. 2306.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. HERGER:

H.R. 2307.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GARRETT:

H.R. 2308.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 (''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States''), 3 (''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''), and 18 (''To make all Laws which shall be necessary and proper for carrying into-Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof'').

By Mr. ISSA:

H.R. 2309.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7, which empowers Congress ''To establish Post Offices and post Roads

By Ms. SPEIER:

H.R. 2310.

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 1, Section 8 of the United States Constitution.

By Mr. PAULSEN:

H.R. 2311.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1.

By Mr. JONES:

H.R. 2312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution provides that Congress shall have the power ''to raise and support Armies'' and ''to provide for organizing, arming, and disciplining the Militia''.

By Mrs. MCMORRIS RODGERS:

H.R. 2313.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 9, that 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 made from time to time.

By Mr. DAVIS of Kentucky:

H.R. 2314.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 14 (''to make Rules for the Government''), and Article I, section 8, clause 1 (''to provide for the Common Defense and General Welfare'').

By Mr. POLIS:

H.R. 2315.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. SCOTT of Virginia:

H.R. 2316.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. WU:

H.R. 2317.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. SESSIONS:

H.R. 2318.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BRADY of Texas:

H.R. 2319.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is enumerated in: (1) Article I, Section 5, Clause 2 of the United States Constitution; (2) Article I, Section 8, Clauses 1–2, 14 of the United States Constitution; and (3) Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 2320.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

By Mr. BACHUS:

H.R. 2321.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. BENISHEK:

H.R. 2322.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3 of the Constitution

By Mrs. CAPITO:

H.R. 2323.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, cl 1 of the United States Constitution.

By Mrs. CAPITO:

H.R. 2324.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, cl 1 of the United States Constitution.

By Mr. CARNEY:

H.R. 2325.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States.

By Mrs. DAVIS of California:

H.R. 2326.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GINGREY of Georgia:

H.R. 2327.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 that states, ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises''

By Mr. HINCHEY:

H.R. 2328.

Congress has the power to enact this legislation pursuant to the following:

Section 8 : Powers of Congress

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. JOHNSON of Ohio:

H.R. 2329.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 1, clause 18 of the United States Constitution.

By Mr. LOEBSACK:

H.R. 2330.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1

By Mrs. MALONEY:

H.R. 2331.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. MALONEY:

H.R. 2332.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, which reads: To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mrs. MCCARTHY of New York:

H.R. 2333.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution, which enumerates the power of Congress to regulate interstate commerce.

By Mr. MORAN:

H.R. 2334.

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 Mrs. NOEM:

H.R. 2335.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Ms. PINGREE of Maine:

H.R. 2336.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; and Article 1, Section 8, Clause 3—The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. POE of Texas:

H.R. 2337.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. POSEY:

H.R. 2338.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 (power to establish Post Offices) and Article 1, Section 8, Clause 18 (the Necessary and Proper Clause).

By Mr. QUIGLEY:

H.R. 2339.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. QUIGLEY:

H.R. 2340.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 2341.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SCOTT of Virginia:

H.R. 2342.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

Clause 18 of section 8 of article I of the Constitution

By Mr. SCOTT of Virginia:

H.R. 2343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 & Clause 18 of the Constitution.

By Mr. SCOTT of Virginia:

H.R. 2344.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 & Clause 18 of the Constitution.

By Mr. STUTZMAN:

H.R. 2345.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. XXX is provided by Article I, section 8 of the Constitution of the United States.

By Ms. WOOLSEY:

H.R. 2346.

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. YOUNG of Alaska:

H.R. 2347.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and Article 4, Section 3, Clause 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. RICHMOND.

H.R. 179: Mr. GERLACH.

H.R. 181: Mr. GERLACH.

H.R. 190: Mr. LEWIS of Georgia.

H.R. 284: Mrs. CHRISTENSEN.

H.R. 287: Mr. COHEN, Mr. GENE GREEN of Texas, and Ms. MOORE.

H.R. 329: Mr. BRALEY of Iowa.

H.R. 374: Mr. MARINO, Mr. BARLETTA, and Mr. HUIZENGA of Michigan.

H.R. 436: Mr. MACK and Mr. COBLE.

H.R. 452: Mr. CASSIDY, Mr. GERLACH, Mr. BARLETTA, Mr. THORNBERRY, and Mr. WEBSTER.

H.R. 591: Mr. YARMUTH.

H.R. 607: Ms. SLAUGHTER.

H.R. 639: Mr. BARROW, Ms. CLARKE of New York, Mr. GONZALEZ, Mr. OLVER, and Mr. SHIMKUS.

H.R. 645: Mr. MCKINLEY and Mr. GUTHRIE.

H.R. 674: Mr. BISHOP of Georgia, Mr. DESJARLAIS, Mr. GRIMM, Mr. WOODALL, and Mr. HEINRICH.

H.R. 676: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 679: Mr. GENE GREEN of Texas.

H.R. 687: Mr. FARENTHOLD.

H.R. 719: Ms. SCHAKOWSKY, Mr. ALEXANDER, Mr. ACKERMAN, Mr. POLIS, and Mr. GARDNER.

H.R. 721: Mr. SOUTHERLAND.

H.R. 724: Mr. GENE GREEN of Texas.

H.R. 733: Mr. GUTHRIE, Mr. PALAZZO, and Mr. AKIN.

H.R. 735: Mr. GRAVES of Georgia, Mr. BARTON of Texas, Mr. CASSIDY, and Mrs. HARTZLER.

H.R. 743: Mr. JOHNSON of Ohio.

H.R. 750: Mrs. CAPITO and Mr. BERG.

H.R. 756: Mr. WU.

H.R. 763: Mr. GARDNER and Mr. CONAWAY.

H.R. 795: Mr. GOSAR and Mr. LUJÁN.

H.R. 807: Mr. HEINRICH.

H.R. 894: Ms. SPEIER.

H.R. 936: Mr. PETERS.

H.R. 938: Mr. COHEN.

H.R. 949: Mr. CONYERS.

H.R. 973: Mr. HERGER.

H.R. 990: Mr. HUNTER.

H.R. 991: Mr. THOMPSON of Pennsylvania, Mr. PITTS, and Mr. HUNTER.

H.R. 998: Mr. MILLER of North Carolina.

H.R. 1041: Mr. KEATING and Mr. LOBIONDO.

H.R. 1048: Mr. DAVIS of Illinois.

H.R. 1057: Ms. PINGREE of Maine.

H.R. 1093: Mr. FINCHER and Mr. GUTHRIE.

H.R. 1103: Mr. GRIJALVA.

H.R. 1106: Mr. SABLAN.

H.R. 1161: Mr. WALBERG.

H.R. 1173: Mr. LONG.

H.R. 1179: Mr. MCCAUL.

H.R. 1188: Mr. MORAN.

H.R. 1218: Mrs. CAPITO.

H.R. 1236: Mr. PERLMUTTER, Mr. GRAVES of Missouri, Ms. CASTOR of Florida, Mr. THOMPSON of Pennsylvania, Mr. WALDEN, and Mrs. CAPPS.

H.R. 1240: Ms. NORTON and Mr. GENE GREEN of Texas.

H.R. 1259: Mr. AMASH, Mr. SOUTHERLAND, Mr. LABRADOR, and Mr. CALVERT.

H.R. 1265: Mr. BURTON of Indiana, Mr. WELCH, Mr. POSEY, Mr. JOHNSON of Ohio, and Mr. BOUSTANY.

H.R. 1269: Mr. WITTMAN, Ms. HIRONO, Mr. HINCHEY, Mrs. NOEM, and Mr. MICHAUD.

H.R. 1272: Mr. PAULSEN.

H.R. 1283: Mr. GERLACH.

H.R. 1317: Ms. BASS of California.

H.R. 1322: Mr. KILDEE, Mr. MEEKS, and Mr. ROTHMAN of New Jersey.

H.R. 1370: Mr. MILLER of Florida and Mr. TERRY.

H.R. 1397: Ms. LORETTA SANCHEZ of California.

H.R. 1416: Mr. BILBRAY.

H.R. 1417: Mr. COHEN, Ms. SCHAKOWSKY, and Mr. GUTIERREZ.

H.R. 1426: Mr. CARSON of Indiana, Mr. CICILLINE, Mr. PAULSEN, and Mr. LARSEN of Washington.

H.R. 1451: Mr. HONDA.

H.R. 1456: Ms. WOOLSEY.

H.R. 1466: Mr. JOHNSON of Georgia.

H.R. 1546: Mr. FARR, Mr. WITTMAN, Mr. NEAL, Mr. SHUSTER, Mr. LATHAM, Mr. KUCINICH, Mr. BISHOP of Utah, Mr. CICILLINE, and Mr. FRANK of Massachusetts.

H.R. 1558: Mr. OLSON, Mr. BISHOP of Georgia, and Mr. PITTS.

H.R. 1574: Mr. FATTAH.

H.R. 1585: Mr. SULLIVAN, Mr. HARRIS, and Mr. NUNNELEE.

H.R. 1588: Mr. LUCAS, Mr. FARENTHOLD, and Mrs. HARTZLER.

H.R. 1633: Mr. KINGSTON, Mr. SMITH of Texas, Mr. HENSARLING, Mr. DESJARLAIS, Mr. BERG, and Mr. TIPTON.

H.R. 1639: Mr. MILLER of Florida and Mr. WESTMORELAND.

H.R. 1651: Mr. CUMMINGS.

H.R. 1666: Ms. BROWN of Florida and Mr. HEINRICH.

H.R. 1675: Mr. BISHOP of Georgia.

H.R. 1687: Mr. CARSON of Indiana.

H.R. 1688: Mr. SMITH of New Jersey.

H.R. 1697: Mr. WALBERG and Mr. SHULER.

H.R. 1704: Mr. THOMPSON of California, Mr. FILNER, Mr. REYES, Mr. LARSEN of Washington, Mr. KILDEE, Mr. PETRI, and Mr. PASTOR of Arizona.

H.R. 1723: Mr. CALVERT.

H.R. 1744: Mr. ROKITA and Mr. SCOTT of South Carolina.
H.R. 1755: Mr. GRIMM.
H.R. 1781: Mr. FILNER.
H.R. 1798: Mrs. NAPOLITANO.
H.R. 1803: Mr. DEUTCH and Mr. HINCHEY.
H.R. 1811: Mr. LAMBORN, Mr. KISSELL, Mr. LOBIONDO, Mr. MORAN, Mr. WESTMORELAND, and Mr. FARENTHOLD.
H.R. 1815: Mr. POLLS, Ms. SUTTON, Mr. PETERS, and Mr. HANNA.
H.R. 1821: Mr. COHEN.
H.R. 1848: Ms. FOXX and Mr. ROONEY.
H.R. 1852: Ms. HIRONO, Mr. PETRI, Mr. FITZPATRICK, Mr. COHEN, Mr. CARDOZA, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. DICKS, Mr. JOHNSON of Ohio, and Mr. BISHOP of Georgia.
H.R. 1856: Mr. TOWNS.
H.R. 1861: Mr. TIBERI.
H.R. 1865: Mr. BARLETTA, Mr. FARENTHOLD, and Mr. HUNTER.
H.R. 1880: Mr. DEUTCH.
H.R. 1903: Ms. BORDALLO and Mr. RANGEL.
H.R. 1905: Mrs. ADAMS, Mr. BILIRAKIS, Mr. FILNER, Mr. FRANKS of Arizona, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. AUSTIN SCOTT of Georgia, Ms. SUTTON, Mr. WALDEN, Mr. CALVERT, Mr. MATHESON, Mr. PASCRELL, Mr. DIAZ-BALART, Mr. SARBANES, Mrs. BACHMANN, Ms. BUERKLE, Ms. CASTOR of Florida, Mr. FORBES, Mr. LANDRY, Mr. LATOURETTE, Mr. PRICE of Georgia, Mr. WAXMAN, Mr. RIBBLE, Ms. BASS of California, Mrs. BONO MACK, Mr. FORTENBERRY, Mr. GRAVES of Georgia, Ms. JENKINS, Mr. LIPINSKI, Mr. LUETKEMEYER, Mr. KIND, Mr. MCHENRY, Mr. WELCH, Mr. POMPEO, and Mr. BILBRAY.
H.R. 1940: Mr. SARBANES and Mr. CALVERT.
H.R. 1974: Ms. SPEIER.
H.R. 1978: Mr. MARCHANT, Ms. BASS of California, Mr. MCGOVERN, Mr. PAYNE, and Mr. BLUMENAUER.
H.R. 2033: Mr. LATHAM, Mr. PLATTS, and Mr. LARSON of Connecticut.
H.R. 2040: Mr. FLORES.
H.R. 2042: Mr. MCDERMOTT.
H.R. 2051: Mr. HERGER.
H.R. 2069: Mr. FILNER.
H.R. 2077: Mr. BUCSHON.
H.R. 2092: Mr. DAVIS of Kentucky and Mr. LONG.
H.R. 2107: Mr. ALTMIRE.
H.R. 2108: Mr. WHITFIELD.
H.R. 2140: Mr. PAUL.
H.R. 2145: Mrs. ADAMS.
H.R. 2146: Mrs. MALONEY.
H.R. 2159: Mr. KISSELL, Mr. MEEKS, Mr. BISHOP of Georgia, and Mr. GRIJALVA.
H.R. 2171: Mr. SOUTHERLAND.
H.R. 2173: Mr. SOUTHERLAND.
H.R. 2186: Ms. CHU.
H.R. 2226: Mr. PAYNE, Ms. CHU, Mr. LUJÁN, and Ms. JACKSON LEE of Texas.
H.R. 2229: Mr. RYAN of Ohio.
H.R. 2233: Mr. BISHOP of Georgia.
H.R. 2250: Mr. MICHAUD, Mr. GIBBS, Ms. HERRERA BEUTLER, Mr. WHITFIELD, and Mrs. MYRICK.
H.R. 2298: Mr. SIRES.
H.R. 2299: Mr. LANKFORD, Mr. ROGERS of Alabama, and Mr. GALLEGLY.
H. Con. Res. 21: Mr. POE of Texas, Mr. GRAVES of Georgia, Mr. CHABOT, Mr. BURGESS, Mr. ROGERS of Kentucky, Mr. GRIFFIN of Arkansas, Mr. RIBBLE, Mr. SCHOCK, Mr. HANNA, Mr. FRELINGHUYSEN, and Mr. GIBBS.
H. Con. Res. 25: Mr. KING of New York.
H. Con. Res. 39: Mr. HINCHEY, Mr. LONG, Mr. SMITH of Texas, Mr. ROE of Tennessee, and Mr. BENISHEK.
H. Res. 13: Ms. EDWARDS and Mrs. CAPITO.
H. Res. 25: Mr. CRENSHAW and Mr. BARROW.
H. Res. 60: Mr. BILBRAY.
H. Res. 111: Mr. MILLER of North Carolina.
H. Res. 137: Mr. ELLISON.
H. Res. 183: Mr. AUSTIN SCOTT of Georgia.
H. Res. 265: Ms. ESHOO.
H. Res. 268: Mr. GRAVES of Georgia, Mr. RICHMOND, Mr. WOMACK, Mr. FARENTHOLD, Mrs. BONO MACK, Mr. CAMP, Mr. MCHENRY, Mr. HECK, Mr. BARTON of Texas, Mr. RIBBLE, Mrs. NOEM, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. JACKSON of Illinois, Ms. MATSUI, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. FRELINGHUYSEN, and Mrs. CHRISTENSEN.
H. Res. 298: Mr. CLEAVER and Mr. CARNAHAN.
H. Res. 317: Mr. MCKINLEY, Mr. TOWNS, Mr. ISRAEL, Ms. BERKLEY, Mr. AUSTIN SCOTT of Georgia, Mr. DEUTCH, Mr. GRIMM, Mr. SHULER, and Mr. DOLD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY: MR. MCKEON

The provisions that warranted a referral to the Committee on Armed Services in H.R. 2278, to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY: MS. ROS-LEHTINEN

The provisions that warranted a referral to the Committee on Foreign Affairs in House Joint Resolution 68, authorizing the limited use of the United States Armed Forces in Support of the NATO mission in Libya, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 47: Mr. PETERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2219

OFFERED BY: MR. CARTER

AMENDMENT NO. 31: Strike section 8127 (page 122, lines 6 through 9), relating to military musical units.

H.R. 2219

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 32: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be obligated, expended, or used in any manner to support operations, including NATO or United Nations operations, against Libya.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 33: Page 16. line 13, strike ''*: Provided further*'' and all that follows through ''this Act'' on line 20.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 34: Page 14. line 24, strike ''*: Provided further*'' and all that follows through ''this Act'' on page 15, line 5.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 35: Page 14. line 4, strike ''*: Provided further*'' and all that follows through ''this Act'' on line 10.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 36: Page 15. line 19, strike ''*: Provided further*'' and all that follows through ''this Act'' on line 25.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, JUNE 23, 2011 *No. 91*

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:

Eternal Savior, creator of the world, give us this day a sense of Your majesty. Fill our lawmakers with faith in Your power to help them solve the pressing problems of our time. Lord, enable them to meet their responsibilities with courage and optimism, looking always to You as a guardian and guide. When life's pressures overwhelm, give them patience and the joy of experiencing Your peace and love.

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, June 23, 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.

Mr. REID. Mr. President, 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 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 minority leader is recognized.

KENTUCKY STORMS

Mr. MCCONNELL. Mr. President, people in my hometown of Louisville, KY, are still recovering this morning from a series of storms and possible tornadoes last night that inflicted considerable damage across the city, including at the historic Churchill Downs racetrack, home of the Kentucky Derby.

More than 600 Louisvillians were without power this morning after thousands lost power yesterday. The storms did their worst at Churchill Downs in South Louisville, where there were reports of funnel clouds, and some barns were destroyed, sending many horses running loose. In many parts of the city, there were downed power lines. The storms also did considerable damage near my alma mater, the University of Louisville, and in the Jeffersontown area.

The National Weather Service plans to be in Louisville today to survey the damage and determine if the city was indeed struck by tornadoes. The town is bracing itself for another round of severe weather with severe thunderstorms, high winds, and even hail in the forecast for today.

Luckily, it appears so far that only property was damaged and no lives were lost or people injured. The horses are all OK too, for that matter, which is extremely important to us in Kentucky.

We are thinking of those who have been affected by these storms and will continue to keep a close eye on the city of Louisville and make sure the people have everything they need to clean up and rebuild.

DEBT LIMIT

Mr. President, this morning I would like to address what I view as a worrisome development in connection with the ongoing debt limit talks, but first I think it is important to remind ourselves what the purpose of these talks is.

From the very beginning, the goal has been clear: to come up with a serious and significant plan for reducing the deficit as a condition for any agreement to raise the limit. Without such a plan, we are told, America could very quickly face an economic calamity of historic proportions, at a time when millions of Americans are still trying to recover from the last one.

As one of the major credit agencies recently put it:

The rating outlook [of the U.S.] will depend on the outcome of negotiations on deficit reduction . . . a credible agreement on substantial deficit reduction would support a continued stable outlook; lack of such an agreement would prompt Moody's to change its outlook to negative on the AAA rating.

This is serious stuff, and many of us have been hoping for and working toward a serious bipartisan solution, a plan that would convince the American people, the markets, and the world that America is capable of getting its fiscal house in order. Let's be clear about something else: We all know what such a plan would look like. Everyone, including the President, knows we cannot rein in our debt without a reform of long-term entitlements. It cannot be done. And everyone knows

any serious plan would have to be in the trillions to get the job done. That is why even the Democratic chairman of the Budget Committee said this week that he wouldn't even support a plan that proposed to cut less than $4 trillion over the next 10 years. That is also why it is so concerning to many of us that some have begun to suggest a different goal for these talks.

Over the past several days, some have suggested in various news stories that the real goal of these talks is to devise a plan that satisfies one side by reducing the debt and satisfies the other side by raising taxes. The suggestion here is that all this is all just some quid pro quo exercise between the two parties. This is a dangerous trend, and it is wrong. It is important that we dispel it.

The central issue in these talks, as every serious person knows, is our Nation's massive deficit and debt and the disastrous long-term consequences for jobs and the economy that would result if we do absolutely nothing about it. We have this problem for one very understandable reason: The government spends too much. The way to solve it is to spend less.

It is mystifying, really, that at the eleventh hour some would now propose tax hikes as a condition to any agreement. It is mystifying not only because of the absurdity of proposing a tax hike as a way to help the economy and create jobs, it is mystifying above all because we know quite well that a tax hike would never make it through Congress, not because of Republican opposition but because of Republican and Democratic opposition. We have already had the votes to prove it. Six months ago, Democrats couldn't even muster enough votes to pass a tax hike on upper income Americans when they had 59 seats in the Senate, a 40-seat majority in the House, and a Democrat in the White House. They couldn't get that done 6 months ago. Less than 2 weeks later, right after that effort to raise taxes, which they couldn't get done, they voted almost 4 to 1 in favor of keeping the current tax rates in place. That was when the Democrats had a huge majority in the Senate, a huge majority in the House, and a President of the United States. They couldn't raise taxes.

So there is one of two things going on here: Either someone on the other side has forgotten that there is strong bipartisan opposition in Congress to raising taxes or someone involved is acting in bad faith. We have known from the beginning that tax hikes would be a poison pill to any deficit reduction proposal. Those who are proposing them now either know this or they need to realize it very quickly.

That is to say nothing of those who are now proposing more spending as a solution to our debt crisis. This isn't just mystifying, it is absolutely farcical. Most Americans had to wonder if they were dreaming this morning when they saw this headline: ''Democrats Call for New Spending in U.S. Debt Deal.'' It is unbelievable. More spending as a solution to the debt crisis? What planet are they on?

All of which gets at the larger issue in this whole debate, and here I am referring to the continuing silence of the one person who matters most to its outcome.

For weeks, lawmakers have worked around the clock to hammer out a plan that would help us avert a crisis we all know is coming. Do you remember what Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said when asked what our biggest national security threat was? He said: Our debt. Erskine Bowles, Bill Clinton's Chief of Staff, Cochairman of the deficit reduction commission, called it the most predictable crisis in American history. We all know this crisis is coming, knowing at some point the President will have to sign on to some solution. So it is worth asking, where in the world has President Obama been for the last month? Where is he? What does he propose? What is he willing to do to reduce the debt and to avoid this crisis that is building on his watch? He is the one in charge. I think most Americans think it is about time he started acting like it.

It is not enough for the President to step in front of a microphone every once in a while and say a few words that somebody hands him to say about the jobs situation and our economy. Americans want to see that he is actually doing something about it. What they see instead is more bad economic news every day, a gathering crisis that threatens to make current problems even worse, and a President who is either unwilling or unable to recognize that our Nation's economy is in very serious trouble. He is the President. He needs to lead. He needs to show that he recognizes the problem. He needs to do something about it. We are not in the majority. We can't sign anything into law. That is the President's job. That is his job. Yet, until now, he has stood in the background. He has acted as if it is not his problem. Well, it is his problem. This is his problem to solve. America is waiting.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 11:30 today, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of the Presidential Appointment Efficiency and Streamlining Act, with 30 minutes of debate on the Vitter amendment regarding czars and the DeMint amendment regarding Bureau of Justice Statistics. At approximately 12 p.m. there will be two rollcall votes in relation to the Vitter and DeMint amendments. We are looking at that now.

A number of Senators have a problem with two votes. We may only have one. We don't have that worked out yet, but we will notify all Senators when we do. We are going to very likely have a number of rollcall votes right after the noon hour today, starting around 2 o'clock. Other votes are expected.

THE DEBT

Mr. REID. Mr. President, for the last month or 6 weeks the Vice President of the United States, JOE BIDEN, who served in this body for 36 years, has been assigned by the President of the United States to work with people who have been assigned by me, Senator MCCONNELL, the minority leader in the House, and the Speaker to meet with Senator BIDEN to work out problems that we have facing our country with this huge debt. Senator BIDEN has been working very hard. There have been numerous meetings with this group of people that we assigned. Progress is being made. Whether it is enough progress remains to be seen.

The President of the United States gets up early every morning, gets an intelligence report about what is going on around the world—there are a lot of things going on around the world that he has to keep his eye on, and that is an understatement. We have had many issues come about this last month on which he has had to focus. No one can suggest in any way the President is not engaged in what is going on in the country. He is briefed at least once a day by the Vice President as to these negotiations. Following that, almost every day he meets with his advisers as to what should be the next step.

I think it is unfair to say things such as, ''Where is the President?'' I think it is fair to take a little look at history. When George Bush became President, following that time of 8 years of President Clinton, he was given reports at his desk in the White House that showed there was about a $7 trillion surplus over the next 10 years. We had developed, during the years of President Clinton, a number of procedures. One was the pay-go rules. We made sure if there was a new program that we couldn't pay for, we would take some money from another program, take the money we used for that and use it to take care of the new program. It was a time of economic vibrancy in this country that we have never seen before.

President Bush got rid of the pay-go rules and decided to do something unique. He decided to do everything on credit—two unfunded wars that are now approaching $2 trillion in cost, none of which is paid for, money we borrowed from Saudi Arabia and China

and other countries—and then we gave President Bush's huge tax cuts that have been deemed by most all writers around America and around the country to be unfair.

Warren Buffett, who some believe is the richest man in the world, said it is unfair that he pays less taxes percentage-wise than his secretary. So this $7 trillion surplus we had over 10 years, the Bush administration wiped that out with all these wars unpaid for and all these tax and other actions that were taken.

When President Obama became President, there had been 8 million jobs lost, and he found himself in a big hole. I think one of the things we should do is stop denigrating the economy of our country. Is it vibrant and strong? Of course not, but it is improving. It is getting better—not fast enough, not good enough, but it is improving.

So I say to my friend, my counterpart, the Republican leader, who says the only place we can solve the problems of this country is just to basically cut domestic programs significantly, we know we are going to have to do a better job of balancing the budget because of the cards that were given to President Obama. We are going to be doing our very best to do that. But the one interesting point my friend failed to mention as he talked about the Bowles-Simpson debt reduction program is they said, among other things: Of course, we have to make significant cuts in domestic discretionary spending, in defense, in mandatory programs. They looked at some of the work we needed to do with entitlements. But they also said there had to be something done with revenue. My friend ignores what they said about that.

They also said; that is, Bowles-Simpson, together with the people who were on that Commission—and I made a number of appointments to that Commission—they said: Yes, we need to do some cutting, but these next few years we have to spend some money to create jobs. We hear not a word from my Republican colleagues about creating jobs.

The House of Representatives, all they do is flex their muscles on things they want to eliminate. But the one thing they do not talk about is creating jobs—not a word.

This week my Republican colleagues killed their fourth jobs bill this year. The Economic Development Administration reauthorization was commonsense legislation with a proven track record of spurring innovation and hiring by private companies because for every dollar we spent as a government, $7 came back in return from the private sector. They killed our fourth jobs bill this year. It seems Republicans don't care about putting Americans back to work. They don't even pay lip service to the issue.

Americans have said they care more about creating jobs than anything else. In fact, yesterday the junior Senator from Tennessee, a Republican, said right here on the Senate floor that this effort to create and protect, as we did the last few years, 314,000 jobs was ''nothing of importance.'' That is a direct quote. I am confident the 14 million Americans out of work today, including many from Tennessee and every other State in our country, would disagree with the Senator from Tennessee.

He also went on to say, this junior Senator from Tennessee—I repeat, who is a Republican—he went on to say that this worthy legislation, our fourth jobs bill of this Congress, was nothing more than an attempt to ''kill time.'' He said it is an attempt to kill time. He went on also, I repeat, to say it was unimportant.

Republicans may consider job creation a waste of time, but Democrats disagree and Americans disagree—Democrats, Republicans, and Independents alike. We are not going to stop fighting to get Americans back to work until we get our economy back on track. We cannot solve our problems without jobs creation. Congress has no more important task than creating jobs. There is no better way for us to spend our time, there is no issue more important than job development. This legislation, which, again, would have supported 314,000 jobs, as it did in the last 5 years, is an important part of that effort.

But don't take my word for it. The junior Senator from Tennessee said this about the Economic Development Administration 2 years ago. This is what he said prior to his saying that it was a waste of time, prior to his saying that it was not of importance. Here is what he said. This is a direct quote, less than 2 years ago:

> In the midst of an economic crisis, projects like these are just the kinds of things that will renew confidence and reinvigorate private investment in the area.

That is what he said. He said ''EDA funds protect jobs and support economic growth.'' Why, then, didn't he vote that way? No wonder the junior Republican Senator from Tennessee had such high praise for the program. EDA investments over the last 5 years will support an estimated 7,000 jobs in Tennessee. But in spite of his previous support, he voted to kill this worthy legislation anyway. And he is not the only Republican whose words don't match their actions.

His counterpart, the senior Senator from Tennessee, also a Republican, also supported EDA and those 7,000 jobs once. He did it before. He said an EDA grant would ''bring a much needed boost to the local economy.'' Just a few days ago he voted to kill the program.

Last month, the junior Senator from Texas, also a Republican, said an EDA grant in his State would ''pave the way for the creation of new jobs.'' He said it would ''strengthen the region's economy.'' EDA investments from the last 5 years are expected to support more than 18,000 jobs in Texas. Yet he voted to kill the program.

The senior Republican Senator from Oklahoma said he has ''long been a supporter of EDA programs.'' That is a direct quote. EDA investments from the last 5 years are expected to support more than 5,000 jobs in Oklahoma. He is such a big supporter he was an original cosponsor of the legislation, but he voted to kill it.

These are only 3 of 23 Republican Senators who lauded the importance of this legislation and then voted against it.

Nevada has been hit harder by this terrible recession than any other State. EDA investments from the last 5 years are responsible for creating almost 5,000 jobs in Nevada. The legislation Republicans killed this week could have created hundreds of thousands more jobs all across America. I take it very seriously when a Republican Senator says putting thousands of people to work is a waste of time. The real waste of time is this endless obstructionism by Republican Senators. They waste the Senate's time when they put partisan politics ahead of our economic recovery.

Americans have told us time and time again, putting 14 million people back to work is their No. 1 priority. Democrats share that priority. Obviously, the Republicans do not. Their goal is to change Medicare as we know it, to end it. Believe me, thousands of Nevadans who are working today because of EDA don't think our efforts to create jobs are nothing of importance, as the junior Senator from Tennessee said. In fact, we have heard from out-of-work people in Nevada and every other State in this great country that there is absolutely nothing more important than job creation.

Would the Chair now announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:30 a.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 majority controlling the first half and the Republicans controlling the final half.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

COLLEGE LIFE ACT

Mr. AKAKA. Mr. President, yesterday I introduced the College Literacy in Finance and Economics Act—the College LIFE Act. This bill is a response to the dire need in our country for greater financial literacy among young adults.

To be financially literate is to possess one of the most empowering life skills that an individual can have. Those who have a sound understanding of personal finance and economics are better prepared for the many pivotal moments that they encounter in life where decisions about money must be made. Sound decisionmaking in those instances separate the financially literate from the financially illiterate. Those who effectively evaluate their financial choices, wisely manage their personal finances, and budget and save live more financially stable and secure lives. Those who make poor decisions about money live without financial certainty and become vulnerable to anticonsumer business practices and unscrupulous lenders.

Financial independence begins during or immediately after college for many of us and brings with it new opportunities and challenges. Before we buy a home, put a child through school, or retire, we make choices about purchasing a car, buying with credit in lieu of cash, and balancing our ''wants'' and ''needs'' while struggling to extract rent out of our first few paychecks. From that point on, financial choices increase in cost and magnitude. Financial decisions made and habits developed as young adults dictate whether we go through life on sound financial footing and are prepared for unforeseen financial obstacles.

Given the tremendous importance of early adulthood financial choices and actions, it is extremely troubling how unprepared young adults are for these challenges. Too few students have opportunities to learn about personal finance or economics before they enter college. The Council for Economic Education's most recent Survey of the States found that only 21 States require students to take a class in economics as a requirement for graduation and only 13 require a course in personal finance. Parents, moreover, are often unreliable sources of financial education because many are financially illiterate themselves. For example, the National Foundation for Credit Counseling's fifth annual Financial Literacy Survey found that 76 percent of adults recognized that they could benefit from the advice of a financial professional regarding everyday financial questions.

Even as we acknowledge widespread financial illiteracy among young adults, we allow students in higher education to take on alarming levels of debt during college. Borrowing to pay for school has become the norm. Two out of every three undergraduates receive some type of financial aid. At for-profit colleges, 96 percent of students borrow to pay for school. These trends have led to over $100 billion in Federal educational loans being originated each year. When these borrowers graduate, they do so with significant student loan debt, with the median over $23,000. The Department of Education estimates that over 36 million Americans have outstanding Federal student loan debt that, when combined, totals over $740 billion. And yet, because of the steep upward trend in college tuition, which in the last decade has risen each year by 5.6 percent beyond inflation, students commonly rely on credit cards on top of their student loans to pay their way through college. Even as far back as 7 years ago, 56 percent of dependent students had a credit card in their own name.

The consequences of this culture of borrowing in higher education are clear and concerning. The most recent cohort default rate, CDR, on Federal student loans was 7 percent, indicating that large numbers of young adults are failing to effectively manage their debt. The average CDR for proprietary colleges alone is 22.3 percent. Meanwhile, the average student credit card balance rose from around $1,400 in 2002 to $2,000 today. Given what we know about student financial literacy and capability, this is not surprising. For example, a Charles Schwab study in 2007 found that only 45 percent of teens know how to use a credit card and even fewer—just 26 percent—understand credit card fees and the concept of interest.

The increase in Federal educational lending and student debt can be interpreted positively. I am happy to see young people continuing on to college in numbers that I would never have imagined when I graduated from the University of Hawaii in 1952. For our best and brightest, college continues to be a stepping stone on their paths to becoming future leaders. For millions of others today, however, college simply and rightfully represents an opportunity for better lives for themselves and their families. But, the ever-rising cost of education is a reality that we must address. We are allowing—and even encouraging—students to become borrowers and consumers. It is our responsibility, therefore, to ensure that these young adults have the knowledge, skills, and capability to manage the consequences that come with their financial decisions. Unfortunately, we are not doing enough.

The College LIFE Act begins to address this clear and urgent void in early adulthood financial literacy and economic education. It would provide financial literacy counseling to all university-level students who take out federal educational loans when they begin and leave school. First receipt of a student loan and departure from school are two prime teachable moments in the lives of young adults. In addition, they are two opportunities for individuals to learn the importance of responsible financial behavior without those lessons coming at their own expense.

Financial literacy counseling under the College LIFE Act would teach the financial education core competencies—earning, spending, saving, borrowing, and protection—developed by the Financial Literacy and Education Commission. Existing loan counseling already provides student borrowers with valuable information about the terms, features, and common pitfalls of educational loans. This financial literacy counseling would complement existing activities, and the College LIFE Act specifies that financial literacy loan counseling may be provided in conjunction with current counseling requirements.

I thank my colleague in the House of Representatives, Congresswoman SHEILA JACKSON LEE of Texas, for joining me as the House sponsor of this bill. I also thank my colleague from Iowa, Senator HARKIN, who chairs the Committee on Health, Education, Labor, and Pensions, for lending his expertise to this bill in the areas of financial literacy and student debt in higher education, including at for-profit colleges.

I will continue to work with my colleagues to enact the College LIFE Act. I call on them to join me in support of this legislation and other efforts to improve financial literacy in America.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

THE BUDGET

Mr. BENNET. Mr. President, I rise today to implore my colleagues and to implore the negotiators who are working on this budget issue to come to a comprehensive solution that meaningfully addresses our deficit and our debt.

If all you knew about our politics was what you see on the television at night, you would think we were committed to an endless stream of invective, of name-calling, of division, that we had absolutely no interest or desire to solve the Nation's problems or solve the Nation's challenges, and you would be right to sort of give up all hope we could actually honor the heritage of our parents and our grandparents and make sure we are not the first generation of Americans to leave less opportunity, not more, to our kids and our grandkids. That is what you might think if all you knew about our country was what you saw on the TV at night.

Fortunately, I have had the privilege, as has everybody in this body, to travel my State and to learn that actually the American people are nowhere near as divided as Washington, DC, or as what you see on television at night. In fact, we share an awful lot in common in my State of Colorado whether we are Republicans, Democrats, or Independents, and part of that is because we are coming out of the worst recession since the Great Depression.

By the end of the discussion I was having during the campaign over the last couple of years, there were about four things people thought might be good ideas. They thought it would be good to have an economy in this country where median family income was rising instead of falling, that we were creating jobs in the United States rather than shipping them overseas. They thought it would be a good idea if our energy would not require us to send billions of dollars a week to the Persian Gulf to buy oil. They thought it would be a good idea—and as a former school superintendent, I agree with them—to educate our kids for the 21st century. They thought it would be a good idea if we were actually willing to make hard choices to deal with our debt and our deficit.

There is a lot of disagreement around here that I do not really understand, but in Colorado, the way they would like us to do that is to see a comprehensive plan that materially addresses the problem. They know we cannot solve it overnight, but they would like to see us materially address the problem. They want to know we are all in it together. They are not interested in the Washington game of whose ox is going to get gored; they want to know we are all in this together, that all of us have something to contribute to solving this problem. They emphatically want it to be bipartisan, which is good because we have a divided Congress now, and it needs to be bipartisan to get this work done. The reason is that they do not trust either party's go-it-alone strategy. I think they are right to believe we are better off compromising on a set of comprehensive proposals than continuing to fight.

I would add a corollary to it, which is that whatever we do, we better satisfy the capital markets that their paper is worth what they paid for it. If they are not satisfied, we are going to be in an interest rate environment that is going to make all of the discussions we have had about cuts seem trivial in terms of the effect on the deficit and debt.

Then I come here, and we have these phony conversations about solving the problem. We had a discussion, you will remember, about whether we ought to shut the government down. And I did the math on the bid ask spread that divided the two parties over whether we are going to shut the government down, and that math equalled about 4 cents on the $20 meal at Applebee's. It would be like you and me, Mr. President, fighting over that 4 cents because we couldn't figure out how to pay the bill. It would be like the city of Alamosa in my State, in the San Luis Valley, where my predecessor, Ken Salazar, came from—it would be like the mayor saying: We can't agree on $27,000, so we are going to shut the government down, we are not going to pick up your trash, we are not going to educate your kids. The American people should know that is what that debate was about. Now we come to the debt ceiling debate where people are saying: We are not going to vote to raise the debt ceiling.

Somebody in a townhall meeting said to me: MICHAEL, don't you know my neighbor and I are having to figure out how to pay as we go? We have to figure out how to pull in our purse strings to make sure we can afford to do what we need to do? I said: I absolutely agree with you. He said: Why aren't you guys showing the same restraint? And I said: We need to show the same restraint, but that is not about the debt ceiling. The debt ceiling is about bills we have already incurred; it is not about cutting up your credit card. It would be great if it were. That is not what it is about. It is about saying: I have a cable bill this month, and I am just not going to pay it. I got my mortgage this month, but I am just not going to pay it.

That is not fiscally responsible. In fact, do you know what happens to people who do that? Their interest rates go up because lenders say to you: You are not a good risk because you didn't pay your mortgage on time. You are not a good risk because you didn't pay your cable bill on time. That is what our lenders are going to say to the Federal Government of the United States if we are willing to jeopardize the full faith and credit of the United States. It is fiscally and politically irresponsible for us to do that.

In this context, we are having a debate about dealing with the fact that we now have a $1.5 trillion deficit and a $15 trillion debt.

By the way, I would say on the debt ceiling that at least this Senator would settle for raising it just the amount the Ryan plan would increase our debt. I would be happy with the Ryan plan, which is the House Republican plan, to raise the debt by about $5.4 trillion. Everybody over there voted for it. A lot of people here voted for it implicitly; therefore, they are suggesting the debt ceiling ought to be raised by at least that amount, and I would be happy to support that and cosponsor that. But what I want us to do is come together in a comprehensive way.

Mr. President, MIKE JOHANNS from Nebraska and I circulated a letter on March 15. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 15, 2011.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: As the Administration continues to work with Congressional leadership regarding our current budget situation, we write to inform you that we believe comprehensive deficit reduction measures are imperative and to ask you to support a broad approach to solving the problem.

As you know, a bipartisan group of Senators has been working to craft a comprehensive deficit reduction package based upon the recommendations of the Fiscal Commission. While we may not agree with every aspect of the Commission's recommendations, we believe that its work represents an important foundation to achieve meaningful progress on our debt. The Commission's work also underscored the scope and breadth of our nation's long-term fiscal challenges.

Beyond FY2011 funding decisions, we urge you to engage in a broader discussion about a comprehensive deficit reduction package. Specifically, we hope that the discussion will include discretionary spending cuts, entitlement changes and tax reform.

By approaching these negotiations comprehensively, with a strong signal of support from you, we believe that we can achieve consensus on these important fiscal issues. This would send a powerful message to Americans that Washington can work together to tackle this critical issue.

Thank you for your attention to this matter.

Sincerely,

MICHAEL F. BENNET.
MIKE JOHANNS.

Mr. BENNET. We sent it around to people, and it was a letter to the President that in part said:

Specifically, we hope that the discussion will include discretionary spending cuts, entitlement changes and tax reform.

A comprehensive plan. Sixty-four Senators signed that letter—more than a majority of the Senate. It is more than the 60-vote threshold necessary to pass legislation around here—a majority of Republicans and a majority of Democrats recognizing what is blindingly obvious to the American people, which is that we need a comprehensive plan because the math does not work otherwise. And we need people of good will to come together and say: We understand we are not going to be able to solve this problem if we continue to fight with each other. We are not going to be able to solve this problem if we continue to pretend there are some magical mathematics out there that allows us to solve the debt crisis based on political ideology rather than our working together.

People ask me sometimes what they can do to help with this discussion. What I say to them is they ought to be holding the people in this body to the same standard they hold our local officials back in Colorado—that mayor in Alamosa or a superintendent in Denver—who never in their wildest dreams would think they were going to phony up the math and go back to people and say: Sorry, we could not make it work, so we are going to shut down or, sorry, we could not make it work, so we are going to destroy our credit rating, so you end up spending more money on interest instead of on the services you care about.

Our job is to fix this problem. It is not going to be easy. It is going to take people on both sides of the aisle to think differently about what is possible. My own view is the Deficit and Debt Commission gave us a roadmap here. It was a bipartisan group. The final result got the vote of DICK DURBIN, one of the most liberal members of

the Democratic Party, and one of the most conservative members of the Republican Party, TOM COBURN, who signed onto a plan that said: Let's take a quarter of it from discretionary spending, let's take a quarter of it from entitlements, let's take a quarter of it from interest savings, and let's get a quarter from tax reform. That sounds about right to me.

If we could produce a plan here that satisfied the test I mentioned earlier, I could go back to the townhalls in Colorado, and I guarantee you what people would say is: Thank you for finally working together. Thank you for producing something that is credible. Let's now move on to the other business in this country to make sure we can compete and win in the 21st century.

I would say I hope, to the extent anybody is listening to the floor today, they would think again about the importance of using this moment to try to create a comprehensive plan, to try to figure out what the compromises are. I for one am happy to work with anybody on either side of the aisle to make sure we get this done.

I see the chairman of our Budget Committee is in the Chamber. I thank him for his efforts on the Deficit Commission, and also for the work he has been doing with the Gang of Six—the Gang of Five, trying, month after month after month, for the last 18 months, to produce a comprehensive plan that actually addresses the problems.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Colorado for his remarks and for his leadership. He has been right on point with respect to what has to be done in this country to get the debt threat under control.

Make no mistake, we do face a debt threat of ominous proportions.

Yesterday, the Congressional Budget Office again warned us: ''Debt crisis looms absent major policy changes.''

You go to the end of this article that was from the Associated Press, by Mr. Andrew Taylor, a respected writer, and it says:

> CBO says the debt increases the probability of a fiscal crisis in which investors lose faith in U.S. bonds and force policymakers to make drastic spending cuts or tax hikes.

That is where we are headed if we do not respond. And it is going to require a bipartisan response with Republicans and Democrats, because Republicans control the House of Representatives, Democrats control the Senate, and there is a Democratic White House.

So when Republicans—as I just heard on this floor—blame it all on the President, that is not going to work. That is not going to work, because Republicans can block anything in this Chamber, and Republicans control the House of Representatives. So guess what. They are going to have to join Democrats and be responsible. And being responsible means doing some things that are tough.

Republicans and Democrats are going to have to do some things that are tough. Why? Because we are borrowing 40 cents of every dollar we spend. That cannot be continued much longer.

If you look at the historic relationship between spending and revenue, here it is, as shown on this chart, going back to 1950. The red line is the spending line. The green line is the revenue line. What you see is spending as a share of national income is the highest it has been in 60 years. Revenue is the lowest it has been in 60 years.

When I hear my Republican friends say this is just a spending problem, they have it half right. It is in part a spending problem. Spending is the highest it has been in 60 years—or very close to it. But revenue is the lowest it has been in 60 years. So let's get real. Let's get honest. This is a spending problem and a revenue problem. It is the difference between the two that leads to record deficits and a debt that is spiraling out of control.

Here is what the head of our Armed Forces—Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff—said last year at about this time:

> Our national debt is our biggest national security threat.

Colleagues, are you listening? Are you listening? We are moving at warp speed toward a fiscal crisis. Nobody can tell us when it will happen. What everyone is telling us is that it will happen.

Here is where we are, as shown on this chart. This is the gross debt of the United States. We are now, at the end of this year, going to be over 100 percent of our gross domestic product. That is going to be the gross debt of the United States—all the bills we owe. The black line shown on the chart is the 90-percent threshold line. Why does that matter? Because we have just had the definitive economic study done on deficits and debt and economic growth. It was done by Professor Carmen Reinhart at the University of Maryland—she is no longer there; she was at the University of Maryland—and Professor Ken Rogoff at Harvard. Here is what they concluded:

> We examine the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt/GDP levels (90 percent and above) are associated with notably lower growth outcomes [for the future].

This is not just about numbers on a page. This is about the future economic prospects of our Nation. A failure to act will consign us to a more limited future. Fewer jobs, less economic growth, less economic activity, a weaker position for the United States in the world—that is where we are headed.

We have been warned repeatedly. Quoting from the Wall Street Journal: ''S&P''—the major rating agency—''Signals Top Credit Rating Is in Danger, Stoking Political Battle on Deficit.'' ''U.S. Warned on Debt Load.'' So nobody in this Chamber, nobody across the Capitol in the House of Representatives, can claim they did not know what was coming. We have been warned, and we have been warned repeatedly.

What happens if we do not act and there is a reaction in the interest rate environment for the U.S. debt? I would remind my colleagues, a 1-percentage point increase in interest rates will add $1.3 trillion to the debt over the next 10 years. A 1-percentage point change in interest rates will add $1.3 trillion to the debt over the next 10 years.

People say: Well, we are not going to extend the debt, we are not going to extend the debt limit of the United States. Do you know what happens? The creditors say: Oh, really? Well, we are not going to lend you more money then. Do you know what happens then? Interest rates go up in order to attract other lenders. And what happens? Every 1-percentage point increase in the interest rates adds $1.3 trillion to the debt in just 10 years.

Here are the remarks of 10 of the previous chairs of the President's Council of Economic Advisers. Headline: ''Unsustainable Budget Threatens Nation.'' This is their conclusion, the top economic advisers to former Presidents, Democrats and Republicans. The previous 10 unanimously said this:

> There are many issues on which we don't agree. Yet we find ourselves in remarkable unanimity about the long-run federal budget deficit: It is a severe threat that calls for serious and prompt attention. . . . We all strongly support prompt consideration of the Fiscal Commission's proposals. The unsustainable long-run budget outlook is a growing threat to our well-being. Further stalemate and inaction would be irresponsible.

I served on that commission. There were 18 of us. Eleven of us agreed to the recommendations—five Democrats, five Republicans, and one Independent. That proposal would reduce the debt from what it would otherwise be by $4 trillion. Mr. President, 5 Democrats, 5 Republicans, and 1 Independent—11 of the 18 agreed to support the recommendations. We cut spending. We cut domestic nondefense spending. We cut defense spending. We took on the entitlements. And, yes, we raised revenue by $1 trillion over the next 10 years—not by raising tax rates. In fact, we cut tax rates. But we still got more revenue because we expanded the tax base by reducing tax expenditures that are now running $1.1 trillion a year.

Over the next 10 years, the tax expenditures of this country are going to be $15 trillion. Let me repeat that. The tax expenditures in this country over the next 10 years—special loopholes, deductions, exclusions, all the gimmicks that are in the Code—$15 trillion.

Not only did the Fiscal Commission come up with a recommendation of

about $4 trillion, almost every other group that has made a recommendation has called for debt reduction of about $4 trillion over the next 10 years from what it would otherwise be: the Fiscal Commission, the Bipartisan Policy Center, the American Enterprise Institute, the Center for American Progress, the Heritage Foundation, the Roosevelt Institute—all of them saying we need to get this debt down.

Here is where we are headed, according to the Congressional Budget Office. This is not the gross debt. This is the publicly held debt. It is headed for 233 percent of the gross domestic product of the country if we fail to act. If, instead, we would adopt the commission proposal, you can see, as shown on this chart, we would actually work the debt down, the publicly held debt, to 30 percent of GDP.

Every part of the budget has to be scrutinized and has to generate savings. Here is what has happened to defense spending since 1997. It has gone straight up, from $254 billion a year to $688 billion a year.

Secretary of Defense Gates said this:

[T]he budget of the Pentagon almost doubled during the last decade. But our capabilities didn't particularly expand. A lot of that money went into infrastructure and overhead and, frankly, I think a culture that had an open checkbook.

I think he got it right. When we look at this growing debt, where did it come from? The Washington Post had this report on May 1:

The biggest culprit, by far, has been an erosion of tax revenue triggered largely by two recessions and multiple rounds of tax cuts. Together, the economy and the tax bills enacted under former president George W. Bush, and to a lesser extent by President Obama, wiped out $6.3 trillion in anticipated revenue. That's nearly half of the $12.7 trillion swing from projected surpluses to real debt.

If we look back on the five times we have balanced the budget in the last 40 years, revenue has been close to 20 percent of GDP: 19.7 in 1969; 19.9 in 1998; 19.8 in 1999; 20.6 in 2000; 19.5 in 2001. Where is revenue today? It is 14.8 percent of GDP. And our friends across the aisle say it is only a spending problem. Let's get real. It is a spending problem and it is a revenue problem. Let's be honest with the American people.

Martin Feldstein, the distinguished conservative economist, said this:

Cutting tax expenditures is really the best way to reduce government spending . . . [E]liminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

Mr. Bernanke, the Chairman of the Federal Reserve, has said this, and I will conclude on this point:

Acting now to develop a credible program to reduce future deficits would not only enhance economic growth and stability in the long run, but could also yield substantial near-term benefits in terms of lower long-term interest rates and increased consumer and business confidence.

This is a defining moment for our country. We can either continue to run head-long toward a debt crisis, or we can join together, Republicans and Democrats, in a comprehensive plan to get our debt under control. That will require a comprehensive plan, one that addresses spending—spending must be reduced. But it needs to be reduced when this economy is stronger. That is what every one of the bipartisan commissions has concluded. Yes, spending has to be cut, but not right this minute. It has to be part of a plan that assures it will be cut, and it has to be every part of spending: domestic discretionary spending, defense spending—yes, the entitlements have to be right-sized and we have to have the additional revenue given the fact, the simple fact, that revenue is the lowest it has been in 60 years as a share of our GDP, far lower than it has been in every one of the 5 years we have balanced the budget out of the last 40.

I urge my colleagues on both sides, now is the time for principled compromise. Now is the time to come together to put in place a plan that deals with this debt threat, fundamentally and assuredly. We have that opportunity. We should not let this opportunity slip by.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 20 minutes.

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

Mr. THUNE. Mr. President, as we all know, the most important issues that are facing our country today are the economy, job creation, the national debt, and excessive government spending. One of the things that is having a huge effect on job creation and the economy right now is regulation.

The administration continues to overreach and overstep in the implementation of dozens of new regulations, be it the EPA regulating greenhouse gases, or the DOT's recent proposal that would require commercial drivers' licenses for farmers who drive tractors.

These oversteps have real consequences in the form of jobs. Take, for instance, Mr. Thomas Clements from Youngsville, LA, who is testifying today in front of the Senate Health, Education, Labor and Pensions Committee. Mr. Clements is a small business owner since 2008. He owns Oilfield CMC Machining with his wife. They produce metal parts and systems for offshore oil rigs.

His run-in with our overreaching administration started after the tragic 2010 BP oilspill with the President's decision in May of 2010 to enact a 6-month moratorium on new oil drilling in the gulf. His business continues to struggle today because of the Department of the Interior's decision to slow walk new drilling permits. Before these actions, he had a thriving small business that not only provided for his family but also for his employees.

Today, they are barely staying afloat, and will likely close unless the administration changes course and actually begins taking steps toward recovery instead of continued rhetoric.

Another big drag on the economy is the amount of spending and debt. Yesterday the Congressional Budget Office released their long-term budget outlook. This was certainly sobering reading. They pointed out that under the alternative fiscal scenario, in 2024, interest costs, Social Security, and major health spending would exceed all of the revenue coming into the government.

The need for action is clear. The Congressional Budget Office states that these levels of debt will cause incomes to be between 7 percent and 18 percent lower in 2035 than they would be otherwise.

Another study by economists Reinhart and Rogoff found that countries with a debt-to-GDP level that is greater than 90 percent—I would emphasize that we are currently at 95 percent—but that countries with a debt-to-GDP level greater than 90 percent grow at 1 percentage point less than they would otherwise. In other words, when you are carrying this kind of a debt load, 90 percent debt to GDP, for a sustained period of time, you are bleeding about 1 percent of economic growth every single year.

As we know from the President's own economic advisers, a 1-percent reduction—1-percent drop in growth—translates into about 1 million lost jobs. One of the places we see that has been hard hit in our country by the downturn is the State of Ohio. My colleague from Ohio Senator PORTMAN is here. I would be interested perhaps in hearing from him on whether he has seen the evidence of the recovery that was promised by the administration or does his economy in Ohio still reflect an economy that is held back by excessive regulation, debt and spending. I would be interested in the perspective of the Senator from Ohio on that particular subject.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. PORTMAN. First of all, I thank my colleague from South Dakota for coming to the floor today to talk about the economy and jobs. It is clearly a top issue on the minds of folks in Ohio. And, no, the Ohio economy is still hurting. We are not creating the jobs we hoped to create.

If you look at it nationally, there are now 14 million Americans who are out of work, and more than 1 million want to work but have given up looking for work. So when you look at what is

going on out there, you add the 8.5 million Americans who are getting by with part-time jobs—even though they would like to work full time—that is about 23 million Americans suffering from a lack of the full-time job they want. This unemployment issue continues to be the No. 1 issue in Ohio and nationally. We have got to address it.

You talked a little bit today about some of the ways that we need to approach it, including the regulatory overreach and its impact on jobs and small businesses. But let me talk about even a deeper concern in Ohio. That is the length of time people have been out of work. The average unemployment now is 40 weeks. That is about 9 months. It is 9 months of stress, 9 months of uncertainty, 9 months of wondering how to make ends meet. This is, I am told, the worst statistic in terms of length of being unemployed that we have had since the records were kept. So it is not just about these terrible unemployment numbers, it is the fact that when have you been out that long, you lose some of your job skills, you have a gap in your resume, and it is harder to get a job. This is not what was promised, by the way.

If you look at what the President and his economists promised when the stimulus was passed, they said that unemployment today would be about 6.7 percent. Instead, it is over 9 percent—9.1 percent. So it has not worked. The President has called it a bump in the road. Unfortunately, I think it is a lot more than that.

The Chairman of the Federal Reserve talked about this yesterday, that he was very concerned now about some of the economic projections. He thinks we are not in as good a shape as even the projections—which were not very optimistic—show. There was 1.8 percent growth in the first quarter. At this point in the last deep recession we had, the growth was 7 percent.

This chart is interesting because it shows Federal spending as a percent of the economy, which as we all know has gone up significantly, and part of that is because of the stimulus package and then the unemployment rate. Unfortunately, when you look at this, there has not been an increase in spending and a decrease in unemployment. There has been an increase in spending and an increase in unemployment. So this simple notion that you cannot spend your way to prosperity, which is a commonsense notion that most Americans agree with, has been proven to be true.

Unfortunately, the stimulus package did not lead to the kind of progress the President and his team predicted. We are all paying the price for it. So, instead, we need to approach it in a different way.

Again, as Senator THUNE mentioned earlier, part of the answer to this is dealing with the regulations, dealing with our tax system, dealing with these high energy costs, dealing with the high health care costs, which do impact employment, getting the economy back on track through smart progrowth policies.

I know the Senator from South Dakota has done a lot of thinking about how do we get out of this mess we are in, instead of the spending. But I do not know if the Senator has any thoughts about what the debt and the spending is doing to our economy. He mentioned the Rogoff and Reinhart study showing that our economy would be growing much faster than it is now but for this big overhang of spending and deficit and debt.

I wonder if the Senator has additional thoughts.

Mr. THUNE. I appreciate my colleague's observations regarding his State, which is a pivotal State when it comes to whether we are going to see the economy recover. It is a State that feels the impact right away when you have a down economy and job losses and all of the negative things that go with that. So I appreciate his perspective on it. Obviously, I wish I could say this administration's policies have made the situation better. Unfortunately, the evidence overwhelmingly points to the President and his policies making this situation worse—much worse. For example, the Senator mentioned nondefense discretionary spending, which is the part of spending that the President has to sign into law every year. It went up 4.1 percent. That is astounding when you consider inflation was about 2 percent over that time. Government spending was growing 10 times the rate of inflation.

What is even more amazing, this doesn't include the increases in discretionary spending attributed to stimulus. That was supposed to have brought the unemployment rate down to 6.7 percent. Clearly, we are over 9 percent today.

There is no correlation between additional spending and job creation. We have clearly demonstrated that. That spending level doesn't include spending on the ''Cash for Clunkers'' program, which was supposed to create jobs. It doesn't include ''un-offset'' increases in spending on mandatory programs that are signed into law, such as additional unemployment insurance, Medicaid, or trade adjustment assistance. It doesn't include the spending increases the President fought for but has been unsuccessful in passing.

Because of this exorbitant spending, we are at a point where 40 cents out of every dollar the Federal Government spends is borrowed. While most people would look at this situation and say it is time to do something about it to improve the situation, the President clearly punted over the medium and long term, and his proposed budget makes the situation even worse. In fact, his proposed fiscal 2012 budget would spend $46 trillion over a 10-year time period, add $9.47 trillion to the debt, and raise taxes by $1.6 trillion. So their prescription continues to be more spending, more borrowing, and higher taxes.

The question is, is this helping or hurting our economy? If you look at a recent Bloomberg poll, it found 65 percent of Americans think the debt is a major reason why our unemployment rate is so high. The answer from the American people is clear.

I guess what I say to my colleague from Ohio—and he and I have worked together on ideas on how to get the economy going again and create an environment conducive to job growth—is that, clearly, getting spending under control here is a huge factor. As he pointed out, there is lots of research out there that demonstrates connectivity between spending and debt and the economy. I simply add that ratings agencies, such as Standard & Poor's and Moody's, all gave a negative assessment to our credit rating; and if that led to a downgrade in our credit rating, it would reflect much higher interest rates for another negative impact.

Spending and debt have a profound negative impact on our ability to grow the economy and create jobs. The Senator from Ohio has been a great leader getting out there in talking about solutions that would lead to job creation. I am interested in hearing about some of what we might be able to do that is clearly not being done today and, frankly, what I hope is contrary to the policies put forward by this administration, which are costing jobs.

Mr. PORTMAN. That is right. There are a number of things that can be done. There is no reason it can't be done on a bipartisan basis.

I left a hearing in the Government Affairs Committee, where we talked about regulations and their impact on the economy. Today, the cost of regulations to the economy—in particular, small businesses—is about $1.75 trillion. That is more than the IRS collects in income taxes. There were both Democrats and Republicans talking about proposals and who are concerned about the administration's continued regulations. The President said some of the right things, but there are more regulations that have a bigger impact.

In Washington, it is tough to get this under control without changing the law, in my view. We need to have a better process in the agencies to force them to look at cost-benefit analyses and force them to use the least-cost burdensome alternatives. I talked about legislation in that area today, as did Democrats and Republicans alike. There are things we have to do. Regarding the Senator's point about the impact of the debt and deficit on the job front, the Senator is right. The poll he talked about indicated that 65 percent of Americans think the debt and deficit is a major factor in high unemployment. They are right. The study the Senator talked about said if the debt gets past 90 percent, it will cost our economy about a million jobs. We are now at about 100 percent, and it will be 105 percent in 2012—next year.

This is what is happening. We are going into that period where our debt

is bigger than our whole economy. This study, by the way, is based on looking at countries all around the world, which will have gone through this experience, including countries in Europe that are going through it now, and seeing what the impact is on jobs.

There are solutions. We talked about regulations. That is one of them. My hope is that this Senate can vote on sensible regulatory reform—and soon. The story the Senator told earlier about the oil and gas industry, we should display that all over. The recent proposed regulations from the EPA on emissions from powerplants in terms of mercury—all of us want clean air. We know you have to have regulations, but the question is, how do you regulate? These are very onerous and will have a big impact on my State. There is a study out saying it is going to result in thousands of jobs being lost, and a few powerplants being shut down, and electricity costs increasing 10, 15 percent in our State. We cannot afford that.

But there is more than that. There is the Tax Code. We should, again, as a body, and the House and the administration should reform our Tax Code to make it simpler and more progrowth. It can be done. Economists across the spectrum say this current code is a mess. It doesn't work because you are encouraging businesses to make investments and allocate resources based on Tax Code-motivated interests rather than business reasons. Getting rid of these preferences and clearing out the Code, as happened in 1986, you could get more economic growth through the Tax Code reform.

I think the time is here, and the President's fiscal commission recommended this when they said, how do you look at the next 20, 30 years and come up with a way to deal with the deficit and debt? Economic growth needs to be part of it. And part of it was tax reform, and making our workforce more competitive.

Today, we do spend money at the Federal level on workforce development. Yet it is not spent very efficiently. There are some organizations that do it better than others. We should take their best practices and apply them generally. There are nine different agencies and departments engaged in looking at how to improve our workforce through the 21st century. It is a Federal program that, when connected with businesses, works; when it is not, it doesn't work well. There are opportunities to reform that program. It should be bipartisan.

I hear from communities and businesses what is working and what is not working. Flexibility is the key. There is a lot of redtape and bureaucracy. We need to enforce our trade agreements and the international rules. Enforcement is critical. But we need to open markets to our products. Every country is engaged in opening markets for their products, workers, and service providers. We need to be more aggressive in forcing other countries to open our markets to them. If we don't, we don't have access to 95 percent of the consumers in the world. The President has said that if you were to pass these three trade agreements out there, you would create over 250,000 new jobs. Think about that. That is something we ought to do. Again it is bipartisan.

Somehow we cannot seem to get these three relatively small trade agreements that we have already done through the process. We need to do that right now, because of this economic crisis we face of unemployment and long-term unemployment. This would help, in combination with a more competitive workforce.

On energy, another part of our seven-point plan—and this is a jobs plan to get us back—we have to use our own resources. There is natural gas in places such as Ohio, and South Dakota and North Dakota have a lot of natural gas. We have the technology. Let's use it. We may have the greatest resources of natural gas in the world, based on geological finds. We need to use that now, and we can help us get less dependent on foreign oil.

Finally, health care costs. We talked about this earlier. There are some commonsense things we can do now to get health care costs down, including stopping frivolous lawsuits, which we all pay for, through sensible medical malpractice reform. Some States do it well. It should be done on a national level to get the costs down. We should allow people to buy insurance across State lines. Several insurance companies could compete for the business. This would help get spending under control. We should reform the Tax Code, have regulatory relief, a more competitive workforce, increase jobs through exports, enforce the trade agreements, power America's economy with our own energy, and have sensible solutions to getting costs of health care down, which will help create jobs. All of these things are proposals the Senator has been working on, and I appreciate that.

I ask the Senator a question. If the Senator is focused on getting at this issue, does he think we have a problem on the debt and deficit because of the lack of revenue through taxation or is it through overspending? Does he have any thoughts or suggestions as to how we deal with that?

Mr. THUNE. I appreciate that. That was a great description by the Senator. The Senator from Ohio hit upon all the relevant issues, if we are going to get the economy going, creating jobs again—talking about getting trade deals done, and energy policy that relies upon American energy production, keeping taxes and regulations low, common sense when it comes to energy regulations, and getting spending and debt under control. Those are all part of a solution that will grow the economy.

What I say to my colleague with regard to the issue of taxing and spending is that a lot of people believe somehow we can get additional revenues and raise taxes and solve these problems. Clearly, that would be very counter to growing the economy and creating jobs. I think it would be harmful, if anything. If we look at taxes as a way to deal with the deficit and debt issue, frankly, I think most Americans believe—and I believe they are right—this is overwhelmingly a spending issue.

If you look at our 40-year average spending, up until 2008 it was 20.6 percent of our GDP. The budget would have to spend about 24.3 percent of GDP. If you look at what we need to focus on, I say to my colleague from Ohio, it is clearly in the area of spending and debt control and dealing with that issue as opposed to the issue of revenue. I look forward to working with him on these issues. I hope we can put policies into place that will grow the economy and get people in this country back to work.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 2½ minutes.

Mr. ISAKSON. Mr. President, I ask unanimous consent that that be extended by 3 minutes.

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

ACTIONS, NOT WORDS

Mr. ISAKSON. Mr. President, I come to the floor to talk about jobs, and also to talk about an admonition I got from my father when I was growing up: Judge a man by his actions, not his words.

I intend to apply that, as well. We should all be judged by our actions, not just our words. I am very disappointed in what this administration is doing now. On the one hand, they are talking about jobs being the most important thing America needs. Yet every single action of the agencies is a job killer. Here is an example: The most recent nominee to be the new Commerce Secretary of the United States is a former director of the Boeing Aircraft Company. That aircraft corporation is now under a suit from the interim general counsel of the NLRB to stop them from opening a new plant that will employ 1,000 people in the State of South Carolina, alleging they built the plant there to strike back at the unions in Washington State, when in fact the Dreamliner, their main airliner, which they have tremendous orders for, is being built in Washington, but they had to expand another plant to meet the demand for orders. They decided, in the interest of the company, to have one on the east coast and one on the west coast. They weren't retaliating. They were trying to create jobs for a great American product. The NLRB wants to stop 1,000 jobs from being created on an allegation that it is some type of retribution. That is dead wrong.

The NLRB this week came out with a new admonition. That is, they are going to change election rules so new elections, instead of being required to take 38 to 42 days, can have quickie union elections in 10 to 12 days, making it much more difficult for management to react to a union vote or a union movement.

All these things are job creators. I am not here to demagogue unions or to demagogue this President for that matter. I just think fair is fair. If you say you want to create jobs, don't stop job creation. If you say you want the economy to recover, do those things necessary to empower business.

Let me take another example; that is, the National Mediation Board. The National Mediation Board is the agency that regulates employment from the standpoint of airlines and railroads and transportation entities. The NMB is 75 years old. For 75 years, their rule on a union election in a covered company is that 51 percent of the number of people employed who would be unionized had to vote in order for a union to become established.

Summarily, 11 days after their appointment under the new administration, that 75-year-old rule was struck to become only a simple majority of the number of people who vote, regardless of how many people are going to be covered in employment. Now, that was specifically targeted at Delta Airlines—an Atlanta company that became the largest airline in the world after buying Northwest and merging the two.

Northwest had union flight attendants, Delta did not. Delta's flight attendants had twice in the last decade rejected unionization in a vote of 50 percent plus 1 of all employees covered. The change in this rule was specifically targeted to try to force Delta to go from a nonunion shop in their flight attendants to a union shop. But even after an aggressive change in law and by the unions, the flight attendants still voted—under the new rule, which is much easier—not to unionize.

Still not satisfied, the National Mediation Board has now filed an action against Delta alleging improper activities. I find this very ironic since in the FAA conference committee, which I am a part of today, we are trying to get a chance for airlines and those covered to be able to have a legal action against a ruling of the NMB if they suspect the NMB ruled unfairly. The NMB has rejected that entirely, the leadership of this body has rejected it entirely, and that conference report languishes—all over an issue that would create jobs, but instead they want to retard jobs.

My message in coming to the floor is very simple. Actions count, words don't matter, simply talking about creating jobs don't mean a thing if we are taking actions that stymie business or punish people from making investments that bring about employment.

It is time for this President, it is time for each of us in the Senate, it is time for this administration, and it is time for the Congress to do what the American people have done: put our shoulder to the grindstone and do those things that bring American business back, our economy back, and bring jobs back to the greatest country on the face of this Earth—the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. 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. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report.

The bill clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts;

DeMint amendment No. 510, to strike the provision relating to the Director, Bureau of Justice Statistics;

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies;

Vitter amendment No. 499, to end the appointments of Presidential czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed czars;

Coburn amendment No. 500, to prevent the creation of duplicative and overlapping Federal programs;

Portman amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect;

Cornyn amendment No. 504, to strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force.

The PRESIDING OFFICER. Under the previous order, there will be up to 30 minutes of debate, with the Senator from Louisiana, the Senator from South Carolina, the Senator from Nevada, or his designee, and the Senator from Kentucky, or his designee, each controlling 7½ minutes.

The Senator from Louisiana is recognized.

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I would like to close on my czar amendment and encourage strong bipartisan support.

Mr. President, we have a bill before us about the Senate advice and consent process—the Senate confirmation process—and I think it would be a tragedy to consider any bill on that subject and not, in fact, address the biggest issue, the biggest problem with that process that exists now—certainly also in the eyes of the American people—and that is the abuse by the Executive, over several administrations but culminating in this administration, of appointing so-called czars as an end run around the U.S. Constitution, as an end run around the powers of the Senate and the balance of power of advice and consent and confirmation.

My amendment would fix that. It would defund czars and their offices. It is carefully crafted, it is carefully defined, and it would say we are not going to allow these czars to operate when they are essentially taking the place and the function of what should be a Senate-confirmed position. Again, the language is careful. It is carefully thought out, it is carefully crafted, and there are exceptions in the language which are important, so I commend all my colleagues to look at that. But the main point is simple and clear and important: We shouldn't allow any Executive, any administration, to end-run the U.S. Constitution, to end-run the Senate's important and appropriate role of confirmation, or advice and consent.

So I encourage all of my colleagues to support this amendment.

In closing, I thank several Members who have cosponsored the amendment—Senators PAUL and HELLER and GRASSLEY—and I also thank very much Senator COLLINS, who has been a leader on this effort and has freestanding legislation on the topic which I support. We have and will continue to consult on this issue until we properly get the job done.

Mr. President, I reserve the remainder of my time.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally allocated to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President I ask that the quorum call be suspended.

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

The Senator from South Carolina.

Mr. DEMINT. I would like to speak on my amendment which will be voted on in a few minutes.

AMENDMENT NO. 510

This amendment would strike the Director of the Bureau of Justice Statistics from the list of the Senate-confirmed positions that would be removed from the confirmation process. I wish to explain why this is important because this seems to be something that maybe would not be important to pull out from this long list of nominees who no longer need be confirmed. It is very important that this particular position, this nominee for this position, be vetted and confirmed by the Senate.

It is often said statistics don't lie; people do. Particularly in this business, we have seen one set of statistics be interpreted and publicized in totally different ways, and that is why this position is so important. The role they have is critical. In a democracy and in a free country, one of the most important aspects to protect against is that risk of the government becoming a propaganda machine.

I wish to read what this particular position does: The Bureau of Justice Statistics collects, analyzes, publishes, and disseminates information on crime, criminal offenders, crime victims, and criminal justice operations.

It is very important. This information is acted on by local, State, and Federal officials. Lots of our laws are shaped and based on this information. Statistics are only as valuable as the reputation of the statistician, and that is what this position is.

Every Member of this body knows how to write a question so you get the answer you want. If we are going to have a Bureau of Justice Statistics, don't we want the public to have some level of trust in the data they publish? If we just put some political hack in this position—as, unfortunately, has happened over administrations of both parties, not necessarily for this position but we know in some positions—it would totally discredit what this person does. So do we want the public to think they are cooking the books to promote policy ends on issues such as gun control, hate crimes, racial profiling, immigration, drug policy, and so forth? If we cannot absolutely trust the impartiality of the management of the Bureau, we should abolish it and give the money back to the taxpayers.

We know we are $14 trillion in debt. Our Nation is on the brink of financial collapse. My constituents have no interest in borrowing money from the Chinese to fund the Bureau to compile crime statistics if we can't trust the numbers. If there is even a hint of bias of a political agenda or of the head of this Bureau being friendly to the perspective of whatever party is in the White House, then we should abolish the agency.

In the past, those on the right have been suspicious that the Bureau of Justice Statistics has had a bias against gun rights and against the first amendment. Whether that is true, who knows. BJS statistics are used to form policy decisions. If the agency becomes a tool of the party in power, that will no longer be the case.

When James Lynch, the nominee for the Director of the Bureau of Justice Statistics, was asked in his confirmation hearing what the biggest challenge for the Bureau of Justice Statistics moving forward was, he responded: ''I think the biggest challenges of the Bureau of Justice Statistics moving forward are the perennial challenges to a statistical agency; that is to say, to maintain its credibility as an independent Federal statistical agency.''

It is important we hear that. It is important Americans hear that, and we will not have that opportunity if this position is no longer confirmed.

It is not often that you hear a nominee suggest that the No. 1 challenge he faces in assuming a position is to maintain the credibility and independence of the agency he is about to run. But, as Dr. Lynch said, that is the nature of a statistical agency, and it is precisely the reason why we should not remove this position from the confirmation process.

The questions at the live hearing and the submitted written questions appropriately focused almost exclusively on this issue of credibility, independence, and accountability.

How do we protect the Director from political influence and tampering by the executive? There was discussion about ways to restructure the office to make it more independent and further reinforce its independent roll. There was discussion of moving the director to a 6-year term to further reinforce his independence, a proposal that the nominee supports. Of course, a 6-year term would imply Senate confirmation.

In every way possible, the committee and nominee discussed ways to solidify the independence of the position and protect it from political influence. In the context of these discussions, it was once suggested that we remove the position from the confirmation process.

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

Mr. DEMINT. Mr. President, I ask unanimous consent for 2 more minutes.

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

Mr. DEMINT. With all the nominees who are confirmed in the Senate with no debate or vote, it would seem the confirmation process is serving a purpose.

First, there are things that happen behind the scenes to vet and review these nominees and their backgrounds. Unfortunately, as we have seen, the President, in some cases, with what we call czars in other positions and recess appointments, has sidestepped that. That has reduced the credibility in these positions, but let me just focus again on this one position.

We never want the American Government to be accused of being a propaganda machine, as we see from governments all over the world. This one area of statistics, where they are disseminating information all over the country that so many respond to, needs to be credible and independent. I encourage my colleagues to keep this one position in the confirmation process so we will have an opportunity to make sure that, regardless of which party is in power, we have a credible, independent voice dealing with these statistics.

I thank the President for yielding me a little more time. I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I ask unanimous consent that Senator BARRASSO be added as a cosponsor.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I just wish to indicate my support for the amendment offered by the Senator from Louisiana.

Although it is drafted a little differently than I would have done it, it does address a real problem; that is, when the President—this President or any President—creates a new position within the White House that is duplicative of a Cabinet member's responsibilities, the result is we lose our ability to exercise accountability for the policies that individual comes up with. Let me give you a specific example.

EPA is a Senate-Presidential appointee, Senate-confirmed position, the Administrator of the EPA. Yet President Obama created a position within the White House where there is essentially an environmental czar, and this individual—Carol Browner, who has since left, actually negotiated a deal with the automobile industry having to do with emissions. Well, the problem with that is, it is circumventing Congress's ability to hold accountable the person who is involved in making and coordinating that policy.

What the Senator from Louisiana is trying to get at is the creation of these unaccountable czars within the White House who are doing the job that is supposed to be done by a Cabinet official, by a Presidentially appointed, Senate-confirmed official.

So I support the amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, before I get into the substance of my remarks, I ask unanimous consent that notwithstanding the previous order, the vote in relation to the Vitter amendment No. 499 occur at 12:30 and the vote in relation to the DeMint amendment No. 510 occur at 2 p.m, with the remaining provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Mr. President, I want to make sure this has been cleared with the Senator from South Carolina?

Mr. SCHUMER. It has.

Ms. COLLINS. I have no objection.

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

Mr. SCHUMER. Mr. President, it is our intention to work on setting up additional votes this afternoon following the vote on the DeMint amendment No. 510.

Mr. President, I rise in strong opposition to the amendment offered by my colleague from Louisiana, Senator VITTER. As you know, the underlying bill is the product of a bipartisan gentlemen's agreement reached earlier this year that seeks to streamline and otherwise improve the efficiency of the Senate's confirmation process. The Senator from Maine, the Senator from Tennessee, the Senator from Connecticut, and myself, as well as the leaders, Leader REID and Leader MCCONNELL, have been heavily involved in this process.

The amendment offered by Mr. VITTER runs counter to the spirit of comity behind this important bill. It is a poison pill designed to handcuff the President's ability to assemble a team of topflight advisers and aides. The amendment is nothing new. It has been introduced several times in several iterations.

Now is the time to move forward. It is one of those moments when we can bridge the partisan divide and make the Senate a more efficient body. It is not the time or place to relitigate old and, frankly, silly political battles about so-called czars.

It is our constitutionally mandated duty as Senators to ensure that the most important positions in government are confirmed in a timely manner. With the underlying bill, we finally begin to break the logjam that holds up senior positions by taking midlevel, nonpolicy positions off the docket.

I oppose the amendment and urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 510

Mr. SCHUMER. Mr. President, I also rise now because of the change in the time schedule to speak against the amendment offered by Mr. DEMINT. Like the Vitter amendment, this amendment is opposed to the great spirit of comity behind the underlying bill.

I would like to remind my colleague from South Carolina that the bipartisan working group labored over every decision we made. Far from lifting our index fingers to the wind, we carefully debated the nuances of the changes that were ultimately proposed.

The change the Senator from South Carolina finds fault with involves the Bureau of Justice Statistics. Let me tell you about this position. The Director of the Bureau of Justice Statistics reports to the Senate-confirmed Assistant Attorney General for the Office of Justice Programs, who then reports to the Senate-confirmed Associate Attorney General, who then reports to the Senate-confirmed Deputy Attorney General, who—you guessed it—reports to the Attorney General, also confirmed. How much more oversight do we need for one man? Is four levels of congressional oversight not enough?

It is clear to me that this amendment is really designed to hamper our goal of improving the way the Senate functions. After all, there are four similar positions at the Department of Justice with parallel lines of reporting that we plan to remove from Senate confirmation, but the Senator from South Carolina does not take aim at those. Simply put, this is a prime example of the type of amendment that slows the Senate down, the type of amendment that is really aimed at preventing the passage of this bill.

The number of Senate-confirmed positions has increased by hundreds over the last few decades. As you know, this proliferation has slowed the confirmation process to a near standstill. What used to be a flowing, functioning faucet now trickles.

This position is one of those midlevel positions that should be removed to free up our process so we can focus our time on the positions that are more senior, that do not report to so many other levels of Senate-confirmed positions. Removing Senate confirmation for this position does not in any way weaken our constitutional advice and consent power or give any extra power to the President. This power was given to us to be used to confirm the most senior policymaking positions, and the President has power to appoint his midlevel and lower level appointees.

I oppose this amendment, which will be voted on after our respective lunches, and urge my colleagues to join me in voting against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of Ohio. I ask unanimous consent to speak in morning business for no more than 10 minutes.

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

CURRENCY MANIPULATION

Mr. BROWN of Ohio. Mr. President, last week Minority Leader PELOSI and some of her colleagues signaled their intention to introduce a discharge resolution for a vote on H.R. 639, the Currency Reform for Fair Trade Act. I applaud those in this body and in the House of Representatives who want to push on currency reform and encourage the Speaker and House leadership to support this position.

Similar legislation to this passed overwhelmingly with strong bipartisanship in the last Congress. Senator SNOWE from Maine and I introduced that legislation in the Senate. It would strengthen countervailing duty laws to consider undervalued currency as an unfair subsidy in determining duty rates.

What does that mean? What that means is that in essence we have lost jobs in this country because too often the playing field in our trade relationship with the People's Republic of China is simply not level. We know that China in far too many cases subsidizes energy. We know they subsidize land. We know they subsidize capital. We know they subsidize production in various ways. We also know in terms of currency that China does not play fairly.

When an industry such as the coated-paper industry in Hamilton, OH, in southwest Ohio, north of Cincinnati, or the aluminum industry in western Ohio, in Sidney, or the steel industry in Lorain, OH—when an industry petitions the International Trade Commission for relief against unfair subsidies, currency manipulation would be part of that investigation. That bill would make sure that happens. It is simple, it is straightforward, and it is achievable. It sends a signal to our trading partners that we will not accept unfair advantage over American workers and American businesses. I can't count the number of times—I know that in North Carolina the Presiding Officer has seen the same situation in textiles and other industries—where, simply put, American workers have trouble competing and American businesses have trouble selling their products because of unfair trade advantages that countries and companies in those countries have inflicted on the United States.

Don't forget the stakes. We are all concerned about the budget deficit, to be sure, and we heard Senator CONRAD earlier talking about that in a convincing and persuasive way. Cut the budget. Set it up long term, medium term. Don't do it right now, as Chairman Bernanke, a Republican appointee, says. That will cost us jobs. But build in deficit reductions. Think about the budget deficit, but don't forget the trade deficit.

Over the last 10 years, particularly since most favored nation with China and NAFTA and the Bush administration's trade agenda on CAFTA and the other trade agreements and lack of enforcement on those trade agreements, we have seen job losses because of those trade agreements.

President Bush once said that $1 billion in trade surplus or trade deficit

translates into 13,000 jobs. Why is that? If you have a budget surplus of $1 billion, you have 13,000 more jobs in your country. If you have a trade deficit of $1 billion, you have 13,000 fewer. The reason is clear: If you have a $1 billion trade deficit, it means you are buying $1 billion worth of goods more from country X—China, let's say—than you are selling to China. That means $1 billion worth of more production is taking place in China than in the United States. That is OK, but when the numbers are hundreds of billions of dollars—our trade deficit is fluctuating between $400 and $750 billion, between $1 billion a day and $2 billion a day—that is real jobs. Multiply those job numbers—13,000 for $1 billion—and you see the kind of job losses we have in the United States of America, especially in manufacturing, hitting those communities such as Lorain or Mansfield or Springfield or Dayton or Youngstown or Cleveland or cities in western New York, in Syracuse or Rochester or cities in North Carolina. You can see what it has done in small towns and urban areas alike to our job growth.

In April 2011, our total trade deficit in that month alone was $54 billion. Our trade deficit with China in that month alone was $21 billion.

Paul Krugman, a columnist with the New York Times, said:

> If you want a trade policy that helps employment, it has to be a policy that induces other countries to run bigger deficits or smaller surpluses. A countervailing duty on Chinese exports would be job creating; a deal with South Korea, not.

I am not here today to argue or debate or even be critical of the free-trade agreement with South Korea. I think it is a bad idea. I hear the promises of administration after administration. This administration at least has not overpromised, as the Bush and Clinton administrations did, on the creation of jobs and trade, but we know that every time there is a trade agreement, the trade deficit goes up and job loss accelerates, especially in manufacturing.

The point is that one major thing we can do about this is what the House of Representatives is trying to do; that is, pass the Currency Reform for Fair Trade Act. It will simply mean that China and the United States are on a more even, more level playing field, a more even relationship. It will save and help to increase manufacturing jobs. We know manufacturing jobs are a ticket to the middle class.

In Germany, 20 percent of its workforce is in manufacturing. Only 10 percent of our workforce is in manufacturing. Germany has higher unionization rates, higher wages, and a trade surplus.

The United States has, as I pointed out, almost a $1 billion-a-day trade deficit with China—somewhat less than that; not much—and up to a $2 billion-a-day trade deficit with the world as a whole. Clearly our trade policy is not working. Currency reform is one major step in fixing that. It is something that I hope this Senate takes up sooner rather than later and that the House of Representatives does the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question occurs on agreeing to amendment No. 499, offered by the Senator from Louisiana, Mr. VITTER.

Ms. COLLINS. Madam President, 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. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

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

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—2

Boozman	Moran

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 51. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senator from Pennsylvania.

AMENDMENT NO. 514

Mr. TOOMEY. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 514.

Mr. TOOMEY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development)
>
> On page 63, strike lines 3 through 18.

Mr. TOOMEY. Madam President, I ask unanimous consent to add Senator VITTER as a cosponsor of this amendment.

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

Mr. TOOMEY. I rise to offer an amendment to retain the Senate confirmation process for two positions: the position of Governor and Alternate Governor of the IMF and the International Bank for Reconstruction and Development.

The Board of Governors at the IMF is the highest level of governance of the IMF. Currently, the Governor and the Alternative Governor are both subject to Senate confirmation. This bill would change that. This bill would remove them from the Senate confirmation process.

I think I understand the rationale behind that thinking. It is probably because, by custom, the United States has appointed the Secretary of the Treasury as the Governor designate to the IMF and the Chairman of the Federal Reserve as the Alternate Governor. So since those folks have already been through a Senate confirmation process, no doubt the thought was that we did not need to have a separate one.

Here is the reason for my amendment; that is, the decision to appoint these two individuals to these two posts has been by custom, and there is nothing in statute or otherwise that requires the President to appoint these two individuals. The President—any future President—could choose to nominate anyone he or she may like. I think it is very important in that event the Senate would continue to have the oversight that comes with the advice and consent that my amendment would retain.

The truth is, the United States is the largest lender to the IMF, and right now the IMF is in the process of using U.S. taxpayer dollars to bail out Greece and perhaps other countries. At a time when Greece and Europe are virtually drowning in debt, I do not think the Senate should be conceding its confirmation authority and potentially

thereby reducing its oversight over the key IMF officials responsible for overseeing tens of billions of U.S. taxpayer dollars.

I think we all know, the United States does not even have its own fiscal house in order.

Yet here we are giving over $100 billion to the IMF for them to, in turn, lend money to insolvent governments. That doesn't make sense to me. We are running a $1.5 trillion deficit, nearly 10 percent of our entire economy. Our debt is at 69 percent of our GDP and rising rapidly. It seems to me that American taxpayers should not be asked to bail out European governments that clearly haven't been able to get their act together. But recently, we actually expanded the liability U.S. taxpayers have to the IMF.

Let me comment for a minute specifically on this idea of bailing out Greece because I think it is a very bad idea. Greek debt exceeds 150 percent of their total economy now. The Brookings Institute estimates that bribery and corruption alone amount to 8 percent of GDP annually. The Greek workforce has a very low productivity rate. There is a very low percentage of their population engaged in the workforce. By any measure, this is an economy that is in a downward spiral.

Despite that and despite a $160 billion bailout last May, in 2011, the Greek Government decided to increase its total expenditures. While running this staggering and unsustainable government, their government's decision was to increase spending. The fact is, unfortunately, no loan, no matter how large, no matter from where it comes, is going to solve Greece's problems. It is not that Greece has a problem with liquidity; their problem is solvency. Greece is insolvent. It cannot, and therefore will not, repay all its debt.

The danger is going down this road and having the IMF and other multinationals lending money to Greece now, and we are effectively replacing the existing loans made by private banks—essentially European banks—with taxpayer dollars provided by these big institutions.

Essentially, the Greek Government is going to default on the debt. The only question is, Upon whose debt? Will it be that of the private banks that lent them the money, as I believe it ought to be—those are the people who made the imprudent decision when they extended money to a fundamentally insolvent government—or will it be taxpayer-funded institutions because those institutions have taken out the debt of the private banks?

I am afraid that is where we are heading, and that will include U.S. taxpayer dollars. I think it is a big mistake. It is also an unusual transaction for IMF, primarily for two reasons. It is unusual to lend money to developed economies. Usually, this kind of program goes to developing nations. But it is even more unusual in the magnitude, the sheer scale of this.

In 2010, the IMF bailout of Greece was more than 3,000 percent of Greece's IMF quota. Typically, the size of loans such as this is no more than 200 to 600 percent of a nation's quota. This was 3,000 percent.

One of the biggest problems with going down this road of having multinational institutions bailing out insolvent countries is the moral hazard. There are a number of countries around Europe that are in substantial trouble, with varying degrees of fiscal problems, and some are teetering on the edge of insolvency. What is the message we are sending to those governments if multinationals come in and bail out Greece? The message is: Don't make the tough decisions now and impose the kinds of austerity you need because someday somebody will come along and bail you out of this problem. That is a very bad policy.

Most of all, we ought not to be putting U.S. taxpayers in this position of taking on this liability, which I am afraid is not going to be repaid. The reality is, Congress has very limited oversight over IMF, by design—very limited authority. One of the few checks we do have is the ability to provide or to withhold our consent with respect to those who are nominated to that powerful governing board. I don't think, at a time when the IMF is going out putting tens of billions of U.S. taxpayer dollars at risk, bailing out irresponsible and insolvent foreign countries—at a time such as this, I don't think we should be doing anything to relinquish that authority we have, to diminish the opportunity we would have to provide that advice and consent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for the purpose of speaking as in morning business.

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

LIBYA AND AFGHANISTAN

Mr. MCCAIN. Mr. President, I speak today on a day that appears to be positioned between two very consequential decisions.

Yesterday, the President announced his plan to draw down U.S. forces in Afghanistan, pledging to pull out 10,000 troops this year and the remaining 23,000 surge forces by September of 2012.

Tomorrow, the House of Representatives will likely vote on a measure to limit the use of U.S. funding for U.S. military operations in Libya to only ''nonkinetic activities''—in other words, noncombat activities—meaning no limited strike missions to suppress air defenses or predator strikes against Qadhafi forces, which we are doing very little of already. The only military actions for which the Commander in Chief could commit our Armed Forces would be supporting missions from search and rescue to aerial refueling to intelligence.

Those are the provisions in what is very likely to be voted on and passed by the House of Representatives tomorrow.

Some may not see a connection between these decisions, but the connection is profound. We are having a profound debate in this country right now that I suspect will continue for some time. Critical questions are being asked and discussed: How should we in the United States define our national interests? What is the proper role for America in the world? How do we balance our commitments abroad and the global demands for U.S. leadership with an American public that is justifiably war weary after a decade of conflict and that is rightly concerned with our unsustainable levels of government spending and national debt?

These are vital questions. They will determine the future of our Nation and, indeed, the future of the world. Reasonable Americans can disagree over what the right answers are. Although our disagreements may be heated and passionate, we should always remember that we are all Americans, that we are all patriotic, and that we all want to do what is best for the Nation we love.

The discussions we are now having over Libya and Afghanistan go right to the heart of this broader debate, and this is where we see the real practical impact of the decisions all of us in public life must make and be accountable for. We are all trying to define America's interests and role in the world, to separate that which we can and must do from that which is beyond our capacity and our benefit to try to accomplish. We are all striving for a balanced approach to America's interests abroad, and it is for that reason I am very concerned about both the President's decision on Afghanistan and the House's pending vote on Libya.

I agree with the President that, thanks especially to the sacrifice and courage of our fighting men and women, we are making amazing progress in Afghanistan. This progress is real and it is remarkable. But as our commanders on the ground all point out, it is also fragile and reversible. Our commanders also say what will be decisive is the fighting season next year—the warmer spring and summer months—when the insurgency historically picks up its operations after resting and regrouping a bit during the colder months. This will be our opportunity to consolidate our gains in southern Afghanistan and begin transitioning more and more of that fight to our Afghan friends, while increasing numbers of U.S. forces shift

their main effort to eastern Afghanistan where the Haqqani network, al-Qaida, and other regional militant groups are still present and operating actively.

The reason our commanders had to take this sequential approach is because they did not get all the forces they requested in 2009—40,000 troops as opposed to the 33,000 the President gave them. What this means in practice is that our commanders in Afghanistan still need next year's fighting season to deal the same crushing blow to al-Qaida and the Taliban in the east as our forces have dealt them in the south. However, under the President's plan, which calls for having all of our surge units out of Afghanistan by September, those troops will begin flowing out of Afghanistan right at the time the Taliban, al-Qaida, and their allies begin stepping up their operations, especially in eastern Afghanistan.

This is the irony of it all. The President's decision in December 2009 had the effect of making this war longer and costlier by forcing our commanders to tackle our enemies in southern and eastern Afghanistan sequentially over 2 years rather than simultaneously in one decisive action over 1 year. Now, just at the moment when our troops could finish our main objective and begin ending our combat operations in a responsible way, just when they are 1 year away from turning over a battered and broken enemy in both southern and eastern Afghanistan to our Afghan partners, the President has now decided to deny them the forces our commanders believe they need to accomplish their objective.

I hope I am wrong, I hope the President is right, that this decision will not endanger the hard-won gains our troops have made with the decisive progress they still need to make next year. I hope that proves correct. But I am very concerned the President's decision poses an unnecessary risk to the progress we have made thus far to our mission and to our men and women in uniform.

Our troops are not exhausted. They are excited that after 10 years we finally have a winning strategy that is turning this war around. Anyone who says that our troops are exhausted should go out and talk to them. They want to stay at this until the job is done. We have sacrificed too much. America has a vital national interest in succeeding in Afghanistan. After all that we have given to this mission, the money we have committed to it, the decade we have devoted to it, and the precious lives we have lost throughout it, why would we do anything now that puts our mission at greater risk of failure?

I would offer the same counsel to my Republican friends in the House with regard to our mission in Libya. I know my colleagues in Congress are angry with the administration and its Libya policy, and they have every right to be. From the disrespect and disregard the administration has shown Congress, to their bizarre assertion we are not really engaged in the hostilities in Libya, to the lack of resolve with which they have prosecuted this fight and made the public case for it, the administration has done an unfortunate amount to earn the ire of Congress. But we can't forget the main point: In the midst of the most ground-breaking geopolitical event in two decades, at least, as peaceful protests for democracy were sweeping the Middle East, with Qadhafi's forces to strike at the gates of Benghazi, and with Arabs and Muslims in Libya and across the region pleading for the U.S. military to stop the bloodshed, the United States and our allies took action and prevented the massacre that Qadhafi had promised to commit in a city of 700,000 people.

By doing so, they began creating conditions that are increasing the pressure on Qadhafi to give up power. Yes, the progress toward this goal has been slower than many had hoped, and the administration is doing less to achieve it than I and others would like. But here are the facts: We are succeeding in Libya. Qadhafi is going to fall. It is just a matter of time.

So I would ask my colleagues: Is this the time for Congress to turn against this policy? Is this the time to ride to the rescue of an anti-American tyrant, when the writing is on the wall that he is collapsing?

Is this the time for Congress to declare to the world and to Qadhafi and his inner circle, to Qadhafi's opponents who are fighting for their freedom, and to our NATO allies who are carrying a far heavier burden in this conflict than we are, is this the time for America to tell all of these people that our heart is not in this and that we won't see this mission through; that we will abandon our best friends and allies on a whim?

This all comes back to how we, as Americans, define our national interests and act on them. We can all agree that none of us are averse to doing what is necessary to defend America and our allies when we face a clear threat in the world.

In that way, we are like any other nation in history. But what sets us apart from those other nations, what makes us exceptional, what makes us the United States of America is that we define our interests more broadly than that. Our interests also encompass the fact that we are the leader of the free world; that the circle of nations that want us to play that role is growing, not diminishing; and that this position of leadership also confers responsibilities that are greater than our own immediate and material self-interests. It is the responsibility we have to the universal ideals of freedom and justice and human rights, of which our Nation is both the greatest embodiment and the greatest champion in human history.

That is not to say we can or should be involved everywhere. That is not to say we must act wherever and whenever our ideals are threatened. This is not to say military action is always the right answer, nor is this a recipe for endless conflict and commitment. America is powerful, but we are not omnipotent. We must make hard choices about where to spend our blood and treasure.

There will be more occasions than not when we will choose not to intervene, either because our interests do not warrant it or because we don't have the capacity to do so or because greater American involvement will not improve the situation. When we choose not to intervene forcefully in places where the cause of justice is calling out to us, be it Sudan or the Congo or Syria or countless other places where I and others have argued against intervention, we will be assailed as hypocritical and inconsistent. That is unfair, but it is nothing new for America.

What we can never forget is that our Nation's interests are forever colored by our values. America has always believed that the success of freedom and democracy in other lands does not just make our world more just; it makes it a safer, more secure, and better place for Americans and our children.

We can never afford to define our interests so narrowly that we would have sat back as an anti-American tyrant slaughtered his own people, thereby destroying one of the most historic attempts by millions of Arabs and Muslims to build better and more stable governments. That would have served neither our moral nor our strategic interests. Similarly, once we are engaged in a fight, as we are now in Libya and Afghanistan, and when we still have a clear path to succeed, as we do in both countries, it is in our moral and strategic interests to finish the job even if it is difficult and costly and unpopular. Failure is the only cost we truly cannot afford.

America cannot make the world perfect, but we can make it better, freer, more just, more prosperous. That is what has always made us an exceptional nation. That is what has always been the greatest source of our national security. That is what has always made us America. And that is how we must remain.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD: the Wall Street Journal article from this morning entitled ''Libya and Republicans,'' the Washington Post editorial from this morning entitled ''End of a Surge,'' and the Wall Street Journal article entitled ''Unplugging the Afghan Surge.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 2011]

END OF A SURGE

THE MISMATCH BETWEEN PRESIDENT OBAMA'S STRATEGY AND HIS TROOP WITHDRAWAL TIMETABLE

President Obama failed to offer a convincing military or strategic rationale for

the troop withdrawals from Afghanistan that he announced Wednesday night. In several ways, they are at odds with the strategy adopted by NATO, which aims to turn over the war to the Afghan army by the end of 2014. For that plan to succeed, military commanders believe that U.S. and allied forces must hold the areas in southern Afghanistan that have been cleared of the Taliban through this summer's fighting season as well as that of 2012. They also must sweep eastern provinces that have not yet been reached by the counterinsurgency campaign.

By withdrawing 5,000 U.S. troops this summer and another 5,000 by the end of the year, Mr. Obama will make those tasks harder. By setting September 2012 as a deadline for withdrawing all of the 33,000 reinforcements he ordered in late 2009, the President risks undermining not only the war on the ground but also the effort to draw elements of the Taliban into a political settlement; the militants may prefer to wait out a retreating enemy. It also may be harder to gain cooperation from Pakistan, whose willingness to break with the Taliban is linked to its perception of U.S. determination to remain engaged in the region. U.S. allies, which have committed 40,000 troops to the 2014 plan, may revise their own exit strategies.

An accelerated withdrawal of American forces would make more sense if Mr. Obama had decided to abandon the modified counterinsurgency plan he adopted at the end of 2009, which was later expanded and endorsed by NATO. Vice President Biden, among others, has pressed for a more limited counterterrorism strategy focused on combating al-Qaeda. But Mr. Obama offered no indication in Wednesday's speech that he has altered his objectives. Instead, he argued that the reduction is possible because ''we are achieving our goals. . . . We are starting this drawdown from a position of strength.''

Mr. Obama correctly pointed out that the killing of Osama bin Laden and operations in Pakistan have weakened al-Qaeda and limited its ability to attack the United States. But a Taliban resurgence in Afghanistan, which Mr. Obama's withdrawals risk, would be deeply destabilizing for a region that includes nuclear-armed Pakistan and India. If the Afghan government or army crumbles, there would be a considerable chance that the United States would lose the bases it now uses for drone attacks against al-Qaeda.

Perhaps the best justification for Mr. Obama's decision is U.S. domestic opinion. As senior administration officials have pointed out, Americans have grown weary of the war; polls show that a majority support a rapid withdrawal of U.S. forces, and that view is increasingly reflected in Congress and even among Republican presidential candidates. Many in Congress cite the cost of the war—though the few billion dollars saved through a faster withdrawal will have little impact on a deficit measured in trillions.

By announcing these pullouts, Mr. Obama may ease some of the political pressure while still allowing his commanders enough forces to complete the 2014 transition plan. The president's supporters point out that at the end of 2012, there will still be twice as many U.S. troops in Afghanistan—68,000—as when Mr. Obama took office. We hope those prove sufficient. But Mr. Obama's withdrawal decision, with no clear basis in strategy, increases the risk of failure.

[From the Wall Street Journal, June 23, 2011]

LIBYA AND REPUBLICANS

CUTTING OFF FUNDS IS WHAT DEMOCRATS DO TO GOP PRESIDENTS

Back in the day—this would be March 7, 2011—Newt Gingrich offered a compelling case for intervening militarily in Libya:

''Exercise a no-fly zone this evening,'' he told Fox News Channel. ''Communicate to the Libyan military that Gadhafi is gone. . . . Provide help to the rebels to replace him. I mean, the idea that we're confused about a man who has been an anti-American dictator since 1969 just tells you how inept this Administration is. . . . We don't need to have the United Nations. All we have to say is that we think slaughtering your own citizens is unacceptable.''

Mr. Gingrich has since, er, clarified his position, so that today the former Speaker is one of several prominent Republicans, along with fellow Presidential candidates Michele Bachmann and Jon Huntsman, opposing President Obama for doing most of what he advised a few months ago. Add the House vote expected Friday seeking to limit funding for the Libya effort, and we are witnessing at the very least some unsightly political opportunism, if not yet the rebirth of pre-Eisenhower GOP isolationism.

We understand the argument—we've made it often ourselves—that Mr. Obama has prosecuted the Libya campaign half-heartedly. The major part of the U.S. combat mission lasted days and has been over for months. The U.S. is supplying logistical help to NATO, but the alliance hasn't been able to dislodge Moammar Gadhafi. U.S. aid to the Libyan rebels has been of the ''non-lethal'' variant—mainly MRE rations—when what they most need are guns and munitions.

About a dozen countries, most recently Germany, have formally recognized the Benghazi-based Transitional National Council as Libya's legitimate government. But the U.S. hasn't done so, and only now is Congress advancing the legislation that would allow Gadhafi's frozen assets to be sent to Libya's people in the form of humanitarian aid. The evidence we've seen does not suggest, beyond isolated examples, that the rebels are linked to al Qaeda, while Gadhafi's record in promoting terrorism is clear.

But all of this is an argument for prodding Mr. Obama to win the wars he starts, not to cut off funding and guarantee defeat. It is also an opportunity for Republicans to point out that Gadhafi has the blood of hundreds of Americans on his hands, and that to allow him to remain in power would give the vindictive tyrant a chance to strike back. It would also likely mean the collapse of NATO as a credible military alliance. These are the kind of U.S. security interests that Republicans have defended as a core party principle for decades.

Instead on Libya, Republicans are wrapping themselves in the 1973 War Powers Resolution, a Watergate-era law the constitutionality of which no President has recognized, and which Mr. Gingrich rightly attempted to have repealed in the 1990s, saying at the time that ''I want to strengthen the current Democratic President because he is the President of the United States.''

Trying to defund U.S. military operations has been the habit of Democrats in Congress going back to the Vietnam era, to no good end. In 1975, they slashed support for our allies in South Vietnam, signaling to the North that it was open season to invade. Saigon fell, and a generation of detention and murder descended on Southeast Asia.

In the 1980s, Democrats cut off funds for the contra rebels in Nicaragua, delaying their liberation from Communist Sandinista rule. And most recently, they tried to shut down the war in Iraq, emboldening the terrorist insurgents until the GOP-backed surge defeated them. Is this the kind of example that Republicans want to follow?

It's true that the Senate probably won't join any fund cut-off, and Mr. Obama can veto the bill. In that sense the House vote is purely symbolic—and even more politically cynical. But such nuances will be missed in Tripoli, where the Gadhafi family will take it as a sign to hold out longer. There's a reason the dictator sent a thank-you missive to Speaker John Boehner after the House Libya vote three weeks ago.

For half a century, and especially since Vietnam, the Republican Party has stood for a strong national defense and the projection of military power to defend U.S. interests and to spread freedom around the world. Running to the left of Nancy Pelosi and John Kerry is not the way to win elections, much less to enhance America's security.

[From the Wall Street Journal, June 23, 2011]

UNPLUGGING THE AFGHAN SURGE

PRESIDENT OBAMA DECLARES VICTORY BEFORE IT'S BEEN ACHIEVED

President Obama delivered a remarkable speech last night, essentially unplugging the Afghanistan troop surge he proposed only 18 months ago and doing so before its goals have been achieved. We half expected to see a ''mission accomplished'' banner somewhere in the background.

Not long ago, Secretary of Defense Robert Gates spoke about only a token drawdown this year, but he's now on his way out of the Pentagon. This time Mr. Obama overruled his military advisers and sided instead with Vice President Joe Biden and his political generals who have their eye on the mission of re-election. His real generals, the ones in the field, will now have to scramble to fulfill their counterinsurgency mission, if that is still possible.

Mr. Obama said the U.S. will start to remove troops next month, returning 10,000, or three or four brigades, by the end of the year. The entire 33,000-soldier Obama surge will be gone by next summer, and withdrawals will continue ''at a steady pace'' after that. So the full surge force will have been in Afghanistan for only a single fighting season, and even the remaining 68,000 troops are heading out. Mr. Obama reiterated NATO's previously agreed on date of 2014 for the full transfer of combat operations to Afghan forces, but that date now seems notional.

The President rightly pointed to the coalition progress against the Taliban in Helmand and Kandahar provinces in the south, in building up an Afghan army and eliminating terrorist sanctuaries in Pakistan. But the military knows these gains are tentative, and it pressed the White House to keep all the fighting brigades in Afghanistan to press the advantage. We don't envy the task of Lt. General John Allen, who is taking over the Afghan command this summer from General David Petraeus. He'll now have to take the battle to the remaining Taliban strongholds in the east, while protecting the gains made in the south and elsewhere, even as he also manages the withdrawals. The expanding Afghan forces will be able to fill in only some of the gaps, and the U.S. troops who remain will be exposed to greater risks. The burden of long deployments is hard on the troops, but those we talk to would rather finish the job than leave too soon and risk having their sacrifice washed away in a Taliban resurgence.

In justifying the withdrawal, Mr. Obama repeatedly stressed the damage we've done to al Qaeda. Yet most of those successes have been mounted from Afghanistan, including the killing of Osama bin Laden. Mr. Obama stressed that he'll continue to press Pakistan to cooperate in attacking terrorist havens, but his accelerated withdrawal schedule will make that persuasion harder. The Pakistan military will now almost surely not act against the Afghan Taliban. The Pakistanis will press instead for a ''reconciliation'' between the Afghan government

and Taliban leaders, who will be the most relieved by last night's speech.

The President wanted to accentuate the progress of the surge last night to explain his decision to short-circuit it. But the real message was political and could not have been clearer: ''America,'' he said, ''it is time to focus on nation building here at home.'' And ''the tide of war is receding.''

Mr. Obama was laying out his re-election theme as a Commander in Chief who ended George W. Bush's wars and brought the troops home from Iraq and Afghanistan. He could bring the troops home from Iraq because Mr. Bush had already won the surge before Mr. Obama took office. Let's hope America's generals can still conjure a similar success from Afghanistan, despite a preempted surge and a Presidential march to the exits.

Mr. McCAIN. I note my friend from South Carolina here today. The Senator from South Carolina, as many of us know, is a reserve colonel—a terrible mistake by the promotion boards—in the U.S. Air Force JAG Corps. He has spent more time in Afghanistan than any Member of Congress, including more than most Members of Congress combined. He has observed closely in Afghanistan the surge, its success, its impediments. I ask unanimous consent to engage in colloquy with the Senator from South Carolina.

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

Mr. McCAIN. I wonder if my friend saw General Keene, the architect of the surge in Iraq, on one of the networks this morning describing his views on the President's decision concerning drawing down our troops from Afghanistan.

Mr. GRAHAM. I did. And if I could respond to my colleague about his statement on the floor, I would like to associate myself with it. I thought it was a very well articulated statement about the times in which we live.

For about 18 months, we have had additional military capacity that was never known to Afghanistan, all because of President Obama's decision to send 33,000 troops at General Petraeus' request. Now, the request was for 40,000, but at the time, I said: I do appreciate President Obama giving the commander the resources that could do the job, but you have to do it differently.

General Keene is the architect of counterinsurgency. He is a mentor of General Petraeus. He and General Petraeus and others came up with the strategy that succeeded in Iraq. Here is what has happened, from my point of view.

I go about every 3 months. About 2 years ago, I was very afraid we were going to lose.

How could the Taliban come back with about 100,000 NATO forces in Afghanistan? The truth was that the rules of engagement for NATO really were law enforcement rules. The NATO forces could not engage the enemy in an effective way.

We were looking at this from the eyes of a law enforcement activity, and the number of American forces was about 30,000. That wasn't enough to help build the Afghan Army, train and equip the Afghan Army, control the population, provide safety, and give governance a chance to flourish through better security. That is why we needed more troops.

To all the commanders before General Petraeus, you were holding Afghanistan together, in many ways with duct tape.

I believe Iraq is a pivotal moment in the war on terror, but it is a fair observation to make that because of the war in Iraq, resources were taken away from Afghanistan. The truth is that even though we have been there almost 10 years, we really have only been there with the capacity to bring about change for the last 18 months.

So what has happened in the last 18 months? The 30,000 surge forces were sent to the southern part of Afghanistan. This really is a Pashtun civil war. It is a fight between the Taliban, a radical element of the Pashtun community, and a majority of Pashtuns and other Afghans who want a different way.

Kandahar is in the south. It is the spiritual home of Mullah Omar. That is the place he lived, and there is an American operating base within a mile of his compound. You can get up on the roof of a prison there, and you can see Mullah Omar's compound. So the argument is, if we can win in the south, we can win anywhere. So we took 30,000 troops into the southern part of Afghanistan, and we broke the enemy's back. We have allowed the Afghan Army and security forces to develop.

In September 2009, there were 800 people a month joining the Afghan Army and 2,000 a month leaving. I am not very good at math, but that is not a way to build an army. From December 2009 to the present, we have been recruiting 6,000 a month in the army, 3,000 in the police. What happened? Better pay and a sense that we were going to win. So in 17 months, we have built up the Afghan security forces by 90,000. We will have 305,000 by the end of this year.

What is the problem with the President's drawdown of forces? Why can't you do it with the numbers we have? Counterinsurgency is a very labor-intensive operation. Its goal is to provide population security and focus on training by fighting with a unit. Instead of training them during the day and hoping they do well at night, you literally go out and live with the police and the army. It is a very labor-intensive activity, but it is the best way to provide training and build capacity.

Here is the problem. The surge forces under President Obama's withdrawal plan are now going to compromise next summer. Drawing 10,000 down this year is going to make it hard to finish out the fighting season we are engaged in now.

But here is General Allen's dilemma. Because we had 30, not 40, we couldn't go to RC-East, where the Haqqani Network exists, and fight the Taliban in the south at the same time. So we took our full force of the surge and put it against the Taliban in the south. We broke their back. We have been holding RC-East, and the game plan was to take those surge forces out of the south and go to RC-East next summer and deliver a decisive blow to the Haqqani Network. That way, the two forces undermining Afghanistan would be put at bay.

Because of the President's decision and the rejection of General Petraeus' advice, come next summer the surge forces will be all gone by September, and General Allen is in a box. How does he hang on to the security gains in RC-South? Because the enemy's will has been broken, they have been put on their knees, but they are not yet defeated because they can go across the border to Pakistan. So next summer, the surge forces we were going to have available for General Allen are going to be gone, and RC-East cannot be engaged in the same fashion as RC-South.

What does that all matter? That means one of the enemies of the Afghan people is getting a reprieve and the ability to develop security forces all over the country so that when we leave, they can fight and win has been compromised. Counterinsurgency requires math. You need a certain amount of soldiers against the enemy.

I was asked last night: There are only 50 al-Qaida. Why do you need so many troops? One Navy SEAL could defeat 50 al-Qaida.

Those who suggest that simplistic formula don't understand what we are trying to do. We are trying to take a country that has been beaten down and involved in civil war for 30 years and provide better governance through better security.

The way you beat the Taliban is you go and take them on with an overwhelming show of force. You inspire the local population to come your way and get off the sidelines because they don't want the Taliban to win, but they are afraid that at the end of the day we are going to leave and the Taliban will take over. Because of this surge, the people in the south jumped our way. And this is what is so heartbreaking. We are on the verge of being able in two summers to deliver decisive blows to two enemies of ours and the Afghan people—the radical element of the Taliban and the Haqqani Network in the east. But because of this adjustment in strategy, I think we now have lost capability, and General Allen is going to have a much more difficult job.

Things to watch.

Mr. McCAIN. According to the Washington Post this morning, the editorial ''End Of A Surge. The mismatch between President Obama's strategy and his troop withdrawal timetable'':

Mr. Obama's withdrawal decision, with no clear basis in strategy, increases the risk of failure.

The only other issue—and I think the Senator from South Carolina is very well qualified to describe it—I hear over and over, especially from those who are opposed to our involvement in this conflict, the troops are exhausted, the troops are exhausted. Yet General Keene, this morning on one of the news channels, said: They are not exhausted. They are exhilarated because they are winning. They know they have sacrificed so many of their comrades, killed and wounded. They are not exhausted. But they certainly, certainly don't want to come home in defeat, something that I saw a long time ago.

Mr. GRAHAM. That is a very good question. Who are these people and what makes them tick? Why would people who could leave by just not reenlisting keep going back to Iraq and Afghanistan? My view of our forces is that they see the face of the enemy, they believe they have a strategy that is working, and they don't want their kids to go back. So when you use the troops as a reason to shortcut this war, I don't think you are really listening to what they say and what they do. If they were exhausted and hopeless, they would change careers.

I have never seen Afghanistan change as much as I have in the last year, and my fear is that the successes we have achieved are going to be compromised for no good reason. Both of us believe that you could, at the end of 2012, if you do this right, remove all of the surge forces. But what we have been trying to argue to the President and anyone else who will listen is that this fighting season and the next fighting season are the best chance we will have in our lifetime to bring about permanent, sustainable change. And I think General Petraeus has been trying to tell the country and the President: Give General Allen the ability to take the fight to the east like we did to the south.

From the troops' point of view, the reason they go to Afghanistan and Iraq over and over is they understand this enemy better than you and I. They see what the enemy is capable of doing. They saw it in Anbar, where children were killed in front of their parents by al-Qaida. They see what happens when the Taliban hangs a 9-year-old boy because they believe he is providing information to the coalition forces.

I think our troops understand the danger America faces, to the point that they are willing to leave their families time and time again to protect all of us back here at home.

If you do not believe Afghanistan matters, then I think you are going to be in for a rude awakening. If it goes bad in Afghanistan, if the Taliban can survive and wait us out and they begin to reemerge, a lot of people who helped us, I say to Senator MCCAIN, are going to get killed. And when America goes off to some future conflict to help the oppressed, we are going to be seen as an unreliable ally and our enemies are going to be stronger.

One final thought. This is a consequential week. The negotiations dealing with our national debt have broken down. My colleagues in the House, whom I respect, are about to vote to cut off funding, which will send a signal to Muammar Qadafi that I think is unhealthy. At the end of the day, the decisions we make here in Congress are going to affect our Nation long after you and I leave this body. Qadafi is on the ropes. NATO has limited capacity, but if the American Congress tells Qadafi we are out of the fight, I am afraid that is going to give him a sense of hope he does not have today.

What does it matter if he stays? I think logically you can expect, if he outlasts NATO, the Arab spring is over. We can't go into Syria, but he will take it out on his people. I think it will affect the price of oil. That will be the end of NATO, because with NATO taking on Qadafi and losing, it is going to be very hard for that organization to go off to another war and be taken seriously.

I hope we can survive this week, that cooler heads will prevail. I am going to tell Mike Mullen, when you come to get confirmed for this job, please let us know if you are having to make hard decisions because of a lack of resources. Give the President that information and let Congress know so we can adjust the strategy. I hope the President is right and that we are both wrong. But General Keene and General Petreaus have come up with a strategy that I think, given time and patience, will work. This new strategy is something that is untested, that is unnecessarily risky.

The way to keep America safe, Ronald Reagan said, the way to prevent a war—he said: When people who love freedom are strong, not weak, that is the best way to prevent war.

Mr. MCCAIN. Can I say in summary—and I thank the Senator from Connecticut for his forbearance—I agree with the Senator from South Carolina, obviously. I say to my friends on the other side of the Capitol, although it may fall on deaf ears at this moment, I hope they know that we understand their frustration about the President's failure to recognize the War Powers Act exists, and the failure of the administration to consult and brief Members of Congress on the situation in Libya, about many aspects of the way this conflict has been conducted where America is ''leading from behind.''

But I want to repeat what the Senator from South Carolina said: This could mean the end of NATO. If NATO cannot defeat a third-rate military power, then NATO is probably going to go out of business. If we do not succeed in Libya and oust Qadafi, as is the President's policy, you will see a center for terrorist activities, you will see a return of al-Qaida to Libya—certainly a dramatically increased influence. And, frankly, it will send a message to the world that even though we say about a dictator and a brutal killer and murderer such as Qadafi that it is our policy that he be removed from power, we are either unwilling or unable to do so.

I again caution my colleagues on the other side of the aisle, I hope they would not do anything that would enhance the ability of this brutal dictator to remain in power and continue to perpetrate the murders and crimes for which he is so well known.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GASOLINE PRICES

Mr. BLUMENTHAL. Mr. President, I am honored to follow that very articulate colloquy between my colleagues from Arizona and South Carolina and certainly draw inspiration from what they have outlined in that colloquy, the consequences internationally and at home in this very important week. I rise to call attention to developments in an area that is among those consequences—the price of gasoline, the supply of fuel internationally and at home.

I rise to commend the President of the United States for releasing today some 30 million barrels of oil over the next 30 days, which already has brought down the price of oil by about $5 per barrel on the New York Mercantile Exchange. This consequence certainly cannot be the end of the campaign that we must continue to wage. I commend the President for heeding the calls from myself and my colleagues to address the pain felt across Connecticut and the country as prices remain too high, at close to $4 a gallon. The drop we have seen today should be followed by additional reductions. That can happen only if the administration and this body continue to campaign to achieve those lower prices.

This development follows the decision by the Federal Trade Commission to conduct an investigation, again heeding calls from me and my colleagues, that a searching, penetrating, comprehensive investigation is necessary to forestall and prevent manipulation and speculation on the markets. We have seen over these months that supply and demand is not the cause of increases in the price of oil internationally or here at home. It is directly and substantially a consequence of speculation by traders and the hedge funds, as well as potentially illegal manipulation.

The FTC investigation is in response to those calls we have made, based on what we have seen in those markets. Clearly the FTC is reacting, for example, to the fact that U.S. refiners' margins have increased more than 90 percent since the beginning of 2011. Over that same period of time the amount of capacity has been reduced by 7 percent. It is 81.7 percent over this same period of time, a 7-percent reduction from the same period in 2010. Those indicia of potential forces in the market that

have nothing to do with supply and demand are certainly more than sufficient basis for the FTC investigation. Combined with the release of product from the Strategic Petroleum Reserve, they have helped to bring down prices.

But the campaign must continue. We must deter speculation and illegal manipulation. We must send a message to those speculators and manipulators who are on the wrong side of these markets, who are on the wrong side of history: You will lose and you will lose big time This kind of message is what is necessary to protect Connecticut and national consumers. We have seen in Connecticut that the price is still above $4 on average in many places.

This issue is not just one that affects consumers, it is an economic issue with broad and far-reaching ramifications. It affects small business people who have to drive their cars to get to work, to deliver product, to arrive at places where they are working and spending time. It has ripple effects throughout our economy. It is crushing to families and small businesses.

The rise in prices in this country for fuel and gasoline has been crushing families and small businesses. It had ramifications throughout the economy that these two steps, release of product through the Strategic Petroleum Reserve and the FTC investigation, will help to counter.

More is necessary—stronger enforcement and regulatory steps to stop and prevent abusive speculation and manipulation. I will be announcing a number of proposals for my part that I hope will be followed in the next days and weeks.

These two steps are important, but they must be followed by others, they must be the beginning, not the end, of a comprehensive strategy to bring down the price of fuel—not just gasoline but soon heating oil—for Connecticut families as well as consumers across the country. This pattern must continue.

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

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

VOTE ON AMENDMENT NO. 510

Mr. ENZI. 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 on agreeing to amendment No. 510.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS — 41

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

NAYS — 57

Akaka	Gillibrand	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Kyl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING — 2

Boozman	Moran

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 57. The amendment is rejected.

The Senator from Delaware.

AMENDMENT NO. 517

Mr. CARPER. Mr. President, I would like to take a few minutes, if I could, just to speak on——

Mr. REID. Would the Senator from Delaware yield?

Mr. CARPER. I would be happy to yield.

Mr. REID. Mr. President, we are trying to arrive at an end to this legislation. We are not there yet. We hope there will be no more votes today. We feel positive there will not be, but we are not ready to make that decision right now. We should within the next hour.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I would like to begin my remarks this afternoon by congratulating several of our colleagues who have worked long and hard on this legislation, and their staffs who have worked equally long and hard: Senator SCHUMER and Senator ALEXANDER; I see Senator COLLINS is on the floor; Senator LIEBERMAN; our leaders, Democrat and Republican leaders, Senator REID and Senator MCCONNELL.

Anyone watching this debate from across America on C–SPAN might be wondering why is this important? Why are they doing this? Why are we spending several days, literally, in session in the Senate to focus on a nominations bill? Why? For those folks who might be wondering why, let me just offer these thoughts.

This administration has been in office for roughly 2½ years now. If we look throughout the Federal Government, the executive branch of the government, most of the positions that require Presidential nominations and Senate confirmation have now been filled. But a number, including a number that are in highly important, highly critical positions, have not been. Until fairly recently this administration looked like what I describe as ''executive branch Swiss cheese.''

People sometimes wonder why the Federal Government in Washington does not work better and maybe why does it not work as well as our States. I want to take a moment, if I can, to compare the approach we used in Delaware. I know Senator ALEXANDER is a former Governor. It is probably the approach they use in Tennessee, to fill key leadership positions in the executive branch of those State governments.

In my State, for example, the Governor nominates people to serve as cabinet secretaries in a dozen or so different departments. Those nominations have to be confirmed before the senate. They hold hearings and generally report those nominations favorably. In fact, in my 8 years as Governor, we never had the senate fail to report and to vote for one of our nominees for an executive branch department—for example, secretary of transportation, secretary of education, those kinds of appointments. Within those various departments of State government, the division directors are appointed by the Governor without confirmation by the senate. The rest of our line departments within State government in Delaware are not appointed by the Governor; they are literally chosen through the merit system and report up the chain of command through the director of the division to the secretary of the department. That is the way it works.

I remember when I was about to be sworn in as Governor. I met with the senate—it was a Democrat majority at the time—and they were interested in knowing who I was going to nominate to different positions. I explained who we had in mind. They said: We do not know some of those people. Some of them are from other States. We are not sure that we ought to be confirming them.

I asked them: Look, why don't we make a deal. Give me the team I feel that as Governor I am entitled to have, make sure they are honorable people, smart people, that sort of thing. But at the end of the day, let me have my team and go forward and try to govern in partnership with the legislative branch, and judge us in the end on how we perform.

To their credit, that is what the State senate decided to do. That is the way we operated for 8 years. They were 9 very good years. I was fortunate to be Governor at the same time that Bill Clinton was President, and we managed

to balance our budget for 8 years in a row. We actually cut taxes 7 years in a row. We got ourselves a AAA credit rating for the first time in State history and still have it. That is the way we operated.

It does not look that way or operate that way here, and there are a number of reasons this administration, the last administration, and I suspect the one before that, a year or 2 years even into those administrations, the executive branch—if we look through the senior ranks of the leadership of the various departments—looked too much like executive branch Swiss cheese.

Senator ALEXANDER and Senator SCHUMER, to their credit, are trying to change that. I commend them for their efforts. I think it is enormously important.

If you are trying to be the President and lead this country, you need your team. It is important that they be capable people, honorable people. But at the end of the day, a President of either party needs a good team, a strong team, filled sooner rather than later.

There are a number of reasons it is so difficult to get many of these vacancies filled. One of them is a reluctance on the part of some people to go through the process, the confirmation process. It takes forever in some cases. These nominees are asked to bare, not their souls but largely bare their lives to go through a process where they can be maybe not crucified but certainly exposed to anything they have ever done wrong in their lives. None of us is perfect.

I think that in itself deters people from wanting to go through this process. I was once nominated when I was Governor to serve on the Amtrak board by President Clinton. I remember how long it took just to fill out the paperwork—one set of paperwork for the executive branch, a totally different set of paperwork for the legislative branch.

I remember saying to my wife, after spending a weekend just to fill out the paperwork: I am not sure it is really worth doing all of this. I am really not sure it is worth it. I am sure for other folks who go through this process they probably reach the same conclusion at least once during the time they go through the paperwork.

We need to have not separate questionnaires, we need to synchronize, homogenize at least the paperwork, and hopefully put it in an electronic form so we can do it electronically—those nominees can do it electronically one time and be done with it and send it off to the right folks to look at.

One of the reasons we go slowly is—I will share with you—I was riding in Afghanistan or Pakistan, one of those countries a couple of months ago, riding around with a codel on a bus going from place to place. One of the folks on the bus said they were looking for somebody to put a hold on a nomination in order to get some leverage on something that Senator was trying to get from the administration—that is with a Democratic President and a Republican Senator. But I want to tell you, that conversation could have happened 4 years ago with a Democratic Senator and a Republican President. A lot of folks have used for years the ability to put a hold, to stop a nomination from moving forward, in order to gain some kind of political advantage, which has nothing to do maybe with the nominee or the nominee's ability to serve.

The other point I want to make—I shared this with some of our colleagues in our caucus, the Senate Democratic caucus, the other day. I talked to my colleagues about the work of the Government Accountability Office, GAO. Every year they publish, as most of us know, something called a High Risk List. And a high risk is just a whole lot of initiatives or problems that exist throughout the Federal Government that either are costing us a lot of money or are going to cost us a lot of money unless we do something different.

One of the top items on the GAO's High Risk List for years now has been major weapons systems cost overruns. In 2000, GAO determined that major weapons systems cost overruns—Department of Defense—was $42 billion. That is a lot of money.

They update that list every year. They updated it for 2010 not long ago, and they concluded that major weapons systems cost overruns in 2010 had gone from $42 billion—10 years ago—to $402 billion in 2010.

I chair a subcommittee called Federal Financial Management, part of Homeland Security Government Affairs. We have held a number of hearings in recent years to try to figure out how we can get better results for less money—how we get better results for taxpayers for less money or better results for maybe not much more money.

As we drilled down on major weapons systems cost overruns, here is one of the things we found out. Through testimony offered by a fellow from—one of the top three people in acquisition in the Department of Defense, a fellow named Jim Finley, who reported to John Young, the top acquisition guy in the last administration, who reported to Bob Gates, the Secretary.

We brought in Jim Finley for testimony on major weapons systems cost overruns. Again, this is Secretary Gates, John Young, top acquisition guy at the Pentagon, and then Jim Finley. We asked Mr. Finley—I asked him a question: How long have you been in your job?

He told me how many months he had served in his job.

I asked him what kind of turnover he got from his predecessor.

He said: My predecessor left 18 months before I was confirmed for this position.

So I said: You mean, for like 18 months, there was no confirmed person in your position for acquisition to oversee the major weapons systems?

I said: How many direct reports did you have once you got into your job—how many folks were directly reporting to you?

He said: There are six direct reports to me in that job but only two of them were filled.

Just think about that. Here we are, the Department of Defense, hundreds of billions of dollars of weapons systems to oversee in acquisitions, and arguably the No. 2 person in acquisitions in the Department of Defense, that position was vacant for 18 months—18 months.

When he finally got confirmed, of the six direct reports, only two were filled. No wonder we have these huge weapons systems cost overruns—and it is not just an isolated incident. We brought in Jim Finley's counterpart today in this administration, a fellow named Frank Kendall. Good man. He testified earlier this year. Again, it is Bob Gates, the Secretary. Now it is Ashton Carter who is the top acquisition person in DOD. Then we have Frank Kendall.

I said to Mr. Kendall: How long have you been in the job?

He told me how many months.

I said: What kind of turnover did you get from your predecessor?

He said: My predecessor left 15 months before I got here.

My friends, I do not know how good we all are at connecting the dots, but when we have one of the top two people at the Department of Defense responsible for riding herd on the defense industry, all our contractors, and these contracts are for very expensive weapons systems—when we have a vacancy for 18 months in one administration, the next administration, pretty much like a vacancy for 15 months—that is no good. That is an invitation for disaster.

When we see the major weapons systems cost overruns go from $42 billion in 2000 to $400 billion 10 years later, I would suggest one of the reasons is because of this confirmation process, the vetting process. Really, the biggest problem of all is the administration. The administration takes forever to identify people to go in these positions, to vet these positions and actually give us a name.

There are no silver bullets in terms of solving this problem. We need a lot of silver BBs. One of the good things about the legislation before us is it provides a number of very helpful tools to expedite the consideration of nominees, to better ensure that the next administration, or even this administration a year or two from now if the President is reelected, that we do not end up with more and more executive branch Swiss cheese, which really translates to the taxpayers an enormous cost, costs we cannot afford with the budget deficit of over $1 trillion.

The last thing I want to say, if I may, I know people are offering amendments. I am going to call up an amendment to this bill in just a moment. It

is an amendment that involves again our friends at GAO, the Government Accountability Office. Our amendment is pretty straightforward. It would require GAO to investigate and conduct a survey on the number of Presidentially appointed positions that are not Senate confirmed in each agency, a category of jobs that also routinely go unfilled for extended periods of time.

The study would provide recommendations as to whether eliminating or converting certain appointees to career positions would be more efficient. In addition, the survey should evaluate whether it is beneficial to reduce and convert specialized categories of appointees, such as inspector generals, chief financial officers, or acquisition officers to career status, not as politically appointed.

The purpose of the amendment is that the proposal, we believe, would provide an analysis of what is an efficient amount of Presidentially appointed positions governmentwide. It also would provide recommendations on how to further reduce or convert these positions.

As far as I can tell, it is not a controversial proposal. GAO does a lot of good work for us to help figure out how to operate more efficiently, also to use some common sense. My hope is that my colleagues will see fit to support it.

That having been said, I ask unanimous consent to call up amendment No. 517, which I filed earlier today.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 517.

Mr. CARPER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that the Government Accountability Office shall conduct a study and submit a report on presidentially appointed positions to Congress and the President)

At the appropriate place, insert the following:

SEC. _____. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

Mr. CARPER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

U.S. CREDIT SCORE

Mr. DURBIN. Madam President, most Americans have a credit score. We don't know much about it until we start to borrow money. Then you find out what your score is, and that will determine whether you are going to get a loan and, if you get one, how much interest you will pay for it.

Several years ago, I got a phone call from a bill collection agency to my home in Springfield, saying: DURBIN, we finally caught up with you; I don't know how you thought you could get away from us, but the charges that you have run up here at Home Depot in Denver, CO, haven't been paid for months. I said I had never been to the Home Depot in Denver, CO.

Well, I was a victim of identity theft. Somebody got enough information about me to apply for an account there and run up some charges. They said: Prove it. So I sent them some information and they came back and said: We are satisfied you weren't the person who ran up the charges, and you better check with your credit agencies to see what your credit score is now because everybody has been reporting this default on payment on the Home Depot in Denver, CO. I checked and, sure enough, my credit scores, which I never pay any attention to because I don't borrow a lot of money, were terrible. I went through about 3 months of reconstructing what happened and clearing my record, and at the end they said everything is fine. It can be done.

Why do I bring up this example? The credit score of the United States is now in question. On August 2, the Secretary of the Treasury tells us that if we don't extend the debt ceiling of the United States, we are going to be in a terrible financial situation.

What is the debt ceiling? The debt ceiling is America's mortgage—the amount of money we borrow as a government, as a nation, to sustain ourselves. We borrow a lot of money—40 cents for every $1 we spend, whether it is on a missile or a food stamp. The creditors—our creditors around the world—of course, get paid interest for loaning us money to cover our debt. The level of interest they are paid reflects their confidence that we will ultimately make payments and be good for the debt.

Right now, you can pick up the newspaper and read what is going on in Greece. The Popoulias government barely survived this week because they have had to initiate austerity measures, cutbacks in spending that aren't politically popular. If they didn't, they were going to watch the Greek credit rating fall further and the cost of borrowing money go up even higher.

So when the time comes on August 2, our deadline on our basic debt ceiling, our creditors around the world will look and see what happens. What happens, without fail, in the history of the United States, is we do the right thing and extend the debt ceiling. They say: Fine, so the full faith and credit of the United States can be relied on confidently. They can say they made another payment as they said they would, and we can go forward with our business.

Now there is a hue and cry, primarily from the other party, that we should not pay any attention to this debt ceiling. We should ignore it. Many of them have made arguments which, frankly, are stunning.

Just to give you a couple of examples, a colleague from the State of Pennsylvania, Senator PAT TOOMEY, said today that ''failure to raise the debt limit upon the deadline submitted by the Treasury Secretary does not equate to a default on our debt at all.''

I will remind him what Ronald Reagan said:

The full consequences of a default—or even the serious prospect of default—by the United States are impossible to predict and awesome to contemplate. . . . The Nation can ill afford to allow such a result.

Senator DEMINT of South Carolina, a Republican, said:

Republicans must do everything they can to block an increase in the debt limit.

Here is what the Chairman of the Federal Reserve, Ben Bernanke, said:

Failing to raise the debt ceiling in a timely way will be self-defeating if the objective is to chart a course for the better fiscal situation for our Nation.

Congressman PAUL RYAN, chairman of the House Republican Budget Committee, said that holders of U.S. Government debt would be willing to miss payments ''for a day or two or three or four.''

Tim Geithner, the Treasury Secretary, said this:

Even a very short-term or limited default would have catastrophic economic consequences that would last for decades.

Mr. President, I am not sure you follow the stock market, but if you did, today you know it is off. It is off because news about employment is not encouraging. Too many Americans are out of work. So there is a question mark about this economy and where it is headed. We are doing our best to turn it around, and I think we have done some good, but we need to do more. We can talk more about that.

If we, for some reason, do not extend the debt limit of the United States, the credit rating of the United States

would go down in the eyes of people who loan us money. What would happen next? As predictable as I stand here, interest rates would go up. People loaning money to the United States would say: If they are not going to extend the debt ceiling when they are supposed to, then we want to cover our bets and have a higher interest rate. What happens when the interest rate paid by the United States of America on its debt goes up? All interest rates go up. Interest rates would go up on people buying homes and cars and on businesses that want to expand or buy more inventory.

Can you think of a worse thing at this moment in our economic history? Where the Federal Reserve has announced this week that they are going to try to keep interest rates down so we can get out of this recession, Congress, if it fails to meet its responsibility on the debt ceiling, would end up raising interest rates—exactly the opposite of what the Federal Reserve says we need to get the economy back on its feet and get America back to work.

This is the introduction to a point I wish to make that has a lot to do with a speech made on the floor today. Senator MCCONNELL, the Republican leader, came to the floor this morning to explain he has decided the Republicans will walk away from the budget negotiations with Vice President BIDEN. Congressman CANTOR, a leader in the House of Representatives, and today Senator KYL, one of our leaders in the Senate, have said that after weeks of sitting in the room with the Vice President trying to work out some kind of agreement on the budget deficit, they were walking out, and they did. The two Republican leaders in the room walked away from it.

Senator MCCONNELL said this this morning in explaining it:

> We're not in the majority. We can't sign anything into law. That's the President's job. That's his job. He has acted as if it is not his problem. This is his problem to solve.

As if that wasn't bad enough, the House majority leader announced soon after that he will no longer participate in the bipartisan negotiations.

Congressman CANTOR said:

> It is up to the President to come in and talk to the Speaker. We've reached the end of this phase.

How does this break down? How does the Republican walkout on budget negotiations and the extension of the debt ceiling come together? We can't extend the debt ceiling without the support of the House Republican majority and without the support of Republicans in the Senate. They have said they will not vote for it unless we have an agreement on the budget.

Well, the clock is ticking. At this point, we know August 2 is looming, and we know if we fail to extend the debt ceiling, it will be the worst thing we can do for the American economy at this moment in time. If there were ever a time when both political parties ought to stop making some of these speeches and come together and work it out, this is it. What it means is that both sides—our side, the Democrats, and their side, the Republicans—have to come together and put everything on the table. It means that some of the things we hold dearest, such as Medicare and Social Security and entitlement programs, we need to talk about their future in honest terms. It means that the Republican side has to come forward and accept the reality that we will need some new revenue to deal with our budget deficit situation. That is the reality.

I only know this a little better than some because I spent the last year and a half working on it—on the President's deficit commission and with a group of four or five other Senators from both parties trying to come up with some kind of agreement. That is where we are today.

This breakdown of the discussions on the Biden budget negotiations, because of the walkout of Congressman CANTOR and Senator KYL, is not promising. Next week, the Senate will be back in session, the House will not. It is one of their recess weeks. The following week, after the Fourth of July, we are out of session, and the House is back in. So for 2 weeks now, we are not going to have both Houses in Washington. That will make it more difficult to reach an agreement, but we have to do it.

As bad as things are with this economy, if we send a signal that we are unable to responsibly lead on a bipartisan basis, I am afraid we are going to have very negative consequences. I implore the Republican leaders to reconsider their position. Walking away from their congressional responsibility to negotiate for a good budget agreement and to extend the debt ceiling is the height of economic irresponsibility. It would create a disaster that would touch innocent people across the United States and around the world. What we need to do—and it is so hard in this town—is to try to put this partisanship aside. At one point early in the session, the Republican leader said the most important thing we can achieve during the course of this session—I will quote him:

> The single most important thing we want to achieve is for President Obama to be a one-term President.

That was a quote Senator MCCONNELL made several months ago. We are all partisan to some extent, but that isn't the most important thing Senator MCCONNELL or Senator DURBIN can achieve. The most important thing to do is to deal with our debt responsibly and get the economy moving forward in a bipartisan way. Running up filibusters on bill after bill on the floor of the Senate may give somebody a quick temporary victory, but it doesn't solve the problems we face. We need to work together to create jobs and pass legislation, get a budget agreement together, and extend the debt ceiling.

I urge my colleagues on the other side of the aisle to reconsider this walkout from the budget negotiation. We need to work in good faith to solve the problems of this country. After all, that is why we were elected.

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. 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.

Mr. REID. Madam President, I ask unanimous consent that all first-degree amendments to S. 679, with the exception of the managers' amendment, must be offered prior to the close of business today.

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

Mr. REID. Madam President, there will be no further rollcall votes today. The next vote will be Tuesday before the caucus. There will be no votes on Monday or tomorrow.

I ask unanimous consent that the pending Coburn amendment No. 500 be withdrawn; that when the Senate considers S. Res. 116, it be in order for Senator COBURN to offer his duplication amendment to the resolution; that there be up to 1 hour of debate on the amendment, equally divided between Senator COBURN and the majority leader or their designees; that the amendment be subject to a two-thirds threshold; that the amendment not be divisible; that no amendments, motions or points of order be in order prior to any vote in relation to the Coburn amendment other than budget points of order and the applicable motions to waive; and that all other provisions of the previous order with respect to the resolution remain in effect.

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

Mr. REID. 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. CORKER. 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. CORKER. Madam President, I ask unanimous consent to speak as in morning business.

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

THE BUDGET

Mr. CORKER. Madam President, this is very much out of character, what I am getting ready to do, but this morning I was in a Foreign Relations hearing on Afghanistan and Pakistan and my staff tells me the majority leader came down and happened to castigate me for speaking about the fact we had not taken up some of the Nation's most important business this year; that we have spent a lot of time on bills that

were not as important as our Nation's debt crisis and other kinds of things.

I can't imagine there is anybody in this body who feels, as a Senator, and it being June 23, that we have taken up very serious business this year. I can't imagine there is anybody who is proud of what we have been able to accomplish this year as it relates to addressing our country's most pressing problems. And that was the point of the speech I made yesterday on the floor which, I might add, a number of Democrats have since come up to me and said they could not agree with me more.

The point is we need to deal with our Nation's No. 1 crisis today, which is spending. I talked a little bit about what is happening with the Blair House negotiations and the fact that, basically, the goal the Blair House negotiators have attempted to achieve—their aspirational goal—probably is not strong enough for most people on either side of the aisle to support, and so we need to be far more serious about our country's spending problems.

However, I know we are not busy, and when we are not busy, sometimes we say things we don't mean and we get ourselves in trouble. It is my understanding, again, that the majority leader came to the floor and found a quote I had made 2 years ago about EDA to try to, if you will, castigate me for the comments I made yesterday, which he said were out of line.

I know we haven't taken up a budget in 785 days in the Senate. We have not taken up a budget. Two years ago a budget was passed out of committee, but there was an unwillingness to take up that budget on the floor. This year, the Budget Committee didn't even pass a budget out of committee. So here we have a country that is spending $1.5 trillion a year that we don't have—and borrowing 40 cents of every dollar we spend—but here in the Senate we are basically hoping others will solve this problem for us. Candidly, I hope that happens. I do hope we come to a conclusion sometime soon.

I understand how the majority leader would be defensive. He is the majority leader of the Senate—the greatest deliberative body in the world, some say—and we haven't even taken up a budget to account for the $3.7 trillion we spend of our country's money each year. So I know he is embarrassed; I know he is defensive; and I understand that. But I would say that my words—the essence of what I said yesterday—still stand. This body has not done the serious work the Senate should do. We have a looming crisis coming before us, with a debt ceiling vote coming up on August 2 and, to my knowledge, there has been no public debate about solutions toward that.

The Presiding Officer and myself have offered a bill called the CAP Act to try to deal with that. It is the only bipartisan, bicameral act that has been introduced in both bodies. It certainly is not the total solution to our problem, but that, coupled with other fixes—some Medicare fixes, coupled with a 302(a) top line for a couple of years—to me is the essence of something that might solve our country's problems.

I have tried to offer some constructive solutions to our problem. I know the Presiding Officer has tried to offer some constructive solutions. To me, those are the kinds of things we here in the Senate should be dealing with today. The markets, rightfully so—and very soon, as they should—will become very volatile. It is my opinion we are close to a potential trainwreck. I know people have pulled away from the Blair House negotiations, and my sense is the two sides are very much in disarray at this point. There have been numbers of public comments that have been put forth. Again, I come back to the Senate, where we have gone 785 days without even taking up a budget.

So again, I know the majority leader is defensive and embarrassed, and I understand why he would be, but I stand by my comments yesterday.

With that, Madam President, I yield the floor, and 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. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 1271 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 493

Mr. KIRK. On behalf of Senator MCCAIN, I call up amendment No. 493.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. KIRK], for Mr. MCCAIN, proposes an amendment numbered 493.

Mr. KIRK. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To preserve congressional oversight into the budget overruns of the Office of Navajo and Hopi Relocation)

Strike section 2(w).

Mr. KIRK. I ask to be recognized for 10 minutes as in morning business.

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

AFGHANISTAN

Mr. KIRK. Madam President, under General Petraeus, the deployment of a local army is critical to winning a war. In Iraq he used extra U.S. troops to sustain military momentum against an enemy until a well-trained local Army was trained and ready for action. Petraeus had the time he needed to stand up a 500,000-man local Army and then won the war. This has also been his model for Afghanistan. While Iraq and Afghanistan differ, the military challenge was the same: to train and deploy a local army that could sustain a fight until victory.

Starting with nothing, the United States and our NATO allies set a goal of building an Afghan Army and police force to eventually number 400,000. By reaching this goal, the combat mission of the U.S. and other NATO forces would disappear. We would remain helpful with supplies, repair and intelligence, but not frontline combat.

I agreed with President Obama's decision to surge to Afghanistan, and I was in the audience to show my support when he delivered a historic address at West Point. By following the recommendations of General Petraeus, Secretary Gates and others, President Obama gave the United States and our NATO allies the time needed to vastly expand the Afghan police and army.

Unfortunately, the President has changed course from establishing a sufficient Afghan security force before scaling down our military presence. To date, the Afghan police and army are short of their 400,000-man goal. As of April, there were 284,000 in both services, well over 100,000 people short.

Overall, the Afghan Army loses 32 percent of its personnel a year, while its police lose 23 percent. To expand the security forces, losses must be held to 24 percent annually. Therefore, according to our National Military Training Mission in Afghanistan, the commander of that training effort, General Caldwell, must train 23 Afghans for every 10 to be deployed. We find key shortfalls in the officer corps and among noncommissioned officers. To date, 82 percent of Afghan officer billets are not filled, along with 85 percent of noncommissioned sergeants and corporals. The Afghan Army is also short of recruits from the communities where the fighting is most difficult. Only 3 percent of the Afghan Army was born in the southern Pashtun regions where Afghan leaders traditionally originate.

The Afghan Army is also lacking in literacy. In 2008, only 14 percent of Afghan military personnel could read or write. Now, thanks to General Caldwell, that number has grown to 85 percent in both the police and Army. One of the critical factors in training an Afghan Army that can win this war is the number of NATO trainers. To date the training command lacks over 700 trainers due to personnel shortfalls among our NATO allies. Each of these facts paints a clear picture of a work in progress but one that is about to be strained by the President's decision to leave Afghanistan 2 years too early. Under the original Petraeus plan, the United States and NATO would have deployed an Afghan police and military

numbering 400,000 by 2014. Having trained together for 1 year or more, these Afghan units would likely endure the stress of combat and deliver victory in 2015 or 2016.

Unfortunately, the President has rejected his general's recommendations and decided to leave early—withdrawing one U.S. brigade combat team right away. Our NATO allies express quiet concern about this departure. U.S. and local commanders will have about 12 percent of their combat power taken off the battlefield right away. The President will then remove two more brigade combat teams by the election day in 2012, leaving U.S. and local commanders with only 66 percent of the current combat power.

These actions will severely strain the Afghan police and Army, just as Afghanistan prepares for a new Presidential election. It also provides some hope for the Taliban, whose strategy may be a 12-month rest and refit of their operations to then reenter the battlefield against a much weaker enemy in 2013.

We learned a painful lesson when we ignored Afghanistan in 1992. Without any domestic oil or a coastline, the United States paid no attention to the rise of the Taliban and al-Qaida, and we paid an awful price for that policy on September 11, 2001. In my view, the lesson of that day should move us to realize that the Petraeus plan should have been fully implemented and not ended early.

Separately, I would like to take a moment to applaud our Treasury Department and especially our Acting Under Secretary, David Cohen, for moving decisively today to designate Iran Air and a major Iranian port operator, Tidewater, responsible for facilitating Iran's transfer of weapons and other proliferation activities.

Both of these Treasury designations will significantly restrict shipping to and from Iran and will put even more pressure on the Iranian economy. Under Secretary Cohen has proven himself to be a worthy successor to former Under Secretary Levey, and he has my confidence.

In the weeks ahead, I urge the administration to move forward with our allies in Europe and Asia to implement a comprehensive strategy to collapse the Central Bank of Iran. The Central Bank of Iran facilitates the operations of the Iranian Revolutionary Guard Corps and the Ministry of Intelligence Services and lies at the center of Iran's strategy to circumvent international sanctions. It is time for the United States and our allies to decapitate the Central Bank of Iran and to place unprecedented stress on the Iranian economy.

With that, I yield back.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

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

DEFICIT CRISIS

Mr. SANDERS. Mr. President, I think many Americans understand we are at a pivotal moment in American history, and decisions that will be made in the Senate, decisions that will be made in the House, decisions that will be made in the White House regarding the budget and how we deal with the debt ceiling will impact virtually every American—our children, working families, seniors—virtually every American for decades to come. The stakes are huge. The debate is not just about a budget but the question of which direction America goes forward in.

Today, the Republican leaders—ERIC CANTOR in the House, JON KYL in the Senate—withdrew from the bipartisan budget talks that have been led by Vice President BIDEN. Senator MITCH MCCONNELL, the Republican leader in the Senate, and Senator KYL said:

> The White House and Democrats are insisting on job-killing tax hikes and new spending.
>
> President Obama needs to decide between his goal of higher taxes or a bipartisan plan to address our deficit. He can't have both. But we need to hear from him.

We need to hear from the President.

I agree with Senator KYL and Senator MCCONNELL that we need—the American people need, the Senate needs—to hear from President Obama on this enormously important issue. But I believe we need to hear from the President in a very different way than what Senator KYL and Senator MCCONNELL and Congressman CANTOR want to hear.

Here is where we are in America today, and this is what the debate is about: Virtually every American understands that, to a very significant degree, the middle class in this country is disappearing. Median family income has gone down by $2,500 in the last 10 years. Many millions of workers today are earning lower wages than they used to earn. They are moving in the wrong direction.

In a recent 25-year period, ending in 2005, 80 percent of all new income did not go to the middle class. It went to the people on top. So the overall dynamic of America now: The middle class is collapsing, poverty is increasing, young people are finding it very difficult to get decent-paying jobs. While all that is going on, the people on top have never had it so good. Almost all new income is going to the top 1 percent.

There was an interesting piece in the Washington Post this Sunday talking about the growing gap between the very rich and everybody else. Wall Street, whose thievery and illegal behavior and recklessness caused this recession, is now making more money for their executives than they did before the recession they helped cause.

The top 1 percent is earning more income than the bottom 50 percent. The top 1 percent alone is earning 22 percent of all income in America. The top 400 individuals in this country own more wealth than the bottom 150 million.

I know the Presiding Officer has made the point about the gross inequities and unfairness in our tax system, that while the middle class is sinking, the people on top have been able to enjoy effective tax rates that are the lowest in recorded history, that janitors, cops, nurses—working people today—are paying an effective tax rate that is higher than millionaires and billionaires.

That is the reality economically this country faces today, and then that is the reality we have to deal with as we move toward a budget.

Every single poll I have seen says what is obvious: that if we are going to address the deficit crisis, it must be done in a way that is fair, that everybody participates in.

Our Republican friends have a very unusual idea about how to solve the deficit crisis. Yes, they say the rich are getting richer. Yes, they say corporations are doing phenomenally well. Some are making billions of dollars in profits, not paying a nickel in taxes. Yes, they understand the gap between the very rich and everybody else is growing wider, and their quaint and interesting idea, in the midst of that context, is that while the rich get richer, they should not be asked to contribute one nickel—not one penny—for deficit reduction.

Quite the contrary, under the Republican budget passed in the House, the so-called Ryan budget, while the rich get richer and corporations enjoy recordbreaking profits, their budget proposes $1 trillion more in tax breaks for the rich and large corporations.

Meanwhile, while the middle class disappears and poverty increases, their idea for deficit reduction is to make savage cuts in programs the middle class and working families depend upon to survive—to survive.

Under the Republican budget, they would end Medicare as we know it in a 10-year period. They propose to give a senior citizen an $8,000 check, a voucher, and have that senior go out and get an insurance plan with a private insurance company.

Tell me what kind of plan a 70-year-old person dealing with cancer or another illness is going to get with an $8,000 voucher? Are they living in the real world? Do they know what hospital care costs today? You eat up $8,000 in the first day. Yet that is what a senior is supposed to live on for health care for 1 year.

But it is not only ending Medicare as we know it in order to give tax breaks to billionaires; it is savage cuts in Medicaid. Half the people on Medicaid are children. We are the only country today in the industrialized world that does not guarantee health care to all

its people. Fifty million people are uninsured. If you cut Medicaid by $700 billion over a 10-year period, tens of millions more, including a lot of kids, will have no health insurance. They get sick. Working-class parents, where are they going to get the care? How do they get the care? I guess we have to do that in order to give a tax break to a large corporation that already is not paying anything in taxes.

Let me mention, for a moment, what is a fair way—a fair way—to move toward deficit reduction in a way the American people overwhelmingly support. You go out and you ask the American people: Do you think it makes sense, in terms of addressing the serious problem with deficit reduction, to give $1 trillion in tax breaks to the richest people and make savage cuts in programs that working people need in health care, education, nutrition, environmental protection? The overwhelming majority of the American people say that is nuts; it does not make any sense; we must not go in that direction.

So when my Republican friends in the leadership say: There is a lot of responsibility now on the President, the President has to decide which direction he wants this country to go, they are right. My hope is the President of the United States listens to the American people and demands that deficit reduction consist of shared sacrifice, that we move toward deficit reduction not just on the backs of the elderly and the children and the sick and the poor but that everybody—I know even people who make large campaign contributions—I know that is heresy to say on the floor of the Senate—but maybe even large corporations that buy and sell politicians, maybe they should be asked to contribute toward deficit reduction. Maybe billionaires, who have more money than they are going to spend in 100 lifetimes, might be asked to pay somewhat more in taxes before we throw children off our health insurance or deny nutrition to low-income seniors.

There are many ways to go forward in addressing the deficit crisis that is fair, that does not decimate programs working families depend on, especially in the middle of a severe recession.

Let me mention very few. We should not extend the tax breaks President Bush gave the wealthiest people in this country. That is it. We have a $1.5 trillion deficit, a $14 trillion-plus national debt. Sorry, we cannot afford it. These guys have already received huge tax breaks. No more. We cannot afford it.

We have to take a hard look at our defense budget. We have to begin bringing the troops home from Iraq and Afghanistan a lot faster than the President has indicated. The defense budget has tripled since 1997. It has tripled. It is time to make cuts in the defense budget. We can do that while maintaining our strong defense capabilities.

There are studies which indicate that large corporations and wealthy individuals are stashing huge amounts of money in tax havens such as the Cayman Islands and Bermuda, and collectively they are avoiding paying $100 billion in taxes to the U.S. Treasury. I think that is absurd. We have to end those loopholes. They have to pay their fair share of taxes.

I can go on and on in terms of loopholes that exist for corporate America which have to be closed, the absurdity of the richest people in this country having an effective, a real tax rate lower than middle-class people.

But here is the issue if the Republicans walk away from those negotiations. The President of the United States has to accept that challenge. He has to go out to the American people. He has to rally the American people around a deficit reduction program which calls for shared sacrifice. That is what the call of the moment is. I hope the President does that.

AMENDMENT NO. 512

Mr. SANDERS. Mr. President, on behalf of Senator AKAKA, I call up amendment No. 512.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for Mr. AKAKA, proposes an amendment numbered 512.

Mr. SANDERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To preserve Senate confirmation of the Commissioner of the Administration for Native Americans)

On page 48, strike lines 4 through 9.

The PRESIDING OFFICER. The Senator from Texas.

ANOTHER STIMULUS

Mr. CORNYN. Mr. President, I am reading in press reports that some of my colleagues across the aisle are advocating another stimulus package, sometimes called government investment, otherwise called spending taxpayers' money that we do not have and borrowing it from our children and most immediately from the Chinese, who own $1 trillion of our national debt. It is astonishing to me that after the last stimulus package early in 2009 failed to meet the President's own stated target of keeping unemployment to 8 percent or lower, some of our colleagues are trying to double down on a bad deal by advocating more stimulus, when 43 cents out of every dollar that is being spent in America today is borrowed money.

I mention that the President in his speech on Afghanistan last night said the Federal Government needs to invest more. Well, I do not think anybody should be fooled by what he really means when he says the Federal Government must invest. The only money the Federal Government has is the money that comes from your wallet, from taxpayers. When there is not enough money coming in to keep up with the reckless spending habits of Washington, DC, then they simply borrow the money or print money we do not have, and that is what ''investment'' means when the President talks about needing to invest more Federal Government money.

On the same day the President spoke, the Congressional Budget Office released a report that shows the Federal Government spending spree is not sustainable, and the Nation's fiscal position is getting worse. I do not think that is breaking news. I think most Americans could tell you that was the case, at least intuitively already.

Over the last 2 years, the Nation's debt has dramatically worsened. Gross Federal debt is expected to equal 100 percent of our entire economy in just 3 months—well past the 90-percent threshold where many economists believe the debt will seriously undermine economic growth. Some studies show that this increased debt, which crowds out private investment and borrowing, may result in the loss of at least 1 million jobs a year.

But getting back to my initial point about this stimulus notion in the negotiations with Vice President BIDEN over raising the debt ceiling, it seems that many have forgotten the trillion-dollar stimulus package passed back in 2009, that the ''green shoots'' predicted never materialized, that the ''recovery summer'' never happened, and, as I say, it failed to keep unemployment below the targeted rate of 8 percent. Indeed, now it hovers nationwide at a rate of 9.1 percent. It is much worse in many regions of the country. Only in Washington, DC, would someone advocate a repetition of a program that we know has failed to meet its stated goals and was, I believe, a total flop. First of all, it was borrowed money, so it wasn't even spending money that we had, it was exacerbating an already dangerously high debt. The first stimulus failed for one reason—because of our massive deficits in jobs and our budget.

We know the American people believe, as the Gallup organization tells us, a large majority of Americans believe that spending too much money on unneeded and wasteful government programs is to blame for Federal budget deficits. And if you ask any business owner—anyone, really, outside of the beltway—the reason why jobs are just not coming back, it is in large part because of the uncertainty of what is coming out of Washington, not only legislatively but as a regulatory matter, whether it is the Environmental Protection Agency, the Department of Labor—all the alphabet soup of Federal agencies that exist here in Washington, DC.

Instead of passing another unpaid-for stimulus plan or issuing more job-killing regulations, our focus should remain on ways to reduce and reform government spending and thereby help get the economy moving again. In fact,

I think we need to force the Congress and the Federal Government to live within its means by passing a balanced budget amendment to the Constitution and this should be the focus of our efforts here over the next couple of months as we tackle not only this unsustainable debt and these huge annual deficits but as we look for ways to put a straitjacket on the Federal Government to make sure it doesn't keep spending money it does not have. No families, no business—as a matter of fact, 49 States have balanced budget requirements. Only the Federal Government and only Congress can continue to spend money we don't have.

A balanced budget amendment to the U.S. Constitution would permanently change Washington's behavior. So far, 47 Senators in the Senate on this side of the aisle have endorsed and cosponsored a balanced budget amendment. We would invite our colleagues across the aisle to join us in this effort.

In summary, we need to unburden the economy from regulatory uncertainty or in some cases the certainty that the bureaucracy will overreach and make it harder, not easier, to create jobs. We need to pass free-trade agreements that should be pending before the Senate to help create more jobs here at home by producing things here that we can then sell abroad. Then we need to develop our domestic energy production with the great gifts we have been given in this country. I know the Presiding Officer, coming from an energy-producing State—Alaska—agrees with me that we need to produce more domestic energy, which will also have the added benefit of creating jobs right here in America rather than continuing the bad habit and the dangerous habit of importing about 60 percent of our energy from abroad, from some dangerous parts of the world.

I wish to close with a couple of other thoughts.

Listening to my colleague from Vermont calling for shared sacrifice in meeting some of the deficit reduction plans, I would just suggest to the distinguished Senator that 9.1-percent unemployment reflects a lot of sacrifice among a lot of people who can't find jobs in this bad economy. That is shared sacrifice, but that is a sacrifice which I know they and we would prefer they did not have to share. When you don't have a job, it is pretty hard to make your mortgage payments, and when you can't make your mortgage payments or you can't move because your mortgage is more expensive than the value of your home—your home is underwater—you are simply stuck. A lot of people are finding themselves defaulting on their mortgages and losing their homes, which is usually the largest single investment any of us will make.

I want to close on this thought. I want to ask my colleagues across the aisle who have been so critical of the proposals that have been made by the House of Representatives and others, where is your plan? Where is your budget? It has been 2 years since the Congress has passed a budget, since it has been in control of our Democratic friends. Where is your plan to save Medicare, which the Medicare trustees have said will go insolvent—that means there is more money going out than coming in—by the year 2024? How do we keep the promise to our most vulnerable seniors that Medicare will be there for them if we don't do something to shore up this insolvent program?

Unfortunately, I believe the President is listening too closely to his political advisers rather than listening to those who are telling him: Mr. President, we have a problem we need to solve. The first place he ought to look for a proposed solution is his own bipartisan fiscal commission that reported back in December in a report, 66 pages long. It is scary but important reading. The title of that is ''The Moment of Truth.''

We have reached a crossroads in this country where we simply cannot kick the can down the road, where we cannot keep spending money we don't have, where we cannot keep relying upon Communist China to buy our debt and to bail us out. We simply cannot continue to pass these responsibilities on to our children and grandchildren. We have important promises to keep to our seniors, to make sure that safety net of Medicare and Social Security is going to be there for them, but we can't do it unless we have willing partners join us across the aisle.

Right now, the only one in this country who is in a position to make this happen is the President of the United States, but so far the President has been AWOL on this issue. After his bipartisan fiscal commission issued the report I referred to a moment ago in December of 2010, in his State of the Union speech, the President barely mentioned, if at all, this mounting debt crisis and the problems with the pending insolvency of Medicare and Social Security.

The budget that the President proposed was never acted on by the majority leader or the Budget Committee on which I sit. And being in the minority, we can't force this issue; it can only happen if the chairman of the Budget Committee marks up a budget and if the majority leader, Senator HARRY REID across the aisle, will put it on the floor of the Senate where we can debate it and offer amendments. But they chose not to do so, relying instead on their political consultants who said: You know, if you offer a constructive proposal, there may be some across the aisle who will criticize it, and, you know what, you may just have to take some hard votes.

Well, anybody who has come to the Senate who isn't willing to vote their convictions, whatever those convictions are, and be held accountable by their constituents back home doesn't deserve to be in the Congress. We are here to take hard votes and to make hard decisions because it is not about us and our political career, and it is not about the next election; it is about addressing these problems we have been sent here to try to fix the best we can under the circumstances.

It is beyond unbelievable when I hear some of our colleagues across the aisle—the senior Senator from New York, among others—talking about another stimulus spending as part of this debt reduction deal.

Beyond that, we have the chairman of the Senate Finance Committee making clear that an insistence on tax increases was a central element of any deal on raising the debt limit. The Vice President himself was quoted as saying, in the Politico publication:

> The piece that is most important to us Democrats—revenue.

The word ''revenue'' is Washington-speak for tax increases. The President and Republicans and Democrats got together after the last election and agreed to extend expiring tax provisions because all of us agreed, on a bipartisan basis, that the worst thing we could do for a fragile, recovering economy was to raise taxes on small businesses, which are the engine of job creation, and on individuals who would be able to then invest that money into starting a business or growing an existing business.

There is a reason the private sector is afraid of Washington, DC. They see these mounting debts and deficits, and they realize one of the things we might be tempted to do is raise their taxes. Do you know what. The business model for their small business may not be able to withstand that tax increase or the regulatory overreach of some Federal Washington bureaucrat. So they are scared, and they are sitting on the sidelines.

The two things we need to do the most are to bring down that spending curve by reducing Federal Government spending and begin to attack that debt and make sure we don't have to keep raising the credit limit on the Nation's credit card but, rather, we can bring it down, and within sustainable limits. Second, we need to take our boot off the neck of the private sector, the free enterprise system in America, so it can create jobs, grow businesses, and pay taxes. We can begin to close the gap between what the Federal Government is spending and what it brings in in terms of revenue.

In 2007, when our Democratic friends took control of the House and Senate, President Bush was still President of the United States, and our annual deficit was roughly 1.2 percent of our GDP, our entire economy. Today, it is roughly 10 percent. The reason it was 1.2 percent is not because we weren't spending a significant amount of money; we were. It was because the economy was booming and revenue to the Federal Treasury was at an all-time high. That should tell us that we need to do two things: cut spending,

not just raise taxes so Washington can spend some more and throw a wet blanket on the economy and the job creators, we need to cut spending and fix these entitlement programs so we can keep our promise to our seniors who are relying on these programs. We also need to get the economy moving again by growing jobs in the private sector and by adopting a national energy policy that says we prefer domestic, or American, energy sources rather than those from abroad.

Mr. President, we need to do it soon. I am saddened to see that as a result of the insistence on the part of the Vice President and our friends across the aisle that tax increases must be a part of any package of debt reduction; that the majority leader in the House of Representatives and the assistant minority leader in the Senate, Senator KYL, have reached an impasse and said they don't see any point in continuing the negotiations at this point.

I hope the Vice President, or indeed the President of the United States himself, who is the only Democrat who can get this deal done, will reconsider their approach and work with Republicans to live within our means, reduce spending, and try to get our economy moving again so we can alleviate our children from the debt burden they are inheriting from us.

Every child born in America today will come into this world with $46,000, roughly, in debt. That is because of what we have not been doing, which is living within our means. It is time to do that, and we need to work together to solve the problem.

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

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

THE BUDGET

Mr. SESSIONS. Mr. President, we heard an announcement today that the so-called ''Biden talks'' have broken down. It is not something that surprises me terribly. I have always said that I didn't think this was the right approach—to negotiate in secret some of the most important decisions this Nation has to make.

In truth, we have never been in a more severe financial condition than we are today. Many remember the government shutdown in the 1990s and the fact the Nation ended up, out of that difficult contentious time, balancing the budget in 3 years. Well, I serve on the Budget Committee—the Presiding Officer is an able member of the Budget Committee—and we know it is not going to be easy. It is going to be very difficult to get this country on the right financial course. So I think the decision of the House majority leader and Senator KYL to withdraw from the negotiations over the debt ceiling underscores the inherent problems with this kind of nonpublic meetings, designed to come up with some global, comprehensive settlement of apparently all our financial difficulties. It is just not easy.

I think it underscores additionally a very important fact: that a President cannot lead from behind in dealing with the most pressing crisis our Nation faces—our exploding debt and the increasing damage that the debt is doing to the American economy right now. It is taking too long for a proposal to be presented to the Congress, and it is clear now that optimistic statements about progress have been too generous. It will be unacceptable for the White House talks, or any talks, to produce a controversial agreement at the eleventh hour and to then come before Congress in a panic and say: You have to enact this solution we came up with in secret, or the country will have a serious debt crisis.

That is the path we are heading down, just as we did with the CR—the continuing resolution—that was passed. That is not what the American people want; that is not what they deserve. They want regular order. They want Congress to have the opportunity to debate and vote. If it takes weeks—and it should take weeks for us to work through a challenge as serious as this one—then so be it. It just takes weeks. If it takes hundreds of votes, with people going on record and being criticized back home by one group or another for the vote they cast, so be it. That is what we are paid to do, and we are not guaranteed reelection. That seems basic to me.

Congress and the American people deserve an opportunity to fully review and consider any debt limit deal that is struck behind closed doors.

It has also been reported—in one publication at least—that in order to make the numbers look better, we are going to resort to certain budget gimmicks. In other words, let's say we eliminate a $100 million program. Well, we have been talking about how much that would save over 10 years, whether it would save $100 million over 10 years. That would be $1 billion. One of the gimmicks that was floated around, and was in fact used in the President's debt plan, was to say that we are going to do it over 12 years instead of 10 years as the deficit commission recommended. So we haven't actually cut any more; we have just added a couple of years to the timeframe that we are considering to make it seem like we reached the goal.

We have had gimmicks in which a big military payment to soldiers or a Social Security payment falling near the end of the month is pushed over to the next fiscal year—so it is due on September 30, and they make it payable October 1—and the numbers look better. We don't show the expenditure, but it is still there. The money is still going to be spent. Nothing has been changed except the date when the money is paid. These so gimmicks are unacceptable. Any plan that is presented on this floor, however it comes forward, must be free of gimmicks and accounting tricks. It must be an honest, fact-based budget. Additionally, raising the debt ceiling should not be accomplished by tax hikes. A punishing tax increase would not only threaten the growth we have to have in our economy, but it would also give a free pass to the egregious overspending of Washington. It would bail out the big spending excesses that have been put in place here. This overspending behavior is morally and economically culpable for our current crisis.

Federal Government spending already controls nearly 25 percent of our economy. It amounts to that much—the highest we have ever had. Some of that is because the economy is down. Some of it is because spending is up. But 25 percent of the economy is now driven by the Federal Government, with tax money and borrowed money. Sixty percent of what they spend is tax money; 40 percent-plus is borrowed. We take in $2.2 trillion, and we spend $3.7 trillion. That is why all the experts tell us this is unsustainable—and we know it is true. That is why we cannot do business as usual. That is why we have to do something. And that is why the House of Representatives produced a budget that cut spending. Some people didn't like it, but unless we have massive tax increases—tax increase that will damage the economy—we have to reduce spending; right? Certainly this is correct. So that is where we are.

The difficulty is the spending and the resulting debt that is projected by the Congressional Budget Office—at least as they have analyzed the budget presented by the President. The current spending path, if it is just continued, is very dangerous. They are setting us on an even worse path.

Now, the President did submit a budget to the Congress. I offered it, and it was voted down 97 to 0. It made the already unacceptable debt path we were on much worse. Indeed, it would have doubled the country's debt, from $13 trillion to $27 trillion in 10 years. That is the path they projected, and the debt in the out years would be increasing, not decreasing; an unsustainable path.

So, ultimately, the numbers we have been hearing—like $2 trillion in cuts—are not sufficient. It is only a part of what we would have to do to get our country on a sound fiscal path. We hear this figure—that we need $2 trillion in cuts. A lot of people don't realize that the House budget reduces spending by $6 trillion over the next 12 years. By the way, over the next 12 years we are projected to add $13 trillion to the national debt, doubling it. So cutting $6 trillion is pretty significant. It requires us to take firm action.

This makes some people uneasy. They think we can't cut that much. But many of our States and cities and

counties have been cutting more than that on a percentage basis, and they are going to survive. They know they have to live within their means, but Washington has not gotten that message.

It is rumored that an unseen draft of the Senate Democratic budget proposes only $1.5 trillion in cuts. This is according to reports. They have tried to make the number bigger by counting interest savings, including those from tax hikes. This is a gimmick, because $1 in spending cuts is not equivalent to $1 in tax hikes. It just simply is not.

Cutting spending restores economic confidence and makes room for private sector growth. Studies show that this approach results in more significant deficit reduction. Cutting spending allows us to pursue a more competitive Tax Code. Hiking taxes is a less successful way to trim the deficit. That is the reality. Hiking taxes punishes families for the waste of Washington, and it enables a bloated government that needs to be trimmed and whipped into shape.

Raising taxes to pay for excessive government spending is a refusal to recognize there are limits to how much we can spend and how much we can tax. There is a limit to how much we can spend and how much we can tax if we want to be a government of democratic ideals, freedom, and free markets; and limited government is what our Founders intended.

A plan to reduce the deficit by $4 trillion and only cut $2 trillion in actual spending contains only a fraction of the savings we can and must achieve. That is my firm view, and I think we have many people in Washington, including, I have to say, our President, who are in denial about the challenges and difficulties we face.

This is not a situation in which a few little cuts here and there can put us on the path to fiscal solvency and get us off the path to fiscal destruction. It is going to take stronger steps, the kind of steps they are taking in New York State, the kind of steps Governor Christie is taking in New Jersey. We are not even reaching the level of cuts Governor Brown has achieved in California or what the English are doing in the U.K. We have to wise up. We cannot continue down this path.

Let me share a few other thoughts about debt because debt is a dangerous thing. It hurts us right now. Most of us have gotten into the habit of saying we are worried about our children and our grandchildren, and certainly we are worried about their future because of the debt burden we are placing on their shoulders. But the truth is, the debt threatens us right now. It is a danger to our economy. It is a danger and it is a drag on the economy. Let me explain how debt destroys jobs and why this Senate should pass a budget.

The House of Representatives has passed a budget; they have made it public and they have defended it and explained it. Let's see what the Senate Democratic majority will do about a budget.

Higher debt leads to slower economic growth. Empirical studies show that high levels of government debt inhibit economic growth by creating uncertainty, displacing needed private investment and placing upward pressure on interest rates and raising burden on the government itself through interest payments on the debt.

For example, the very well-respected and much commented-on study by Reinhart and Rogoff, Harvard and University of Maryland economists, found that in advanced economies with gross government debt above 90 percent of GDP—in other words, a total debt equal to 90 percent or above the size of the American economy—median economic growth tends to be between 1 and 2 percent lower, depending on the time period analyzed, when compared to countries with lower debt-to-GDP ratios.

What do we mean by 1 percent to 2 percent lower? In the first quarter of this year, we were expecting almost 3 percent growth. In reality, it was shockingly lower. It adversely impacted the stock market. What did it come in at? 1.8 percent. The second quarter may not be so good either. We are already above 90 percent of debt to GDP; so presumably, if this study is accurate, we should have been at 2.8 percent growth. In a sense, it is not a 1-percent reduction; it is 36 percent less than the growth we need to have.

Another study has shown that 1 percent growth in the gross domestic product, 1 percent growth in our economy, creates 1 million jobs.

When asked about this Reinhart-Rogoff study, President Obama's Secretary of the Treasury, Timothy Geithner, told the Budget Committee he considered it an excellent study—not only that, he told us in the committee he thought it underestimated the problem. Because when you get debt the size of 90 to 100 percent of GDP—and we are projected to reach 100 percent of GDP as our debt by the end of this year—he said it creates the danger of an economic crisis, some sort of spasm like we had when we had the financial crisis or even something similar to Greece. Something that could put us into another recession, which would be the worst thing that could happen to our economy.

That is why this is serious business. We are feeling the impact of this debt right now. It is pulling down economic growth. It is costing us jobs. It is creating uncertainty and fear in the marketplace. We have to get off of it.

President Obama appointed the fiscal commission, cochaired by Alan Simpson, a former Senator, and Erskine Bowles, former chief of staff to President Clinton. Erskine Bowles and Senator Simpson told the Budget Committee we are facing the most predictable debt crisis in this Nation's history—the most predictable economic crisis in our Nation's history.

In other words, they explained that the debt trajectory we are on guarantees an economic crisis. The question is when.

So that is why we have to change. We don't want to have to cut any spending. The last thing politicians want to do is cut spending. The reason we are talking about this is because we have to. I do believe President Obama deserves severe criticism for not being out front leading on this, not telling the American people what his own experts are telling him. This was his expert, Mr. Bowles, and his Treasury Secretary, Mr. Geithner, telling us we have to change the debt path we are on. He needs to help explain to the American people why this is necessary, while it will be painful in the short run, but it can put us on the road to prosperity and not on the road to decline.

Other studies, including Caner, Grennes, and Koehler-Geib's 2010 study of 99 countries between 1980 and 2008, reached a similar conclusion about debt.

Successful debt-reduction measures relying on spending cuts, not tax increases, have consistently resulted in stronger economic growth. Research from Harvard economist Alberto Alesina, as well as a Goldman Sachs report, found that fiscal consolidations—reductions in spending—that focused on cutting government spending, including on subsidies, transfer payments, and government worker pensions, were successful in cutting fiscal imbalances, typically boosted economic growth, and were followed by improved equity—that is the stock market—and bond market performance. That is what their study found, an empirical study by Goldman Sachs and a professor from Harvard, economist Alberto Alesina—not JEFF SESSIONS. These are independent analyses.

Examples of successful spending reductions include Canada, which is in some ways doing far better than we are. We are at 9.1 percent unemployment and our unemployment numbers still seem to be going up; whereas, Canada is at about 7.1 percent and going down.

New Zealand had a dramatic turnaround in the early 1990s. They went from 22 consecutive years of deficit spending to now 16 years of surpluses. It was a deliberate, systematic decision by the people of New Zealand through their government to change what they were doing. They reduced spending. They created ways to make sure the government was productive and saved money. They privatized a lot of activities the government had taken over that didn't need to be government functions, and the country has been progressing solidly ever since.

Financial markets have issued dire warnings about the consequences of our inaction. Against the backdrop of a spreading euro zone debt crisis, the International Monetary Fund—certainly not a rightwing organization—the International Monetary Fund recently urged the United States to act

swiftly to address its soaring budget deficits saying: ''You cannot afford to have a world economy where these important decisions are postponed.''

The credit rating agencies Moody's and S&P have warned that they may place the U.S. Government's AAA bond rating under review for a possible downgrade within months.

Bill Gross, the head of PIMCO, the largest bond fund in the world, with hundreds of billions of dollars invested, has ceased buying U.S. Government Treasurys. None of that is in his portfolio. He said recently that what we are doing with our economy through the Fed, with this quantitative easing, and the government with its worthless stimulus package, is what he called a sugar high, not real, a temporary surge that has not changed the circumstances we are in. He is a man who deals every day with investments, and he has ceased to invest in U.S. Treasurys.

Yet the Nation has operated without a budget now for 785 days. The Democratically led Senate, even when they had a huge majority last year, perhaps the biggest majority in my lifetime—I can't remember a party having 60 votes in the Senate, when that last occurred—didn't pass a budget. You can pass a budget with just 50 votes. It was given priority. We know we need a budget. So we set up a Budget Act that allows even a bare majority of Senators to pass a budget, and set a plan for our Congress.

The Senate has not even allowed the Budget Committee to meet this year to mark up a budget resolution. The Budget Act calls for the Budget Committee to hold a markup by April 1. It calls for the Congress to pass a budget by April 15. The House passed their budget by April 15. We have not yet even had a markup to work on a budget resolution, and the leadership in the Senate has refused to pass a budget since April 29, 2009, 785 days ago. We wonder why this country is in a financial crisis when we will not even get together to pass a budget, as every city, county, and State has. I don't know of a single one that hasn't.

Over this time that we haven't passed a budget, the Nation has spent $7.1 trillion and added $3.2 trillion to the gross Federal debt.

The majority leader, my friend, HARRY REID—I know he has a tough job, but he made a big mistake. He recently said it would be foolish for the Democrats to produce a budget.

Foolish to produce a budget? Is this the kind of leadership the American people expect out of Washington, that the No. 1 Senator, the leader of the majority party, who has the power to control the flow of legislation in this body, says he is not about to produce a budget? Indeed, he says it is foolish to produce one, and he has basically sent word to the Budget Committee we are not to even have committee hearings.

I think nothing could be more foolish than refusing to provide the Nation's job creators, investors, and taxpayers with a solid blueprint for our fiscal future. A blueprint in which the American people can see we have gotten it, we understand the debt course we are on is unsustainable, and now we have a plan to get us on the right track.

Why wouldn't the people who wanted to be in the majority, who asked to lead, step forward and lead? Why will they not lay forth a plan that can be analyzed and shown to the American people? Why aren't they proud to present their vision for what America should be like and how we should handle their future?

I will say in conclusion that the breakdown of the talks does not surprise me. The Gang of Six tried. Those talks seem to have fallen apart. Then we went to the Biden talks. Once again, people said that we were about to reach an agreement any minute, that all the rest of us Senators could relax and all we needed to do is walk up and sign our name to what these wise few have decided our financial future should be like.

I think most of us realize we were elected. We are Senators. We are not rubberstamps for Vice President BIDEN and some of our fine colleagues. The Presiding Officer is an independent American citizen. He is going to make up his own mind. So am I. But when you are talking about a budget, a financial plan, a program to raise the debt ceiling in this Congress, we ought to read it, we ought to know what is in it. Not only us, the American people should know what is in it. They need to have time to absorb what it means for them and their future, that there will be no gimmicks or tricks, and it will be honestly presented. That takes some time.

I am worried and have been worried if they reach an agreement, even if it is a somewhat good agreement—I don't expect it to be a great one, but if a decent agreement is made, it is going to be brought forward and we will have to pass it within days because of a panic that we will have an economic problem if we do not raise the debt limit and we cannot spend so much money. I don't think we should head that way.

I don't know what is going to happen now. It is late, I will acknowledge, for us to go back to the regular order and have Budget Committee hearings and amendments in the Budget Committee and have people stand up before the world and explain their view and offer amendments. I don't think it is necessarily too late. I do not know where it will go. But this has not been a shining hour for the Senate, and after this last election in which Senators and House Members took a shellacking by the American people, who were very unhappy with us, the House I think appears to at least have gotten the message. They put forth an honest budget that changes the debt trajectory and they put it forth and explained it and defended it.

What do we have in the Senate? We have the majority leader saying it is foolish for us to produce a budget. We are not going to produce a budget. Did he mean it is foolish for America? No, he meant it is foolish for political reasons. He meant it was foolish for us as Democrats to step forward and lay out an honest plan because, wow, that plan may include tax increases. It might include spending reductions. It may not reduce the deficit very much, and we would have to defend that to the American people and we might not be able to defend it and people might be unhappy with us, as they were in the last election. So let's be clever, let's not produce a budget, let's let Mr. RYAN and the House lead with their chin, let them come out and make a plan and we will attack it. That is the Democratic leadership we have seen in this Senate.

It is not legitimate, it is not justified leadership. It is irresponsible and the President has not been engaged. He does not want to talk about it. He has not explained it in his State of the Union Address. He has not talked to the American people consistently about why his own debt commission chairman, Mr. Erskine Bowles, says we are facing the most predictable economic crisis in our history. No, he doesn't want to talk about that. Why? Because once you talk about it, it becomes obvious that spending needs to be cut and because it is obvious that you cannot fix your way out of this by raising taxes. If you are a tax and spender, you don't want to deal with that reality, in my view.

I am worried about it. I don't know where we are heading today. Senator REID is a good man. Senator MCCONNELL is a good leader on our side. I don't know what Speaker BOEHNER is going to do, what Vice President BIDEN will do. But the time, as old Snuffy Smith, the mountaineer, used to say, ''Time's a-wastin'.'' The deadline is coming closer and closer. We are going to have to figure out something to help secure the future of this country and I hope we can do it sooner rather than later.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

AMENDMENTS NOS. 502 AND 503

Mr. SESSIONS. Mr. President, on behalf of Senator PAUL, I call up amendments Nos. 502 and 503, and ask unanimous consent that they be reported by number.

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

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. PAUL, proposes amendments en bloc numbered 502 and 503.

The amendments are as follows:

AMENDMENT NO. 502

(Purpose: To strike the provision relating to the Treasurer of the United States)

On page 55, strike lines 12 through 22.

AMENDMENT NO. 503

(Purpose: To strike the provision relating to the Director of the Mint)

On page 55, line 23, strike all through page 56, line 5.

VOTE EXPLANATION

Mr. MORAN. Mr. President, today, I was unavoidably absent for votes No. 95 and No. 96. At the time of the votes, I was attending a memorial service at Fort Riley, KS, for six soldiers of the 2nd Brigade, 1st Infantry Division. Had I been present, I would have voted yea on the Vitter amendment No. 499 and the DeMint amendment No. 510 to S. 679.

Mr. BROWN of Massachusetts. Mr. President, I rise today to speak in support of the Presidential Appointment Efficiency and Streamlining Act of 2011. This is a good, commonsense piece of legislation that has bipartisan support.

When President Kennedy came to office, he had 286 positions to fill with the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. By the end of the Clinton administration, there were 914 positions with these titles.

Today, there are more than 1,200 positions appointed by the President that require the advice and consent of the Senate.

The large number of positions requiring confirmation causes long delays in selecting, vetting, and nominating these appointees.

I strongly believe the confirmation process must be thorough enough for the Senate to fulfill its constitutional duty, but it should not be so onerous as to deter qualified people from public service.

The Presidential Appointment Efficiency and Streamlining Act removes the need for Senate confirmation for only 205 positions by converting these positions to Presidential appointment-only. They include positions involved with internal agency management and positions that are already accountable to other Senate-confirmed positions, such as internal management and administrative positions and deputies or nonpolicy-related Assistant Secretaries who report to individuals who are Senate-confirmed.

Some have argued that, through this bill, the Senate cedes some of its constitutional power to the executive branch. However, this bill actually represents an exercise of the Senate's constitutional prerogatives.

The Constitution gives Congress the authority to decide whether a particular position should be categorized as an inferior officer that need not go through the Senate confirmation process.

The Senate has a number of important responsibilities that it must undertake, and it is questionable whether spending time confirming, for instance, the Alternate Federal Cochairman, Appalachian Regional Commission, is the most appropriate use of our limited time and resources. Prioritizing our work for the American people, by eliminating some Senate-confirmed positions, does not diminish the Senate's authority.

MORNING BUSINESS

TRIBUTE TO CLYDE BROCK

Mr. MCCONNELL. Mr. President, I rise today to honor one of Kentucky's inspirational treasures. Ninety-four-year-old Clyde Brock is one of four residents of Laurel County, KY, who was chosen to share his remarkable story as part of London, KY's Living Treasures Project. Looking back, Clyde Brock has remembered for us the monumental events and cherished memories that helped shape his life.

Born April 9, 1917, in a small town called Roots Branch in Clay County, KY, Clyde Brock was the eldest of 10 children of Johnny and Mary Brock. Suffering from a staph infection in his leg, Clyde endured a childhood of doctor visits and constant operations. Though his disability left him with one leg shorter than the other, Clyde refused to let it hinder his ability to experience life to the fullest. He can recall the excitement of seeing his first Model T Ford, the growth and development of his hometown, the constant changes in prices, the Great Depression, and the effects of war. After being turned down for the draft, due to his leg, Brock went on to pursue a career in teaching after graduating Sue Bennett College in 1940.

Clyde also took the position of postmaster and remembers well when customers would bring eggs to pay for their stamps instead of money. Three eggs paid for a letter; eggs sold for 12 cents a dozen back then. Clyde also ran a rationing board during World War II. He can remember folks standing in line half a day to get their pound of lard.

Soon after, Clyde married his late wife Ada Brown and they had three children. Sadly, Ada passed away earlier this year after suffering a severe stroke. After many years together, Clyde says that his greatest accomplishment in life was getting her to marry him.

After 32 successful years at eight different schools teaching history and civics, Mr. Brock retired. While recollecting his memories of walking to school through the snow and the enjoyment of seeing his students become excited about learning, it's clear Clyde Brock still has a passion for teaching.

Clyde is a member of Providence Baptist Church, where he is a deacon and trustee. Realizing that life is short, Mr. Brock says that it has only been ''by the grace of God'' that he has been able to live for so long.

I know my U.S. Senate colleagues join me is saying Mr. Clyde Brock, who can look back with pride at a full life well lived, is an inspiration to us all. He is not only a living treasure to London, but a living treasure to the State of Kentucky.

Mr. President, the Laurel County Sentinel Echo recently published an article illuminating Mr. Clyde Brock's long life and career. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo, May 11, 2011]

LONDON'S LIVING TREASURES: PART 1

(Transcribed by Tara Kaprowy)

Following is the life story of 94-year-old Clyde Brock, who is one of four Laurel Countians chosen to be part of London's Living Treasures project. Over a two-hour interview, while sitting in an easy chair in his Bush-area home, Brock shared many memories, from the day he saw his first car to the day his beloved wife Ada died ''with just a curtain between them.''

''I was born April 9, 1917 in Clay County in a place called Roots Branch because so many Roots lived there. I was born in a big log house. I was the first of 10 children to a young couple called Johnny and Mary Brock.

My dad bought a farm, I was about 5 years old when we moved from there. Then he decided to leave the farm and got a public job and we moved to Corbin. It must have been about 1924. I went to school one year there, Felts School.

I remember my grandfather had a brother that fought on the southern side during the Civil War. I just remember him. He'd come to see my grandfather and he had a mule and I just remember that. He didn't draw a pension. Then I saw one soldier that fought on the northern side and he drew $100 a month.

In 1926, I had the misfortune of getting a staph germ. It was one Sunday evening, I was just out fooling around outside and it hit me, all at twice. The next morning there was a knot in my leg.

Well, they took me to Corbin Hospital. They scraped the bone, but it didn't help. Brought me to London, you know where the First National Bank is now. There was a little bank and it had a little hospital over it. Well, they took me in there and my temperature was 105.5. This doctor, he saved my life, Dr. H.V. Pennington. The kind of surgical tools he used was a hammer and chisel to chisel bone out.

I stayed there a month until they got the new hospital over on the hill. There was eight of us moved into that new building. There was four doctors in it: Dr. J.W. Crook, Dr. G.S. Brock, Dr. O.D. Brock and Dr. Pennington. I had two more surgeries there, and I stayed there from last of March in 1926 until some time in August. With staph going on up, they performed surgery on my knee. That didn't check it, and it got to my hip. They come in, all four of them one day with a big needle, they went into my hip and they found it had got up there. So, they told my mother and my father to come up because they'd have to perform surgery again. My dad picked me up in his arms and carried me to the operating surgery table. They took the ball out, I don't have that ball in my hip. It made my leg shorter so they put a 10-pound weight on a roller on the foot of the bed and held it six weeks to try to pull it down. It didn't work. They didn't have therapy then, they didn't have penicillin then, so that staph, it left my leg short and stiff.

We moved to Cane Creek and I had C. Frank Bentley as a teacher at Union Grade School. Then my father, he wanted a bigger farm so he swapped that farm in to one about 200 acres and we moved there. I start Bush School in the seventh grade. I had eight brothers and sisters graduated from Bush. I was about an average student—no, I didn't shine.

THE GREAT DEPRESSION

Let me tell you a bit about the Great Depression. If you live down on the farm, it didn't affect you because you didn't have any bills to pay. Everybody had their own meat and killed their own hogs, they had their cows where they got their butter or their milk, they had their chickens, had their eggs. You was almost independent.

My job was to go to the mill on Saturday evenings. We'd shell a bushel of corn on Friday night. I'd take that corn to mill and everybody else did too and get it ground into meal and it made that good, ole cornbread. It was over here on Black water Road, Henry Hale run the mill. I'd ride on a mule. You either walked or rode a mule or horse.

I saw my first car when I was about 5 years old. It had come over from London to Manchester. A man come along walking. He said, ''There's a car coming up here.'' Well, I was out to see it in the yard and here it comes. One of those old Model-T Fords in the wagon tracks.

I got out of high school, I went to Sue Bennett College, 1938. London used to be a lot of wooden buildings down each side there. Over on Broad Street, straight across from the courthouse where those annex buildings are now, there used to be two dwelling houses there. And they had a theater up there that you could go to the movies, 15 cents in 1938, '39. You went in and had to go up some steps and it had about two rows of seats, aisle down the middle. Next block over from Weaver's pool room. You could get you a hamburger and a bottle of pop there and it would cost about 15 cents.

WAGES AND WAR

They had Hackney's, Daniel's, Woody's, 10 cents stores, they had a lot of them. Then they had pool rooms. Laurel County was wet at one time, about '38, '39. '40, they had beer joints. Where Scoville's office is, when you go down in a hole, that was called Underworld, they had a beer joint down there. Then they had one in east London over by Benge Supply, used to be a liquor store. Go in and bottles were sitting up on the counter.

There used to be a lot of people go to church on Sunday because they didn't have anywhere else to go. They'd stay outside and fight and things; I was outside too. There'd be more people outside than there were in. Blackwater Church, I've seen the preacher come right out and his son and the other preacher's son were fighting right at the door. He just walked out and tried to get them separated.

Going to Sue Bennett, I stayed in the dorm, the boys would sit up all night and play poker, blackjack for a penny. Cigarettes used to you could buy for 11 cents, you could get Camels, Lucky's for 15 cents. On Sunday, if you want to get out, if you got a pack of cigarettes and a pack of chewing gum, you was doing pretty good.

I graduated from Sue Bennett in 1940 and got my teaching diploma. That was the quickest thing you could do then. That was after the Depression. I made $73.74 a month. When I was about 23, I got to be postmaster. There would be people to bring three eggs to the post office to mail a letter. Eggs was 12 cents a dozen at one time. My dad had a store and he'd take the eggs and he'd sell them and put 3 cents in. He could get all the men he wanted to work for 50 cents a day and their dinner.

War started. In addition to being postmaster, I was also deputy clerk. People had to come to register when they rationed everything. They'd come and sign up and you'd give them a ration book with stamps in it. Coffee was rationed and people used lard back then. They'd stand in line about a half a day to get about a pound of lard.

I was called in January before the War started. With my leg, I got so I could work and do things, I didn't have to go on crutches. I done about anything anybody else used to do. I'd a liked to go, I told them they could use me anywhere, I'd have gone. I was the second one called in the county before the War started, but I was turned down. A teacher I was teaching with, he told me I would pass. He said, ''They don't want you to run, you're not supposed to run when you're in a war.''

LOVE OF A GOOD WOMAN

In 1940, I met a girl that meant more to me than all the rest that I knew. Named Ada Brown, who lived over in Pigeon Roost in Clay County. We married in 1941, I must have been about 20. I had a good friend I'd run around with, and he was dating her sister. We went to Freedom United Church one Wednesday night, and after church he and her sister was walking in front. He was down leading a mule. I was riding behind this other one and she was walking by herself. I asked about getting down, and we got together. That was the best thing that happened to me in my life, she marrying me. We went to Jellico, Tenn., went into the clerk's office to get the license. He said $10, $5 for the license, $5 for the preacher.

We had a four-room house and about four acres of ground and had a cook stove. Then we had a kitchen cabinet, a little dining room set, we had two beds and a few chairs.

SEVEN MILES IN THE SNOW

The second year I started teaching, they sent me to a school called Darl Jones, and it was about seven miles away. I had to get a horse, cost me about $75. In wintertime, one morning, I got up and you had to be there at 8 o'clock. I thought, ''It's too cold to ride, it's way below zero,'' so I said, ''I'm going to walk.'' I left walking, snow on the ground, moon shining bright, I walked that seven miles. You know what I was wishing? I wished that someone would ask me to stay all night with them. Just about before we turned out for lunch, a fellow by the name of Willie Martin that lived in the community, he come in and sit down and he said, ''I want you to stay all night with me.'' He didn't have to twist my arm.

In 1941, I had 44 students in school, 16 in the sixth grade. Now, a lot of them's already passed on. On Friday afternoon, used to young people would come around because after school you had a ballgame or you had a ciphering match. We'd see which side could add the columns the quickest. Well one Friday night, a man come there and when it started to rain he went outside and got his gun, a pump shotgun, and set it in the corner of the schoolhouse. We paid no attention to that. When it quit raining, he got his gun and went up the road.

The day my first son was born, I was gone up to get my pay that day at a teacher's meeting. My brother had to go and get the doctor. He had an old bicycle, but one pedal was broken off, it just had that rod that came out, and his foot kept slipping off and it would cut his leg. And it was hot, it was in September, he rode all the way and back with that old bicycle and burned up and he always said, ''And look what we got.'' Well, I felt good, and you know I had a pay day that day. You know how much it cost? $20. He's a pretty good boy, never had to go to the jailhouse or anything like that.

I have three children, Larry, Janice and Gary.

I was about 25 or 26 when I got my first car, a 1936 Chevrolet. I didn't know how to drive. On Monday morning I started out and I had to go up a little bank. Well, I says, ''I'll put it up in second.'' Well, I didn't put it in second, I put it in reverse. It went back with me. I had a time driving.

In 1946, that's when I built this house. I was going to build it out of wood. Couldn't find it, couldn't get wood. Corbin had a cement block factory, and I got a man to lay the block 50 cents an hour. Rationing was so bad, you couldn't buy a car. When we got the house up, we couldn't get any windows. It was a year before I could get windows.

THROUGH FAITH AND GRACE

We got saved in 1951, been members of Providence Baptist Church now for 60 years. I taught Sunday school for 36 years. And you know they gave me an honor? They named the class after me. And I'm still a deacon and a trustee.

In 1955, we started raising chickens. I guess we raised chickens 20 years and we always had chicken to eat. Then we raised tobacco. And Ada always had a big garden, and she always had a big freezer. She froze everything.

I retired in 1972, taught 32 years. I taught at eight schools, Blackwater, Darl Jones, Bennett Branch, Lake, White Hall, Pace's Creek, Boggs, Head Beech Creek and Bush Junior High. I liked teaching history and civics, but not English, didn't like diagramming and analyzing. I couldn't tell a dangling modifier now from anything else. But I liked when I could see progress in some of them, you knew you was doing maybe something good. Those little fellers, I'd like to watch them. They'd get up to the board, we loved going to the board and make ABCs back then. Now you don't do that, you don't memorize nothing now.

A lot of my students came to me when I was up in that nursing home in December last year. They said, ''You had a lot of company.'' Some of them come in there with old, grey beards, and I didn't recognize them. They said, ''Well, I went to school with you.'' I stayed about 31 days up there. I was there with Ada.

In 1992, one day my wife, she cooked a big dinner. We ate dinner, we watched Price Is Right, she says, ''I'm going in here to freeze some beans.'' I got up and went through there and she laid on the floor. No response. I called 9-1-1 and when they come they thought it was a stroke and that's what it was. It took her speech and paralyzed her right side.

She stayed in the hospital and nursing home. From the time she went in to the day she passed away was 18 years, six months and 9 days. And she stayed in Laurel Heights in London 18 years. I had already retired. We was together for about 51 good years. She was a quilter and a good cook. She was noted for her fried apple pies. She'd take them to the homecomings at church. She'd made 60 pies one morning.

After I got sick this December, I had to go for rehab and they had me go to Laurel Heights. The lady that was in with Ada passed away and they said, ''You go be in the room with your wife.'' So I went. They'd get me up in the wheelchair. They let me sit by her on Sunday. After I'd been there a while, she passed away, just a curtain between us. That was the 22nd day of January this year.

See I'm 94 years old now. My wife was 88. Now I stay here by myself. But I gave up driving. Just six months ago. I thought I'd better quit while I was ahead.

How does it feel to be 94? You know one thing, you know your time is getting shorter, and you don't have too long to stay here.

I say it's been by the grace of God that I've been blessed to live this long. I don't want to take any honor or anything, as if I've done something myself to stay healthy. It's all for the grace of God.''

TRIBUTE TO MARVIN CLEVINGER

Mr. MCCONNELL. Mr. President, I rise today to honor the heroic efforts of an honored Kentuckian. Known for his service and his allegiance to his country, PFC Marvin Clevinger is a true World War II hero in Pike County, KY.

Born March 18, 1922, to James and Dollie May Clevinger, Marvin was the eldest of eight. Growing up on a farm in eastern Kentucky, Mr. Clevinger, also known as ''Garl'' around his family, was an intelligent young man who dropped out of the 7th grade to help provide for his family. Working as a timber man and a farmer before his days as a soldier, ''Garl'' did all he could to help his family as well as his community.

After enrolling in the war, Private First Class Clevinger, also known as ''Zeke'' to his platoon, fought in numerous battles, putting his life on the line for his country. Clevinger was said to be amongst the strongest and most agile of the soldiers and was honored with the privilege of being a scout for his platoon. In one battle, when his platoon found itself pinned by German machine gun fire, Private First Class Clevinger advanced 150 yards under intense fire and threw several grenades to silence the enemy. He received a Bronze Star for his heroic actions.

Private First Class Clevinger spent a month in the hospital in Paris after receiving multiple wounds in his legs during battle. He received numerous medals, awards, and decorations, including the Bronze Star with Three Oak Leaf Clusters, the Purple Heart, the Good Conduct Medal, the Rifle Sharpshooter Badge, the Combat Infantryman Badge, the American Campaign Ribbon, the World War II Victory Medal Ribbon, and the European/African/Middle Eastern Theatre Campaign Ribbon.

Marvin Clevinger returned to Belcher, KY, after the war and worked for the Russell Fork Coal Company Preparation Plant for 32 years. Currently, Marvin is an active member of Ferrell's Creek Church of Christ, and he serves as an inspiration to his family. Because of his hard work and all he has achieved and overcome in his 89 years, Marvin Clevinger is a hero to us all.

Mr. President, the Appalachian News Express recently published an article highlighting Marvin Clevinger's life and service. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Appalachian News Express, May 28, 2011]

MARVIN CLEVINGER: A WORLD WAR II HERO

(By Nancy M. Goss)

BELCHER.—Over 66 years ago 89-year-old Marvin ''Garl'' Clevinger of Belcher fought in the European Campaign during World War II.

Because he suffered a stroke 10 years ago that affected his ability to converse fluently, Marvin allowed family members to tell his story, adding comments from time to time. His nephew, Phillip Ratliff, is an authority on his uncle's role in World War II and provided most of this information.

''I fought in Germany,'' Marvin said. Then added, ''I was shot three times.''

''Marvin never really talked about his war time experiences when I was young, but I'm familiar with the battles he was in,'' Phillip said. ''I was always fascinated by soldiers and military stuff so I just read a lot and later on, I had the little campaign book Garl brought back from the war and I read it a couple times.''

Marvin is mentioned in the book by the nickname his platoon gave him, ''Zeke'' Clevinger.

Phillip said there were probably only about 200 copies of the campaign booklet of Marvin's company's actions during the war; they were given to the men at the end of the fighting.

Marvin's rank and unit: PFC Marvin Clevinger, 1st Rifle Squad, 2nd Platoon, Company B, 61st Armored Infantry Battalion, 10th Armored Division, 3rd Army, USA.

He was also a scout for his platoon.

''Only a couple men in a platoon were scouts,'' Phillip explained. ''Back then, if there was a man like Marvin, who was agile and able to move through heavy woods and rough terrain, he was pretty much sought out.''

Many of the men were city boys and not used to tramping through woods as was Marvin, who grew up in the mountains of Eastern Kentucky.

''Garl was a deadly shot when he was a young man and came back from the war,'' Phillip said. ''I feel sorry for any human that got in front of his rifle sight because you're talking about a man who could shoot squirrels out of a tree with a 22 rifle. And in the army, those men were pretty valuable, I'd say.''

''He got the medal for sharp shooter,'' added Marvin's brother Paul. ''And the Purple Heart and Bronze Star.''

According to a paper accompanying his Bronze Star:

''Private First Class Marvin Clevinger, Company B, Armored Infantry Battalion, United States Army. For heroic achievement in connection with military operations against an enemy of the United States in Germany on March 26, 1945. During an attack on Schoden, Germany, an infantry platoon was suddenly pinned down by machine gun and sniper fire from a well-concealed pillbox. Private First Class Clevinger, scout, advanced 150 yards under the intense fire to within five yards of the enemy position from where he threw grenades through an embrasure in the pillbox, silencing the enemy fire. PFC Clevinger's intrepid action reflects great credit upon himself and the military forces of the United States. Entered the military service from Belcher, Kentucky.''

Marvin was shot twice in one leg and once in the other, but still managed to walk and crawl about three miles to an aid station that was back down the side of the mountain. He spent a month and a half in Paris at the hospital and then went straight back to the front lines and saw heavy action again.

Phillip said the winter of '44, during the Battle of the Bulge, was the coldest winter of the 20th century and Marvin got frostbit, as did most of the men in his unit.

Besides the battle at Schoden and the Battle of the Bulge, Martin also fought in the Battle of Bastogne, and at the Saar-Moselle Triangle, Trier, Berdorf, Consdorf, Echtemach, Landau, Oehringer, Heilbronn, Ulm, Inst, Oberammergau and countless other sites.

Marvin was born March 18, 1922, the son of the late James and Dollie May Clevinger. He was raised at Belcher, close to where he lives now, and according to Paul, attended Belcher Grade School up to seventh grade. He had to quit to help on the family's farm. He is the oldest of eight children. He, his sister Faye Potter, and Paul, are the only ones living.

Before Marvin went to war, he timbered and farmed. After the war, he was employed in the preparation plant at the Russell Fork Coal Company, owned by A.T. Massey, where he worked for 32 years. He was a member of United Mine Workers of America, Local 8338, at Beaver, which closed many years ago.

Marvin said he remembers working at the coal company.

''He would come home from work at the tipple and hoe corn until dark,'' Phillip said. ''For his size, Garl was the strongest guy and the hardest working man I ever saw.''

''He had been out pulling brush and trees down on the road on the day he had the stroke,'' said Gloria Sweeney, Marvin's cousin and caretaker.

''And he knew the woods,'' Phillip said. ''If you went into the woods any time of the year with him, whether there were leaves on the trees or not, he could look at the tree and tell you, ''that's a black oak, that's a chestnut oak, that's a red oak . . .''.

''He was an expert on ginseng, too,'' added his nephew Jason Clevinger. ''Every time we went into the woods—and he was much older than I—he could find much more than I could.''

Marvin was an active member of DAV Chapter 140, Elkhorn City, until he had the stroke and is a member of the Ferrells Creek Church of Christ.

''You'll never find a more humble man than this one right here,'' Gloria said. ''Best man in the world.''

''He was always my hero,'' Phillip said.

Then he added, ''There's a much larger story here really, even than Garl. He deserves to be the centerpiece because of what he did, but Garl had two first cousins and they all grew up in this holler here. One of his cousins was named Clyde Clevinger and he was killed in action during the first Allied landings in North Africa. His other first cousin's name was Gordon ''Bennett'' Clevinger. Bennett enlisted in the Navy and was on an American submarine right after Pearl Harbor and was captured by the Japanese. He spent about three and a half years in a Japanese prisoner of war camp. But he did survive and came home.

''Of those three boys who grew up in this little narrow holler here, all of them were heroes. You can't find men like that anymore,'' Phillip said.

NLRB

Mr. CARDIN. Mr. President, I rise today to praise the National Labor Relations Board for issuing new proposed rules that will modernize the process that workers use to form a union. These new rules will improve the consistency and efficiency of the election process, protect workers' right to a

timely vote, and limit opportunities for possible coercion by both employers and unions.

America's middle class is struggling. Hard-working families are finding it hard to make ends meet. We are recovering from the deepest recession since the Great Depression, and there are workers who are trying to achieve for their families what we all want: financial stability that keeps our families secure. However, as workers see their benefits, hours, and pay being cut, they feel powerless. Meanwhile, executives can and do negotiate their employment contracts. Where is the fairness?

Unions can level the playing field for workers, but the process for choosing a union is outdated. Current NRLB election procedures produce extensive delays, encourage litigious stall tactics, and provide opportunities for intimidation. Further, the organizational structure of the NLRB has created inconsistencies in the processing of the election petitions. It is time for the NLRB to address these important procedural shortcomings, and I am encouraged by their response.

The new rules do not advantage nor do they disadvantage unions. The rules merely create a uniform process for resolving pre- and post-election disputes. Both sides are given the opportunity to present arguments to allow a fair and well-informed vote. It is also important to note that these streamlining rules apply equally to both elections seeking to certify a union and elections seeking to decertify a union.

Workers deserve the right to choose a union or not to choose a union with a fair, timely, and well-informed up-or-down vote. The right to vote is central to our democracy, and we must continue to ensure that American workers are afforded this right without impediment or fear. Thus, I applaud the NLRB for their actions.

MINORITY VIEWS—S. 1103

Mr. COBURN. Mr. President, because our minority views were not included in the Senate Judiciary Committee's report on S. 1103, I ask unanimous consent to have them printed in the RECORD. We hope these views will be of use to Members of the Senate if this legislation is considered on the Senate floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

MINORITY VIEWS OF SENATORS HATCH, SESSIONS, GRAHAM, LEE, AND COBURN

We fully support the President's request to extend FBI Director Mueller's time in office by two years, followed by a return to the previous practice of one ten-year term for each subsequent FBI Director. We also are committed to implementing this extension before Director Mueller's current ten-year term expires in August. The Senate must, however, pursue this extension in a constitutional manner.

1. CONSTITUTIONAL CONCERNS

Senators Hatch, Cornyn, Graham, Lee, and Coburn have proposed a method of extending FBI Director Mueller's time in office in a way that is universally agreed to be constitutionally unimpeachable. In contrast, a prominent legal scholar has called into question the constitutionality of the method of appointment that S. 1103 proposes. Setting aside the question of our duty to ensure the constitutionality of all legislation approved by our chamber of Congress, the practical consequences of a court declaring void Director Mueller's extension could have widespread ramifications. Any litigation challenging the constitutionality of S. 1103 would call into question the authority of the head of one of America's most important domestic counterterrorism and law enforcement agencies. Potential litigants could be numerous given the substantial number of suspects seeking to avoid criminal liability and those seeking to undermine our terrorism investigations and national security apparatus. For example, at the hearing, James Madison Distinguished Professor of Law at the University of Virginia School of Law John Harrison was asked about potential legal challenges to the validity of Section 215 orders for sensitive business records. Pursuant to the 2005 extension to the Patriot Act, these Section 215 orders must be authorized by one of three top government officials or their deputies. Professor Harrison testified that 215 orders were a good example of the potential problem that could result from challenges to Director Mueller's extension because a judge might find that orders signed by him were unauthorized.

Since at least one prominent legal scholar has testified that S. 1103 would unconstitutionally appoint Director Mueller to a new term, it is easy to imagine at least a few of our 677 Federal District Court judges coming to the same conclusion. In fact, even Senators Schumer and Whitehouse agreed this legislation is of questionable constitutionality. Senator Whitehouse said, ''with respect to the Appointments Clause, we are in a constitutionally gray area,'' and he said he could see the judicial decision ''going either way.'' Senator Whitehouse continued that if he ''were a clerk for a judge and was asked to'' he could ''write it going both ways.'' Senator Schumer agreed stating it is a ''fuzzy issue'' and ''there are merits on either side'' and ''it is a close question.''

Even assuming that such a ruling were overturned on appeal, during the intervening period, FBI operations could be stagnated as all official acts of the FBI Director since his extension began would be of questionable validity. This scenario could lead to a failure to gather critical intelligence or to the release of dangerous criminal and terrorism suspects.

The Majority argues that constitutional concerns are nonexistent because only one witness at the June 8, 2011 hearing raised constitutional concerns about S. 1103; however, the Minority would point out that due to longstanding committee practice, the minority is allocated a limited number of witnesses. In this case, the ratio on the panel was three to one. Our one witnesses testified as to concerns and these concerns are likely shared by other legal scholars who were not invited to testify. Notwithstanding, even if there is only a small chance that a judge might find S. 1103 unconstitutional, we believe that the Senate has a duty to avoid that contingency, which carries with it potentially severe consequences.

Fortunately, we have an ironclad alternative that would accomplish the same goals as S. 1103 in the form of the amendment Senator Coburn offered to S. 1103. We believe the supporters of S. 1103 have the burden of proof to show why we should not follow the undisputedly constitutional course, even if they believe there is only a small chance of a judge declaring an action taken by Director Mueller to be unauthorized. Given the opinions of Professor Harrison and other eminent scholars in addition to the lack of a U.S. Supreme Court decision directly on point, they cannot credibly claim there is no realistic chance at all. Indeed, at the Committee's June 16, 2011 business meeting, Senator Whitehouse stated that ''with respect to the Appointments Clause, we are in a constitutionally gray area'' and that he could see a judge ''going either way.'' Senator Schumer said this was a ''fuzzy issue,'' ''there are merits on either side,'' and ''it is a close question.'' Senator Coburn's simple alternative removes the gray fuzz, thus preserving our national security and law enforcement infrastructure from potential confusion.

2. S. 1103 VIOLATES THE APPOINTMENTS CLAUSE OF THE CONSTITUTION

The Appointments Clause's four methods

The Appointments Clause of the Constitution requires all Executive Branch appointments to be made by the President with the Advice and Consent of the Senate with only three exceptions: ''[T]he Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.'' Congressional appointments are not among the exceptions, and the majority report properly points out that Congress cannot make appointments of Executive Branch officials and that the FBI Director is an Executive Branch official. The question, then, is whether or not S. 1103 would allow Congress to extend the FBI Director's statutory ten year term for two additional years.

Professor Harrison testified that, ''An appointment is a legal act that causes someone to hold an office that otherwise would be vacant or held by someone else. . . . A statutory extension of the term of an incumbent causes the current incumbent to hold an office that otherwise would be vacant upon the expiration of the incumbent's term. It is thus a statutory appointment. . . . It is just like a statute that provides that a named person is hereby appointed to a specified office.'' We believe Professor Harrison's interpretation has merit and thus conclude that extending Director Mueller's term and causing him to hold an office that otherwise would be vacant on August 4, 2011, could violate the Appointments Clause.

The law currently requires Director Mueller to step down after his ten-year term ends and forbids his reappointment by the President. Thus, it could be argued that S. 1103 reappoints Director Mueller to a new two-year term by legislative decree in violation of the Appointments Clause. The Supreme Court has recognized that Congress cannot make Executive appointments, even if the President signs the law making those appointments. It is irrelevant that the President and almost all members of Congress wish Director Mueller to continue in office. Constitutional formalities must be followed. For example, if all members of both houses of Congress sent a letter to the President saying they thereby willed a certain bill to become law, and the President sent a letter in return saying that he too willed the bill to become law through his letter, it would not become law, and no court would treat it as law. We have a written Constitution for this very reason and Congress and the president must comply with its specific procedures. The Constitution requires that both houses vote on a bill and present it to the President for his signature before it can become law. The majority's emphasis on the President's desire that the FBI Director continue in office is immaterial. The President's only constitutional method of placing someone in office is by appointment.

3. THE CASELAW

The caselaw on statutory extensions of Executive officials' terms is unclear, making a clearly constitutional bill from Congress all the more imperative. The best the majority report could produce is In re Benny, a Ninth Circuit Court of Appeals case. In re Benny suffers from three flaws: it is binding in only one circuit, the circuit most often overturned by the Supreme Court; it came down before the Supreme Court's Morrison v. Olson decision on the subject of appointments and thus did not integrate the reasoning of that decision into its own; and as the majority admits, one of the concurring opinions in In re Benny does not support S. 1103's constitutionality. Judge Norris' opinion in In re Benny flatly states, ''My principal disagreement with the majority's position is that I believe the Appointments Clause precludes Congress from extending the terms of incumbent officeholders. I am simply unable to see any principled distinction between congressional extensions of the terms of incumbents and more traditional forms of congressional appointments.''

The disagreement even among the concurring judges in the Committee majority's list of supporting caselaw demonstrates the likelihood of litigation and the possibility of negative decisions in this ''gray'' and ''fuzzy'' area of law.

Further, In re Benny misinterpreted Supreme Court caselaw. As Professor Harrison points out, that case relied on Wiener v. United States, which merely allowed legislation restricting the President's ability to remove quasi-judicial officers to stand. Professor Harrison also notes legislation extending the life of an agency or commission is not the same as extending the term of an appointee because it does ''not extend the term of an officer who otherwise would have been replaced by a new appointee.''

Morrison is similarly gray and fuzzy. That case demonstrates the U.S. Supreme Court takes very seriously challenges to federal officials' authority based on the Appointments Clause and the Court is willing to contemplate voiding the actions of an official whose appointment violates the clause. In Morrison, the Court undertakes an extensive analysis of what authority the appointed official has, how that authority could interfere with presidential duties and prerogatives if that official was not appointed by the President or by someone under the President's control, and who appoints the official and from what section of the Constitution the appointing persons derive their authority to appoint. Rather than relying on bright-line rules, the Court weighs and examines many aspects of the Act involved and its practical effects in order to come to many of its conclusions. The Morrison Court upheld the constitutionality of having courts of law appoint independent counsels, but simple formulae are not employed to construct this decision, which is a distinct encouragement to future litigation since attorneys have many pathways to plausibly arguing unconstitutionality.

Justice Scalia in his dissent went so far as to assert that the Court had laid down no real guidance at all, and that decisions about the constitutionality of appointments would from now on be made ad hoc by the Court, certainly an invitation to future litigation:

Having abandoned as the basis for our decision-making the text of Article II that ''the executive Power'' must be vested in the President, the Court does not even attempt to craft a substitute criterion—a ''justiciable standard''. . . . Evidently, the governing standard is to be what might be called the unfettered wisdom of a majority of this Court, revealed to an obedient people on a case-by-case basis. This is not only not the government of laws that the Constitution established; it is not a government of laws at all.

The Morrison Court did not uphold congressional appointments as constitutional, which of course they are not, because it did not address that question. Moreover, a reasonable argument could be made that the Court would have considered the appointment of the FBI Director under S. 1103 to be unconstitutional under its analysis. The Court held that if the official in question had been a ''principal'' or ''superior'' officer instead of an ''inferior'' officer, ''then the Act [would be] in violation of the Appointments Clause.'' It is hard to imagine a court classifying the Director of the FBI as an ''inferior'' officer under the Appointments Clause rather than a ''superior'' one given the appointment process since 1968.

As further evidence of the Court's willingness to challenge the actions of those whose appointments are of questionable constitutionality, in Ryder v. United States the Court reversed the lower courts and threw out the conviction of a member of the Coast Guard because two of his judges were appointed contrary to the requirements of the Appointments Clause. The Court had also invalidated most of the powers of the members of the Federal Election Commission, as created by the Federal Election Campaign Act, because they were not appointed in conformity with the Appointments Clause.

4. DEPARTMENT OF JUSTICE OPINIONS

Given the lack of precedential caselaw and the novelty of the issues presented in S. 1103, the series of DOJ legal opinions that the majority cites in favor of S. 1103's constitutionality cannot be held to be determinative. Further, these opinions are inconsistent. As the CRS report on which the Majority relies says, ''In 1994, the OLC [Office of Legal Counsel] addressed the second five-year extension of the parole commissioners' tenure and explicitly disavowed an earlier 1987 opinion, which viewed the first extension of the Parole [sic] commissioners' terms of office as unconstitutional, finding it in contradiction with its 1951 opinion.'' Hence, the OLC endorsed the constitutionality of extensions, then repudiated it, then endorsed it again.

Regardless of OLC opinions, very few cases have been litigated concerning legislative extensions of officials' tenures. Unlike the appointees whose terms were extended by legislation cited by the majority, the FBI Director is a ''principal'' or ''superior'' officer, which may cause the courts to view his case differently, and we still have not heard anything definitive from the Supreme Court on this question.

5. THE RATIONALE

The jealous guarding of the President's power to appoint is crucial to preserving the separation of powers and promoting good government. As Alexander Hamilton wrote in Federalist No. 76,

The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will on this account feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.

The President has an absolute veto over Executive Branch nominations because he initiates them, which also means he must take responsibility for them. Eliminating the formalities of the confirmation process which require a nomination by the president undermines that connection between president and nominee the assignment of political responsibility.

6. THE SOLUTION

We see a simple resolution to our disagreement that accomplishes the goals shared by the Majority, the President, and almost all members of Congress, including ourselves. The amendment cosponsored by five members of the Judiciary Committee would create a new two-year term to begin on or after the day that Director Mueller's current term expires. After this one-time two-year term concludes, the FBI directorship would return to the previous statutory ten-year term, and Director Mueller would not be eligible to serve beyond the new two-year term. The President may nominate Director Mueller to this two-year term or whomever else he chooses. We are committed to expediting Senate confirmation of Director Mueller's nomination and ensuring there is no gap in service at the top of the FBI. We are willing to waive a confirmation hearing for Director Mueller and also the Committee questionnaire. And, we will do what we can to ensure a speedy vote by the full Senate. To our knowledge, no one has raised any constitutional objections that could call into question Director Mueller's authority if our alternative is followed, and the experts we have consulted unanimously agree that there is no constitutional difficulty. As former Deputy Attorney General James Comey testified regarding the constitutionality of extending Mueller's tenure, ''If you can do it in a way that makes it bulletproof, especially against the kind of litigation that you've spoken of, that would be better.''

CONCLUSION

We do not assert that S. 1103 is clearly unconstitutional. We assert that its constitutionality has been called into question by respected experts and could expose Director Mueller's authority to dangerous litigation. We further assert that we have a duty to enact a constitutionally airtight alternative that would achieve the same goals.

ADDITIONAL STATEMENTS

RECOGNIZING THE PEKIN NOODLE PARLOR

• Mr. BAUCUS. Mr. President, today I wish to recognize a Butte institution. The Pekin Noodle Parlor has served generations of Montanans from all walks of life. My good friends, Danny and Sharon Tam, and their family have run the parlor for an astounding 100 years. For generations, the parlor has been a centerpiece of Chinatown and an evolving Butte community. The restaurant specializes in Chinese and American fare, and the lower level has housed a wide array of activities—from Chinese social organizations to herbal medicine. I also want to recognize the Butte-Silver Bow Public Archives for their unparalleled work collecting and preserving the treasured history of Butte-Silver Bow. In particular, their efforts to protect the cherished narrative of the Pekin Noodle Parlor will be recognized for years to come. I ask that their commemoration of the Pekin Noodle Parlor below be printed in the RECORD.

One hundred years ago, Hum Yow opened his Pekin Noodle Parlor on the second floor of the building at 115/117/119 South Main. The restaurant's offerings of local favorites, Yatcamein—wet

noodles—and chop suey, were eaten by miners, the ''after-theater'' crowd, and prominent citizens alike. It always catered to non-Chinese clientele, many of whom in the early days were curious to get a glimpse of Chinatown. Over time, the noodle parlor came to incorporate a good complement of American food on its menu, while retaining its Chinese food specialties. Among the attractions were the narrow, beadboard booths which allowed semiprivate dining. A seating arrangement that is maintained to this day by Hum Yow's nephew, Ding Tam, who is also known as Danny Wong.

While the restaurant business continued upstairs, items from previous establishments were stored below. This rare collection of artifacts, some dating as early as the 1910s, narrates the position of the Hum/Tam family in Butte and among Chinese communities in the western United States and China. Butte-Silver Bow Public Archives presents in the exhibit, One Family-One Hundred Years, a story of family commitment, rather than an emphasis on Chinese illegal drugs and prostitution. Displays provide insight into Chinese social organizations, gambling, herbal medicine, and the continuing Chinese influence in Butte, MT, by the Pekin Noodle Parlor.

The information follows:

A LOOK INSIDE THE EXHIBIT

The Tam family's roots in Montana extend to the 1860s, almost 50 years before the opening of the Pekin Noodle Parlor. Although his name has been forgotten, the first family member to come to the U.S. delivered supplies to the Chinese camps and communities at various places in the American West. Butte was among those camps. By the late 1890s, his son came to Butte, where he and others ran a laundry on South Arizona Street for many years. The Quong Fong Laundry was a staple on Arizona well into the mid-1950s even after the Tam family member had returned to China.

The next generation of family immigrants gained considerable prominence in Chinatown and the community of Butte at large. Hum Yow and Tam Kwong Yee, close relatives from the same district near Canton, China, forged a successful alliance that spanned most of the first half of the twentieth century. After erecting a building at the east edge of Chinatown at 115/117/119 South Main, Hum Yow & Co. established a Chinese mercantile there, to at least the late 1910s. By 1914, a Sanborn map shows Hum Yow's noodle parlor on the second floor, while Tam Kwong Yee managed a club room on the first floor facing onto China Alley.

The inhabitants of Butte's Chinatown formed social clubs that were similar to other fraternal organizations of that time. The purpose of these organizations, according to their articles of incorporation, was to provide for ''. . . mutual helpfulness, mental and moral improvement, mental recreation . . .'' and so on. Artifacts from three known Chinese clubs were found in the basement of the Pekin. Along with the clubs' signs, such items as membership rosters, instruments, maps and photos tell part of the story of these long-gone associations.

In the new country, where the Chinese population was predominantly single men who knew little English, gambling was not only a tradition that continued but also became a major form of recreation during social gatherings. As gambling drew in other ethnic groups to Chinatown, the gambling parlors eventually gained entrances on Main Street proper. On the face of the Pekin building, it was in the form of a ''cigar store'' called the London Company at 119 South Main. Hum's Pekin Noodle Parlor and Tam's London Company gambling hall were staples of Butte's Chinatown until gambling was closed across Montana in 1952.

Unlike many of his countrymen in Butte, Hum Yow married while in the U.S. His wife, Sui (Bessie) Wong, was born and raised in San Francisco. Shortly after marrying in 1915, the Hums began their family, raising their three children in the Pekin building. Tam Kwong Yee, on the other hand, had left his wife and children behind in China but remained close to them, providing financially for both basic needs and advanced education.

As a model of his family values, Tam had been trained as an herbal doctor in China before emigrating to the U.S. It was many years, however, before he had the opportunity to practice his trade in Butte. There were several Chinese herbal doctors in Butte over the years. The most well-known of those from the early twentieth century was Huie Pock, who had his business in the next block of South Main from the Pekin. Several years after Huie's death in 1927, Tam acquired his collection of Chinese herbs.

By 1942, Tam opened his business, ''Joe Tom's Herbs,'' on the first floor of the Pekin Noodle Parlor building (at the 115 South Main address). The business name suggests that Tam specialized in dispensing herbs rather than diagnoses. His on-site advertising, however, promoted ''free consultation'' as well.

In 1947, Tam's grandson, Ding Tam joined the older man in Butte. Just as thousands of Chinese immigrants before him, Ding came to the U.S. to make money to support his family back home. He quickly became known by the more Americanized name of Danny Wong, the last name taken from Bessie Wong's family. Several years later he took over the Pekin Noodle Parlor while his grandfather continued working as a Chinese herbal doctor. Danny married Sharon Chu on August 9, 1963, and raised five children in Butte, passing down the Tam family's appreciation for higher education, commitment to hard work, and business savvy.●

100TH ANNIVERSARY OF MARYLAND LEGAL AID

● Mr. CARDIN. Mr. President, today I wish to recognize the 100th anniversary of the Legal Aid Bureau in Baltimore, MD. Legal Aid was founded in 1911 in Baltimore to provide legal representation for the poor. In 1929, Baltimore attorneys H. Hamilton Hackney and John A. O'Shea took over leadership of Legal Aid. Mr. Hackney believed that justice should not be a matter of charity. He believed that people should be secure in the knowledge ''that their poverty does not necessarily mean that they will be in a position of inequality before the law.'' As a result of Hackney and O'Shea's efforts, Legal Aid evolved from a charity organization to an independent, private, nonprofit corporation.

During the Great Depression, Legal Aid's poverty practice mushroomed. By 1932, it was serving 3,200 clients a year. In 1941, the staff consisted of five lawyers. In 1949, the caseload had grown to 7,000 a year and Legal Aid helped its 100,000th client. In 1953, Baltimore City built its new People's Court Building at Fallsway and Gay streets, with the third floor dedicated to Legal Aid's use.

The 1960s were a period of change. In 1964, Congress passed the Economic Opportunities Act and launched the war on poverty, funneling funds for legal services to the Nation's cities. In 1971, Legal Aid established three offices outside of Baltimore and later in the decade, across the State.

In 1974, one of President Nixon's last acts in office was to sign into law the National Legal Services Corporation Act; the next year the Legal Services Corporation, LSC, was established, and legal services organizations across the country continued a rapid expansion. Starting in the late 1970s, Legal Aid began to champion the cause of migrant farm workers, sued the steel industry to eliminate practices that prevented women and minorities from getting higher paying jobs, and targeted the cause of mentally disabled people.

In the 1980s, President Reagan sought to eliminate LSC, submitting seven straight budgets without an appropriation for the corporation. While some of the funding was restored by a sympathetic Congress, Legal Aid lost $1.2 million in funding in 1982, forcing staffing cuts in most offices. In response to the cuts, under my leadership, the Maryland General Assembly established the Maryland Legal Services Corporation and provided funding through the Interest on Lawyer Trust Accounts, IOLTA, Program to provide additional funding to Legal Aid and other legal services programs representing the poor.

Under the leadership of Wilhelm H. Joseph, Jr., who took the helm in 1996, Legal Aid has grown to be one of the Nation's largest and most respected legal services organizations. Today, there are more than 250 staff members in 13 offices statewide. Last year, more than 60,000 people from across the State were served, including residents of subsidized and public housing, the elderly, migrant farm workers, and neglected and abused children.

I would ask my colleagues to join me in congratulating Legal Aid for its outstanding achievements and service to the people of Maryland over the past 100 years, reminding us of the importance of the words inscribed over the entrance to the U.S. Supreme Court, ''Equal Justice for All.''●

TRIBUTE TO WILLIAM A. HAWKINS

● Ms. KLOBUCHAR. Mr. President, today I honor and pay tribute to a true leader from my home state of Minnesota, William A. Hawkins. Bill most recently retired with distinction as the chairman and CEO of Medtronic, the world's leading medical technology company. He is an individual whose life personifies the Medtronic Mission Statement.

The Medtronic mission, in part, states, ''To contribute to human welfare by application of biomedical engineering in the research, design, manufacture, and sale of instruments or appliances that alleviate pain, restore health, and extend life.''

Not every CEO gets the privilege to lead a company that makes lifesaving products, but for Bill the Medtronic mission is very personal and is a source of encouragement for his distinguished career. Several members of his own family received medical technology products developed and manufactured by the very company he has led. In 2008 when he was made chairman, he recalled the personal feeling he experienced during an assembly for employees. Included in the audience were the family members who had received coronary stents, a heart valve and a pacemaker, and a deep brain stimulator to control tremors caused by a World War II injury.

I have most especially appreciated Bill Hawkins in my role as chair of the Subcommittee on Competitiveness, Innovation, and Export Promotion, where my focus has been creating an innovation agenda that can help grow our economy and create jobs in America. Bill has a true passion for advancing innovation to make the world healthier and has been a major influence on all of Medtronic's innovation-related policies. I could not have asked for a more inspired or committed partner with which to work during the last few years.

Bill has nearly 35 years of career experience in the medical device industry, serving in leadership positions at Novoste Corporation, American Home Products, Johnson & Johnson, Guidant Corporation, and Eli Lilly. He began his medical technology career with Carolina Medical Electronics in 1977.

He joined Medtronic in 2002 as senior vice president and president of the company's vascular business before serving as corporate president and chief operating officer. Bill Hawkins was named chief executive officer of Medtronic in 2007 and assumed the additional role of chairman in 2008. Under his guidance, Medtronic's capacity to serve patients extended further to provide an array of diagnostic, preventive, and chronic disease management solutions. During his decade of service and leadership, the company launched many important new technologies, made major investments in quality and innovation, and successfully navigated through an increasingly challenging environment. I have been pleased to work with Bill on health care and FDA reform and a host of matters that have ensured improved patient access to advanced medical technology.

In March of 2010 Bill received the Biomedical Engineering Society's Distinguished Achievement Award. This award is given to recognize those who have made great contributions to the field of biomedical engineering/bioengineering.

Bill serves on the board of visitors for the Duke University School of Engineering and the board of directors for the Guthrie Theater and the University of Minnesota Foundation.

I know that my colleagues join me, his friends, family, and colleagues in commending Bill Hawkins on his numerous accomplishments and wishing him well as he begins a new phase of his career.

Congratulations, Bill Hawkins.●

ARMOUR, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Armour, SD. The town of Armour will commemorate its 125th anniversary this year.

Located in Douglas County, Armour was founded in 1886 and named after Philip Armour, owner of the famed meatpacking giant Armour & Company. Philip Armour served on the board of directors of the railroad during the time the railroad was being constructed in Douglas County. Today, the community of Armour is known for its outstanding health care facilities and its school district's strong record of academic and athletic accomplishment.

Armour has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Armour on this important milestone.●

CLAREMONT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Claremont, SD. The town of Claremont is commemorating its 125th anniversary this year.

Claremont was founded in 1886 and named by rail workers after a town of the same name in the state of New Hampshire. Located in Brown County, Claremont was built along the rail line which ran from Rutland, ND to Aberdeen, SD. This resulted in rapid growth for the budding town. Settlers quickly realized the excellent farming potential in the area and a booming agricultural industry was born.

Claremont has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Claremont on this landmark occasion.●

FERNEY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Ferney, SD. The town of Ferney commemorates its 125th anniversary this year.

Located in Brown County, Ferney was founded in 1886 and named after a town in France, which was the home of a railway worker's wife. Ferney has a colorful past and saw its heyday during the prohibition era. When nearby towns imposed prohibition laws, Ferney refused, earning itself a reputation as a ''liquor town.'' During this time Ferney's saloons and local establishments were booming businesses and among the first to reopen after the repeal of prohibition. Today, Ferney is known for its excellent hunting grounds and friendly people.

I would like to offer my congratulations to the citizens of Ferney on this milestone occasion and wish them continued prosperity in the years to come.●

STRANDBURG, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Strandburg, SD. The town of Strandburg will commemorate its 125th anniversary this year.

Strandburg was founded in 1886 and was named after John Strandburg, an original settler and the man who would become the first postmaster. Located in Grant County, Strandburg has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Strandburg on this historic milestone.●

TRIPP, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Tripp, SD. The town of Tripp will commemorate its 125th anniversary this year.

Tripp was founded in 1886 and was named after Judge Bartlett C. Tripp, who served as President of Dakota Territory's first Territorial Constitutional Convention. Located in Hutchinson County, today Tripp is home to beautiful prairies and excellent hunting.

Tripp has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Tripp on this landmark date.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPONS-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2011.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2011.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:03 a.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:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 12:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2021. An act to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2021. An act to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

S. 1276. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 23, 2011, she had presented to the President of the United States the following enrolled bills:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2244. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-methyl-2,4-pentanediol; Exemption from the Requirement of a Tolerance'' (FRL No. 8875–9) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2245. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Information Required in Prior Notice of Imported Food'' (Docket No. FDA–2011–N–0179) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2246. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2010; to the Committee on Armed Services.

EC–2247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2249. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office

of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2250. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2251. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2252. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Controls for High Performance Computers: Wassenaar Arrangement Agreement Implementation for ECCN 4A003 and Revisions to License Exception'' (RIN0694–AF15) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2253. A communication from the President and Chief Financial Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–2254. A communication from the ASC Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2010 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–0010)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Duluth, MN'' ((RIN2120–AA66) (Docket No. FAA–2011–0123)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Waynesboro, VA'' ((RIN2120–AA66) (Docket No. FAA–2010–1232)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Bozeman, MT'' ((RIN2120–AA66) (Docket No. FAA–2011–0249)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cocoa, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0070)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Newcastle, WY'' ((RIN2120–AA66) (Docket No. FAA–2011–0252)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2261. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Brunswick, ME'' ((RIN2120–AA66) (Docket No. FAA–2011–0116)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (88); Amdt. No. 3429'' (RIN2120–AA65) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2263. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2011''; to the Committee on Energy and Natural Resources.

EC–2264. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attainment for the 1997 8-Hour Ozone Standards'' (FRL No. 9322–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2265. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs: Extension of Best Available Monitoring Provisions for Electronic Manufacturing'' (FRL No. 9322–1) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2266. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Louisiana'' (FRL No. 9323–7) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2267. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone'' (FRL No. 9322–6) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2268. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Idaho; Regional Haze State Implementation Plan and Interstate Transport Plan'' (FRL No. 9321–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2269. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Manifest Printing Specifications Correction Rule'' (FRL No. 9321–8) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2270. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''MINNESOTA: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9323–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2271. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Nitrogen Dioxide Standard'' (FRL No. 9321–5) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2272. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, ''Report to the Congress: Medicare and the Health Care Delivery System''; to the Committee on Finance.

EC–2273. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Finance.

EC–2274. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, the 2011 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Finance.

EC–2275. A communication from the Deputy Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Standards Improvement Project—Phase III'' (RIN1218–AC19) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2276. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2277. A communication from the Director, National Legislative Commission, The

American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2010; to the Committee on the Judiciary.

EC–2278. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reimbursement Offsets for Medical Care or Services'' (RIN2900–AN55) received in the Office of the President of the Senate on June 22, 2011; 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–47. A resolution adopted by the Senate of the State of Rhode Island urging the members of the Rhode Island Congressional Delegation to join as cosponsors of the Main Street Fairness Act and the President of the United States to sign into law the Main Street Fairness Act, upon its passage from Congress; to the Committee on Finance.

SENATE RESOLUTION NO. 11R280(11–S0976)

Whereas, the 1967 Bellas Hess and the 1992 Quill U.S. Supreme Court decisions denied states the authority to require collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

Whereas, the combined weight of the inability to collect sales and use taxes on remote sales through traditional carriers and the tax erosion due to electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

Whereas, according to the National Conference of State Legislatures, states lost an estimated $8.6 billion in 2010, and total revenue loss is projected to balloon to $37 billion from 2009 to 2012; and

Whereas, according to the National Conference of State Legislatures, Rhode Island will lose an estimated $70.4 million in Fiscal Year 2012 because of this inability to require remote sellers to collect our state's sales and use taxes; and

Whereas, Rhode Island is one of twenty-four states complying with the Streamlined Sales and Use Tax Agreement; and

Whereas, The Main Street Fairness Act has been introduced in the 112th Congress to grant those states that comply with the agreement the authority to require all sellers, regardless of nexus, to collect those states' sales and use taxes: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations calls upon the members of our Congressional Delegation to join as cosponsors of the Main Street Fairness Act to support its swift adoption by the Congress of the United States; and be it further

Resolved, That this Senate urges President Barack Obama to sign the Main Street Fairness Act into law, upon its passage by the Congress; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Chair of the Senate Committee on Finance, the Chair of the House Committee on Ways and Means, and Rhode Island's Congressional Delegation.

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. 1145. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gary Locke, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Nominee: Gary F. Locke.

Post: U.S. Ambassador to China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self and 2. Spouse Mona Lee Locke: $250.00, 7/23/2008, Darcy Burner for Congress; $2,000.00, 10/8/2008, Obama Victory Fund.

3. Children and Spouses: $0. Emily Nicole Locke: $0. Dylan James Locke: $0. Madeline Lee Locke: $0.

4. Parents: Julie Locke: $0. Jimmy Locke—deceased: $0.

5. Grandparents: Deceased: $0. Deceased: $0.

6. Brothers and Spouses: Jeff Locke & Doris Locke: $0.

Sisters and Spouses: Marian Locke Monwai & Pete Monwai: $0. Rita Locke Yoshihara & Joe Yoshihara: $0. Jannie Locke Chow & Ed Chow: $0.

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*Ryan C. Crocker, of Washington, Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: Ryan Clark Crocker.

Post: Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: N/A—no children.

4. Parents: None living.

5. Grandparents: None living.

6. Brothers and Spouses: N/A—no brothers.

7. Sisters and Spouses: N/A—no sisters.

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*William J. Burns, of Maryland, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Deputy Secretary of State.

By Mr. LEAHY for the Committee on the Judiciary.

Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Alfred Cooper Lomax, of Missouri, to be United States Marshal for the Western District of Missouri for the term of four years.

David L. McNulty, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, and Mr. INOUYE):

S. 1262. A bill to improve Indian education, and for other purposes; to the Committee on Indian Affairs.

By Mr. KOHL (for himself and Mr. MANCHIN):

S. 1263. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. LEAHY, and Mr. DURBIN):

S. 1264. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WYDEN, Mr. UDALL of Colorado, and Mr. TESTER):

S. 1265. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself, Mr. COONS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1266. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 1267. A bill to strengthen United States trade laws, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1269. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary

schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. BROWN of Ohio, and Ms. MURKOWSKI):

S. 1270. A bill to prohibit the export from the United States of certain electronic waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 1271. A bill to amend the Internal Revenue Code of 1968 to provide a temporary credit for hiring previously unemployed workers; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 1272. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in the southern New Mexico and El Paso, Texas, region, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY (for himself, Mr. HARKIN, and Mr. SANDERS):

S. 1273. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ISAKSON, and Mrs. SHAHEEN):

S. 1274. A bill to provide for a biennial appropriations process with the exception of defense spending and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. DURBIN (for himself, Mr. KOHL, and Mr. BINGAMAN):

S. 1275. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRAPO, Mr. INHOFE, Mr. HATCH, and Mr. RISCH):

S. 1276. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes; read the first time.

By Ms. CANTWELL (for herself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. BLUNT, Mr. HARKIN, Mrs. MURRAY, and Mr. FRANKEN):

S. 1277. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROBERTS, Mr. CORNYN, Mr. BOOZMAN, Mr. BLUNT, and Mr. BARRASSO):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; 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 Mrs. MURRAY:

S. Res. 214. A resolution designating the week of June 24 through 28, 2011, as ''National Music Education Week''; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself and Ms. MURKOWSKI):

S. Res. 215. A resolution designating the month of June 2011 as ''National Cytomegalovirus Awareness Month''; considered and agreed to.

By Mrs. BOXER (for herself and Mr. DEMINT):

S. Res. 216. A resolution encouraging women's political participation in Saudi Arabia; to the Committee on Foreign Relations.

By Mr. WEBB (for himself and Mr. WARNER):

S. Con. Res. 24. A concurrent resolution commemorating the 75th anniversary of the dedication of Shenandoah National Park; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 136

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 136, a bill to establish requirements with respect to bisphenol A.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 412

At the request of Mr. LEVIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 591

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 595

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) 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. 606

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 643

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 673

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 673, a bill to require the conveyance of the decommissioned Coast Guard Cutter STORIS.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 798

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 834

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 838

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 838, supra.

S. 958

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr.

MORAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1188

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1188, a bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

S. 1189

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1236, a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 23

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

S. RES. 213

At the request of Mr. DEMINT, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Nevada (Mr. HELLER), the Senator from Tennessee (Mr. CORKER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 213, a resolution commending and expressing thanks to professionals of the intelligence community.

AMENDMENT NO. 499

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 499 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

AMENDMENT NO. 510

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 510 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, and Mr. INOUYE):

S. 1262. A bill to improve Indian education, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Native culture, language, and access for success in schools bill, Native CLASS.

As a former educator, I understand the critical role of education, not just to the life of a young person, but also to the future of a culture and a community. For too long, the Native people of this country have lived with a substandard education system that lacks cultural relevance and is burdened with administrative challenges and severe underfunding.

Three major reports by the Federal Government on Native education since 1928 have demonstrated little, if any, improvement in the education of Native people in the past 80 years. This ailing system has resulted in some of the worst education outcomes in the country. On average, in the States with the highest Native populations, the graduation rates for Native students are lower than the graduation rates for all other racial/ethnic groups, hovering well below 50 percent. We can no longer tolerate this, especially because our Federal Government has a unique trust

obligation to provide a quality education to its Native people.

Native languages and cultures are the roots of all Native peoples, and to oki, to cut those roots is to inherently harm the Native peoples. The comprehensive legislation I am introducing today puts forward a new vision of Native education, one that is grounded in culture, language, and local community control. The bill provides for many new access opportunities for tribes to be partners in their own education systems and paves the way for innovative language and culture-based instruction programs. Additionally, it provides much stronger accountability by agencies to native communities for the administration of their children's education. The provisions of this bill are the result of consultation and input with a wide range of American Indian, Alaska Native and Native Hawaiian stakeholders.

The introduction of this bill is only the beginning of a dialogue about this new vision of Native education. We will continue to work with our Native stakeholders to improve this bill and ensure that it builds strong roots and meets the unique needs of all our native students.

I thank Mr. JOHNSON and Mr. INOUYE for sponsoring this bill. I urge my other colleagues to join me in supporting the passage of 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. 1262

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native Culture, Language, and Access for Success in Schools Act''.

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

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Subtitle A—Improving the Academic Achievement of the Disadvantaged

SEC. 111. IMPROVING THE EDUCATION OF STUDENTS.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1111—

(A) in subsection (a), by inserting ''representatives of Indian tribes located in the State,'' after ''other staff,'';

(B) in subsection (b)(8), by striking ''1112(c)(1)(D)'' and inserting ''1112(c)(1)(E)'';

(C) in subsection (c)—

(i) in paragraph (13), by striking ''and'';

(ii) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(15) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under the State's jurisdiction, in order to—

''(A) improve the coordination of activities under this Act;

''(B) meet the purpose of this title; and

''(C) meet the unique cultural, language, and educational needs of Indian students.''; and

(D) in subsection (m), by adding at the end the following:

''(4) If such school has been approved, in accordance with section 1116(g), for use of an alternative definition of adequate yearly progress, the school may adopt an appropriate assessment that—

''(A) is developed in consultation with, and with the approval of, the Secretary of the Interior; and

''(B) is consistent with the requirements of this section.'';

(2) in section 1112—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (F) through (Q) as subparagraphs (G) through (R), respectively; and

(ii) by inserting after subparagraph (E), the following:

''(F) a description of the procedure that the local educational agency will use to engage in timely, ongoing, and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency in the development of the local plan, in order to—

''(i) improve the coordination of activities under this Act;

''(ii) meet the purpose of this title; and

''(iii) meet the unique cultural, language, and educational needs of Indian students;'';

(B) in subsection (c)(1)—

(i) by redesignating subparagraphs (D) through (O) as subparagraphs (E) through (P), respectively; and

(ii) by inserting after subparagraph (C), the following:

''(D) engage in timely and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency;''; and

(C) in subsection (d)(1), by striking ''and other appropriate school personnel,'' and inserting ''other appropriate school personnel, representatives of Indian tribes located in the area served by the local educational agency,'';

(3) in section 1115(b)(2)(A), by inserting '', Indian children,'' after ''migrant children'';

(4) in section 1116—

(A) in subsection (b)(3)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the school,'' after ''school staff,'';

(ii) in clause (ix), by striking ''and'' after the semicolon;

(iii) in clause (x), by striking the period at the end; and

(iv) by adding at the end the following:

''(xi) provide an assurance that, if the school receives funds described in title VII, the school will continue to direct such funds to the activities described in title VII.'';

(B) in subsection (c)(7)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the local education agency,'' after ''school staff,'';

(ii) in clause (vii), by striking ''and'' after the semicolon;

(iii) in clause (viii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(ix) incorporate, as appropriate, activities that meet the unique cultural, language, and educational needs of Indian students eligible to be served under title VII of this Act.'';

(C) in subsection (g)(1)—

(i) in subparagraph (B)—

(I) by striking ''The tribal governing body or'' and inserting ''An Indian tribe,'';

(II) by inserting '', or consortium of such entities'' after ''Bureau of Indian Affairs'';

(III) by striking ''body or school board'' and inserting ''Indian tribe, school board, or consortium of such entities''; and

(IV) by inserting ''of the Interior'' after ''such alternative definition unless the Secretary'';

(ii) in subparagraph (C), by striking ''a tribal governing body or school board of a school funded by the Bureau of Indian Affairs'' and inserting ''an Indian tribe, school board of a school funded by the Bureau of Indian Affairs, or consortium of such entities''; and

(iii) by adding at the end the following:

''(D) DEEMED APPROVAL.—A proposed alternative definition of adequate yearly progress submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior issues the notification set forth in subparagraph (E) prior to the expiration of the 30-day period beginning on the date on which the Secretary of the Interior received the proposed alternative definition of adequate yearly progress.

''(E) NOTIFICATION.—If the Secretary of the Interior finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary of the Interior shall—

''(i) notify the entity or entities described in subparagraph (B) of the finding of noncompliance and, in such notification, shall—

''(I) cite the specific provisions in the application that are not in compliance;

''(II) provide an explanation of the basis of the non-compliance;

''(III) request additional information only as to the noncompliant provisions needed to make the proposal compliant;

''(IV) provide a description of the steps that the entity or entities need to take to make the application compliant; and

''(V) provide assistance to overcome the finding of noncompliance; and

''(ii) provide the entity or entities described in subparagraph (B) with the opportunity for a hearing, which shall be completed not more than 60 days after such entity or entities receive the notice of opportunity for a hearing, or at such later date as agreed to by the submitting entity or entities.

''(F) RESPONSE.—If the entity or entities described in subparagraph (B) resubmit the application in an effort to overcome the finding of noncompliance not more than 30 days after the date the notification was received, the Secretary of the Interior shall approve or disapprove the resubmitted application not more than 30 days after the resubmitted application is received, or not more than 30 days after the conclusion of a hearing, whichever is later. If the Secretary of the Interior fails to approve or disapprove the resubmitted application within such time period, the resubmitted application shall be deemed approved.

''(G) RESUBMISSION RESPONSE.—If the Secretary of the Interior finds the resubmitted application described in subparagraph (F) to be in noncompliance, the Secretary of the Interior shall issue a final determination that—

''(i) cites the specific provisions in the application that are not in compliance;

''(ii) provides a detailed explanation of the basis for the finding of noncompliance for each provision found to be noncompliant; and

''(iii) offers assistance to overcome the finding of noncompliance.

''(H) FAILURE TO RESPOND.—If the entity or entities described in subparagraph (B) do not respond to the notification of the Secretary of the Interior described in subparagraph (E) within a 30-day period after receipt of such notification, the application shall be deemed to be disapproved.'';

(5) by inserting after section 1116 the following:

''SEC. 1116A. INDIAN SCHOOL TURN AROUND PROGRAM.

''(a) PURPOSE.—The purpose of this section is to significantly improve outcomes for Indian students in persistently low-performing schools by—

''(1) enabling Indian tribes or tribal education agencies to turn around low-performing schools operated by a local educational agency on Indian lands;

''(2) building the capacity of tribes and tribal education agencies to improve student academic achievement in low-performing and persistently low-performing schools; and

''(3) supporting tribes and tribal education agencies in implementing school intervention models.

''(b) DEFINITIONS.—In this section:

''(1) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term in section 8013.

''(2) INDIAN SCHOOL.—The term 'Indian school' means any school located on Indian lands.

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Native village, Regional Corporation, or Village Corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) TRIBAL EDUCATION AGENCY.—The term 'tribal education agency' means the authorized governmental agency of a federally-recognized American Indian or Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members. A tribal education agency includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, and tribal administrative education entities.

''(c) IDENTIFICATION OF LOW PERFORMING INDIAN SCHOOLS.—

''(1) IN GENERAL.—Each State that receives funds under this part shall annually identify any Indian school operated by a local educational agency that—

''(A) is a school identified under section 1116(b); and

''(B)(i) in the case of an Indian school that is an elementary school, is in the lowest 5 percent of the State's public elementary schools;

''(ii) in the case of an Indian school that is a secondary school that does not award a high school diploma, is in the lowest 5 percent of the State's public secondary schools that do not award a high school diploma; or

''(iii) in the case of an Indian school that is a secondary school that does award a high school diploma—

''(I) is in the bottom 5 percent of the State's public secondary schools that award a high school diploma; or

''(II) has a graduation rate below 60 percent.

''(2) REPORT.—If a school is identified by a State under paragraph (1), the State shall notify the tribe on whose Indian lands any such school is located that the school has been identified as a low-performing school.

''(d) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to Indian tribes or tribal education agencies to enable such tribes or agencies to carry out the activities described in subsection (g).

''(2) DURATION.—

''(A) IN GENERAL.—A grant awarded under this section shall be for a period of 4 years.

''(B) RENEWAL.—The Secretary may renew a grant under this section for an additional 4-year period if the Indian tribe or tribal education agency demonstrates sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B).

''(e) APPLICATION.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall include—

''(A) an analysis of the school described under subsection (c)(1) that the Indian tribe or tribal education agency proposes to serve, and an appropriate intervention model for such school;

''(B) a budget, which shall demonstrate sufficient funds to implement fully and effectively the selected intervention model; and

''(C) a description of how the Indian tribe or tribal education agency will—

''(i) help develop a pipeline of teachers and leaders for the school;

''(ii) collect and report data;

''(iii) support effective extended learning time strategies; and

''(iv) build capacity in the tribe or tribal education agency for assisting schools described under subsection (c)(1).

''(2) ADDITIONAL APPLICATION REQUIREMENTS IF SUBGRANTS ARE AWARDED.—If an Indian tribe or tribal education agency proposes to issue subgrants, as described under subsection (g)(3), such tribe or agency shall include in the application, in addition to the requirements described under paragraph (1), the following:

''(A) A copy of the application form and instructions that the Indian tribe or tribal education agency will provide to potential recipients of subgrants.

''(B) A description of how the Indian tribe or tribal education agency will set priorities for awarding subgrants.

''(C) A description of how the Indian tribe or tribal education agency will monitor each entity that is awarded a subgrant.

''(f) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATION AGENCY RESPONSIBILITIES.—

''(1) IN GENERAL.—If an Indian tribe or tribal education agency receives a grant under this section for an Indian school that has been identified under subsection (c)(1), the Secretary shall notify the State in which the school is located, and the State educational agency and the local educational agency that serve such school shall—

''(A) maintain funding for the school at not less than the amount supplied in the academic year immediately preceding the academic year for which the grant under this section applies;

''(B) at the request of the Indian tribe or tribal education agency, enter into a cooperative agreement to authorize the Indian tribe or tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency on behalf of the school; and

''(C) authorize the Indian tribe or tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof, as necessary.

''(2) MAINTENANCE OF EFFORT REQUIREMENT.—If the maintenance of effort requirement described in paragraph (1)(A) is not met, the Secretary may withhold funding under title I from the State until such requirement is met.

''(3) DISAGREEMENT.—If an Indian tribe or tribal education agency and the State educational agency or local educational agency cannot reach an agreement, the tribe or tribal education agency may submit to the Secretary information that such tribe or agency deems relevant, and the Secretary may make a determination on the disputed issue.

''(g) USE OF FUNDS.—

''(1) SCHOOL INTERVENTION MODEL.—

''(A) IN GENERAL.—An Indian tribe or tribal education agency that receives a grant under this section shall use not less than 90 percent of the grant funds to implement a school intervention model described in subsection (i), either directly or through a turn around partner that is awarded a subgrant, in a school identified under subsection (c)(1).

''(B) USE OF FUNDS FOR COMPREHENSIVE SERVICES.—The Indian tribe or tribal education agency, in implementing any of the school intervention models described in subsection (i) in any school served under the grant—

''(i) shall identify and address issues that may contribute to low academic achievement in the schools identified under subsection (c)(1); and

''(ii) may use funds under this section to provide comprehensive services to address the issues described in subparagraph (A) and meet the full range of student needs.

''(2) SUBGRANTS.—An Indian tribe or tribal education agency that receives a grant under this section may award subgrants.

''(3) TRIBE OR TRIBAL EDUCATION AGENCY ACTIVITIES.—If an Indian tribe or tribal education agency that receives a grant under this section does not use all of the grant funds to carry out the activities described in paragraphs (1) through (3) in each school to be served under the grant, such tribe or tribal education agency shall use any remaining funds to—

''(A) provide technical assistance and other support, either directly or through the creation of a school turn around office or a turn around partner, to schools identified under subsection (c)(1), which may include—

''(i) the use of school quality review teams; or

''(ii) regular site visits to monitor the implementation of selected intervention models;

''(B) evaluate Indian tribe or tribal education agency implementation of school intervention models and other improvement activities;

''(C) use the results of the evaluations described in subparagraph (B) to improve Indian tribe or tribal education agency strategies for supporting, and providing flexibility for, targeted schools that are identified under subsection (c)(1);

''(D) develop pipelines of teachers and leaders that are trained to work in schools that are low-performing schools, such as the schools identified in subsection (c)(1);

''(E) collect and report data;

''(F) build capacity in the Indian tribe or tribal education agency for assisting schools identified under subsection (c)(1); or

''(G) carry out other activities designed to build Indian tribe or tribal education agency capacity to support school improvement.

''(h) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency receiving a grant under this section shall—

''(A) comply with the reporting and accountability requirements of this part for each school that such Indian tribe or tribal education agency serves; and

''(B) monitor and collect data about the students that such Indian tribe or tribal education agency serves at each school that is served by the grant program, including the following data:

''(i) Core academic indicators, such as—

''(I) the percentage of students at each school who are at or above the proficient level on State academic assessments in reading or language arts and mathematics;

''(II) student progress toward core academic benchmarks;

''(III) the average score for students in each school on State academic assessments in reading or language arts and mathematics;

''(IV) secondary school graduation rates; and

''(V) rates of student enrollment in an institution of higher education.

''(ii) Leading indicators, such as—

''(I) student attendance rates;

''(II) the number and percentage of students completing advanced coursework;

''(III) student participation in State assessments in reading or language arts and mathematics under section 1111(b)(3);

''(IV) school dropout rates;

''(V) discipline incident rates;

''(VI) teacher attendance rates;

''(VII) the distribution of teachers by performance level, based on the teacher evaluation system established by the Indian tribe or tribal education agency; and

''(VIII) reduction in the percentage of students in the lowest level of achievement on State assessments in reading or language arts and mathematics under section 1111.

''(2) REPORT.—Each Indian tribe or tribal education agency receiving a grant under this section shall prepare and submit a report to the Secretary, which shall include the data described in paragraph (1)(B).

''(i) SCHOOL INTERVENTION MODELS.—Each tribe or tribal education agency that receives a grant under this section may choose to implement 1 or more of the following school intervention models:

''(1) TRANSFORMATION MODEL.—A transformation model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) uses rigorous, transparent, and equitable evaluation systems to—

''(i) identify and reward school leaders, teachers, and other staff who, in implementing the model, increase student achievement and, if applicable, secondary school graduation rates; and

''(ii) identify and remove school leaders, teachers, and other staff who, after ample opportunities have been provided for such individuals to improve their professional practice—

''(I) do not increase student achievement;

''(II) if applicable, do not increase secondary school graduation rates; and

''(III) have not demonstrated effectiveness according to the tribe or tribal education agency's evaluation system;

''(C) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(D) implements strategies (such as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions) that are designed to recruit, place, and retain staff who have the skills necessary to meet the needs of students in the school;

''(E) uses data to identify and implement a research-based instruction program that—

''(i) is aligned with State or tribal challenging academic content standards and challenging student academic achievement standards under section 1111(b); and

''(ii) has been proven to raise student academic achievement by not less than 10 percent in 1 year;

''(F) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects; and

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities;

''(G) promotes the continuous use of student data to provide instruction that meets the academic needs of individual students, which may include, in elementary school, individual students' levels of school readiness;

''(H) provides ongoing mechanisms for family, community, and tribal involvement;

''(I) ensures that the school receives ongoing, intensive technical assistance and related support from the tribe or tribal education agency; and

''(J) provides appropriate social-emotional and community-oriented support services for students, and at the discretion of the tribe or tribal education agency, uses not more than 10 percent of the total grant funds for such services.

''(2) RESTART MODEL.—A restart model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) converts a school—

''(i) under a charter or school operator and charter management organization;

''(ii) under an education management organization; or

''(iii) as an autonomous or redesigned school;

''(B) implements a rigorous review process to select such a charter or school operator and charter management organization, or an education management organization, as applicable, which includes an assurance that such operator or organization will make significant changes in the leadership and staffing of the school; and

''(C) enrolls in the school any former student who wishes to attend the school and who is within the grades the school services.

''(3) TURNAROUND MODEL.—A turnaround model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) gives a new principal sufficient operational flexibility (including flexibility in staffing, the school day and school calendar, and budgeting) to fully implement a comprehensive approach to improve student outcomes;

''(C) uses a comprehensive evaluation system to evaluate staff, including the use of student achievement data to measure the effectiveness of staff;

''(D) screens all staff who are employed at the school as of the time when the turnaround model is implemented and retains not more than 50 percent of such staff;

''(E) requires the principal to justify personnel decisions (such as hiring, dismissal, and rewards) based on the results of the comprehensive evaluation system;

''(F) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(G) uses data to—

''(i) identify and implement a research-based instructional program;

''(ii) evaluate school improvement strategies; and

''(iii) inform differentiated instruction, in order to meet the academic needs of individual students;

''(H) encourages the use of extended learning time partnerships;

''(I) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects;

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities; or

''(v) teachers to collaborate, plan, and engage in professional development within and across grades and subjects;

''(J) provides ongoing mechanisms for family, community, and tribal involvement; and

''(K) provides appropriate social and emotional community-oriented support services for students.

''(j) INSUFFICIENT PROGRESS.—If an Indian tribe or tribal education agency fails to demonstrate sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B), such tribe or agency shall be required to—

''(1) modify the existing school intervention model; or

''(2) restart the school using the restart model described in subsection (i)(2).

''(k) RESERVATION OF FUNDS.—From the amount appropriated each fiscal year for grants to State educational agencies and local educational agencies for school improvement actions under this part, the Secretary shall reserve not less than 10 percent of such amount for grants under this section.''; and

(6) in section 1118—

(A) in subsection (a)(2)—

(i) in subparagraph (E) by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) with respect to an agency that serves Indian children, identify the barriers to effective involvement of the parents of such children; and''; and

(B) in subsection (e)—

(i) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(ii) by inserting after paragraph (5), the following:

''(6) in consultation with Indian tribes and parents of Indian children who are served by any school that is served by the agency, shall establish mechanisms to overcome barriers to effective Indian parental involvement, which may include—

''(A) providing literacy programs and use of technology training, as needed, for such parents at locations accessible to the homes of such parents;

''(B) providing or paying the reasonable costs of transportation and child care to enable such parents to participate in literacy programs, use of technology training, and school-related meetings;

''(C) providing training regarding the roles, rights and responsibilities of such parents, including information about culture-based education; and

''(D) contracting with an Indian tribe or tribal education agency to provide the services described in subparagraphs (A), (B) and (C);''.

SEC. 112. STANDARDS-BASED ASSESSMENTS.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

''(E) STANDARDS-BASED EDUCATION ASSESSMENTS.—Notwithstanding any other provision of this Act, a State shall develop standards-based education assessments and classroom lessons to accommodate diverse learning styles, which assessments may be used by the State in place of the general assessments described in subparagraph (A).''.

SEC. 113. NATIVE LANGUAGE TEACHING.

Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended by adding at the end the following:

''(m) QUALIFICATIONS FOR NATIVE LANGUAGE TEACHERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies and States with respect to highly qualified teachers, shall not apply to a teacher of a Native language.

''(2) ALTERNATIVE LICENSURE OR CERTIFICATION.—Each State educational agency receiving assistance under this part shall develop an alternative licensure or certification for teachers of a Native language.''.

SEC. 114. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401—

(A) in subsection (a)(3), by inserting ''and the involvement of their families and their communities.'' after ''their continued education''; and

(B) in subsection (b), by inserting ''subject to section 1402(c),'' after ''section 1002(d)'';

(2) in section 1402, by adding at the end the following:

''(c) RESERVATION FOR THE SECRETARY OF THE INTERIOR.—From the amount appropriated for this part for any fiscal year, the Secretary shall reserve 4 percent of such funds for the Secretary of the Interior to provide educational services for at-risk Indian children, including Indian youth in correctional facilities operated by the Secretary of the Interior or by an Indian tribe.'';

(3) in section 1414(c)—

(A) in paragraph (9), by inserting '', Indian tribes, tribal education agencies,'' after ''local educational agencies'';

(B) by redesignating paragraphs (12) through (19) as paragraphs (13) through (20), respectively;

(C) by inserting after paragraph (11), the following:

''(12) describe the procedure that the State agency will use to consult, on an ongoing basis, with Indian tribes in the State to determine the needs of Indian children and youth who are neglected, delinquent, or at-risk, including such children and youth in a correctional facility or institution;'';

(D) in paragraph (19), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (20), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(21) provides an assurance that the program under this subpart will utilize curriculum that is culturally appropriate, based on the demographics of the neglected or delinquent children and youth served by such program.'';

(4) in section 1416—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) includes an assurance that the State agency has consulted with Indian tribes in the State in the development of the comprehensive plan under this part.'';

(5) in section 1418—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) projects that facilitate the transition of children and youth from State-operated institutions, or institutions in the State operated by the Secretary of the Interior or Indian tribes, to schools served by local educational agencies or to schools funded by the Bureau of Indian Education; or'';

(B) in subsection (b), by inserting ''Indian tribes,'' after local educational agencies;

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following:

''(c) CONSULTATION WITH INDIAN TRIBES.—The State agency shall consult with Indian tribes in the State in the development of transition projects, and coordinate such State projects with transition and reentry projects operated by such tribes.'';

(6) in section 1419(2), by inserting ''and Indian tribal programs'' after ''State agency programs'';

(7) in section 1421—

(A) in the matter preceding paragraph (1), by inserting '', including correctional facilities in the State operated by the Secretary of the Interior or Indian tribes'' after ''locally operated correctional facilities''; and

(B) in paragraph (3), by inserting '', including schools funded by the Bureau of Indian Education,'' after ''local schools'';

(8) in section 1422—

(A) in subsection (a), by striking ''(including facilities involved in community day programs).'' and inserting ''(including facilities involved in community day programs and facilities in the State that are operated by the Secretary of the Interior or Indian tribes).''; and

(B) in subsection (d), by inserting '', schools funded by the Bureau of Indian Education,'' after ''returning to local educational agencies'';

(9) in section 1423—

(A) in paragraph (2)—

(i) in subsection (A), by inserting ''and, as appropriate, an Indian tribe in the State'' after ''program to be assisted''; and

(ii) in subsection (B), by inserting '', including such facilities operated by the Secretary of the Interior and Indian tribes'' after ''juvenile justice system'';

(B) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively;

(C) by inserting after paragraph (3) the following:

''(4) a description of the process for consultation and coordination with Indian tribes in the State regarding services provided under the program to Indian children and youth;'';

(D) in paragraph (13), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (14), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(15) a description of the demographics of the children and youth served and an assurance that the curricula and co-curricular activities will be culturally appropriate for such children and youth.'';

(10) in section 1424 (20 U.S.C. 6454)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) programs for at-risk Indian children and youth, including such individuals in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes.'';

(11) by redesignating subpart 3 as subpart 4;

(12) by redesignating sections 1431 and 1432 as sections 1441 and 1442, respectively;

(13) by inserting after subpart 2 the following:

''Subpart 3—Education Programs for Indian Children and Youth

''SEC. 1432. GRANTS TO INDIAN TRIBES.

''(a) PURPOSE.—The purpose of this section is to authorize an educational program to be known as the 'Indian Children and Youth At-Risk Education Program', which shall—

''(1) carry out high quality and culturally appropriate education programs to prepare Indian children and youth who are in correctional facilities (or enrolled in community day programs for neglected or delinquent children and youth) operated by the Secretary of the Interior or Indian tribes for secondary school completion, training, employment, or further education; and

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount reserved for the Secretary of the Interior under section 1402(c), and subject to paragraph (2), the Secretary of the Interior shall award grants, on a competitive basis, to Indian tribes with high numbers or percentages of children and youth in juvenile detention facilities that are operated by the Secretary of the Interior or Indian tribes in order to enable such Indian tribes to carry out the activities described in section 1434.

''(2) CONTRACT IN LIEU OF GRANT.—At the request of an Indian tribe, the Secretary of the Interior shall enter into a contract under the Indian Self-Determination and Education Assistance Act for operation of a program under this subpart in lieu of making a grant to such tribe.

''(3) NOTIFICATION.—The Secretary of the Interior shall notify Indian tribes of the availability of funding under this subpart.

''(c) TRIBAL APPLICATIONS.—Each Indian tribe desiring to receive a grant under this subpart shall submit an application to the Secretary of the Interior at such time, in such manner, and accompanied by such information as the Secretary of the Interior may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes;

''(D) alternative school programs serving Indian children and youth who are involved with the juvenile justice system; or

''(E) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how participating entities will coordinate with facilities working with delinquent Indian children and youth to ensure that such children and youth are participating in an education program comparable to the education program in the local school that such youth would otherwise attend.

''(4) A description of how the program will develop culturally appropriate academic curricula and co-curricular activities to supplement the educational program provided by a facility working with delinquent Indian children and youth.

''(5) A description of the program that the Indian tribe will carry out for Indian children and youth returning from correctional facilities.

''(6) As appropriate, a description of the types of services that such tribe will provide for such children and youth and other at-risk children and youth, either directly or in cooperation with local educational agencies and schools funded by the Bureau of Indian Education.

''(7) A description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(8) A description of how the tribe will coordinate the program with existing educational programs of local educational agencies and schools funded by the Bureau of Indian Education to meet the unique educational needs of Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(9) As appropriate, a description of how the program will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, including—

''(A) prenatal health care;

''(B) nutrition;

''(C) mental health and substance abuse services;

''(D) targeted reentry and outreach programs; and

''(E) referrals to community resources related to the health of the child or youth.

''(10) A description of partnerships with tribal, State, private or public organizations, or corporations to develop vocational training, curriculum-based youth entrepreneurship education, and mentoring services for participating students.

''(11) As appropriate, a description of how the program will involve parents in efforts to—

''(A) improve the educational achievement of their children;

''(B) assist in dropout prevention activities; and

''(C) prevent the involvement of their children in delinquent activities.

''(12) A description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs, such as programs under title I of Public Law 105-220 and vocational and technical education programs serving at-risk children and youth.

''(13) A description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevent Act of 1974 and other comparable programs, if applicable.

''(14) A description of the efforts participating schools will make to ensure that correctional facilities working with children and youth are aware of any existing individualized education programs for such children or youth.

''(15) As appropriate, a description of the steps participating schools will take to find alternative placements for children and youth who are interested in continuing their education but unable to participate in a regular school program.

''(16) As appropriate, a description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs serving at-risk children and youth.

''(17) As appropriate, a description of how the program will coordinate with probation officers to assist in meeting the needs of children and youth returning from correctional facilities.

''(d) USES OF FUNDS.—Funds provided to Indian tribes under this subpart may be used for the purposes described in section 1424.

''(e) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SUBPART.—Each correctional facility entering into an agreement with an Indian tribe under section 1432(2) to provide services to Indian children and youth under this subpart shall—

''(1) if feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly in the case of a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if a child or youth is identified as in need of special education services while in the correctional facility, notify such child's local school;

''(3) provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities, taking into consideration the unique needs of such children and youth;

''(6) ensure that education programs in the correctional facility aim to help students meet high academic achievement standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and participating program partners;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this subpart with other local, State, tribal, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220, and vocational and technical education funds;

''(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

''(11) work with local partners to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.

''(f) TECHNICAL ASSISTANCE.—At the request of an Indian tribe that receives assistance under this subpart, the Secretary of the Interior may, to the extent resources are available, provide technical assistance—

''(1) to improve the performance of a program funded under this subpart;

''(2) to recruit and retain qualified educational professionals to assist in the delivery of services under such program; and

''(3) to perform the program evaluations required by section 1441.

''SEC. 1433. EDUCATIONAL ALTERNATIVES TO DETENTION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to decrease the number of incarcerated Indian children and youth;

''(2) to decrease the rate of high school dropouts among Indian youth;

''(3) to provide educational alternatives to incarceration for at-risk Indian children and youth; and

''(4) to increase community and family involvement in the education of at-risk Indian children and youth.

''(b) ELIGIBLE ENTITIES.—In this section, the term eligible entity means—

''(1) an Indian tribe, tribal education agency, or tribal organization;

''(2) a Bureau-funded school, as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021);

''(3) a correctional facility, in consortium with a tribe, tribal education agency, or tribal organization; or

''(4) a State educational agency or local educational agency in consortium with a tribe, tribal education agency or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(c) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

''(2) CONTRACTS.—At the request of an Indian tribe, the Secretary shall transfer program funding to the Secretary of the Interior, who shall enter into a contract under the Indian Self-Determination and Education Assistance Act with the tribe for operation of a program under this section in lieu of making a grant to such tribe.

''(3) DURATION.—Grants awarded under this section shall be for a period of not less than 3 years and not more than 5 years.

''(d) AUTHORIZED ACTIVITIES.—Grant funds under this section shall be used for activities to provide educational alternatives for Indian youth who have been sentenced to incarceration or juvenile detention, in a manner consistent with the purposes of this section. Such activities may include—

''(1) half- or full-day alternative education programs for disruptive youth who are temporarily suspended;

''(2) school-based drug and substance abuse prevention programs;

''(3) truancy prevention programs;

''(4) multi-year alternative educational programs; and

''(5) home or community detention programs.

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes; or

''(D) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how the program will develop culturally appropriate academic curriculum and co-curricular activities.

''(4) As appropriate, a description of the types of services that the eligible entity will provide to at-risk Indian children, youth, and families.

''(5) As appropriate, a description of any partnerships with tribal, local, or State law enforcement or judicial systems to provide education alternatives to detention and wrap around services, which may include—

''(A) behavioral health services;

''(B) family counseling;

''(C) teen pregnancy counseling;

''(D) substance abuse services;

''(E) alcohol abuse services; or

''(F) job training.

''(6) As appropriate, a description of evaluation activities to develop educational plans for at-risk Indian children and youth who are transitioning back to a local educational agency or earning a secondary school diploma, or the recognized equivalent of a secondary school diploma.

''(f) EVALUATION.—Each eligible entity that receives a grant under this section shall—

''(1) evaluate the grant program, not less than once every 3 years, to determine the program's success, consistent with the purposes of this section; and

''(2) prepare and submit a report containing the information described in paragraph (1) to the Secretary, the Coordinating Council on Juvenile Justice and Delinquency Prevention, and Indian tribes.

''(g) DEFINITION.—The term ''tribal education agency'' means—

''(1) the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members; and

''(2) includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.'';

(14) in section 1441, as redesignated by paragraph (12)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall'' and inserting ''Each State agency, local educational agency, or Indian tribe that conducts a program evaluation under subpart 1, 2, or 3 shall''; and

(ii) in paragraph (3), by inserting ''or school funded by the Bureau of Indian Education'' after ''local educational agency'';

(B) in subsection (c), by striking ''a State agency or local educational agency'' and inserting ''a State agency, local educational agency, or Indian tribe''; and

(C) by striking subsection (d) and inserting the following:

''(d) EVALUATION RESULTS.—

''(1) IN GENERAL.—Each State agency, local educational agency, and Indian tribe shall—

''(A) submit evaluation results to the State educational agency and the Secretary; and

''(B) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''(2) INDIAN TRIBES.—Each Indian tribe shall also submit evaluation results to the Secretary of the Interior.

''(e) EVALUATION OF PROGRAMS FOR AT-RISK INDIAN YOUTH.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of the Native Culture, Language, and Access for Success in Schools Act, the Secretary and the Secretary of the Interior, in collaboration with the Attorney General, shall prepare a report that—

''(A) compiles demographic information about at-risk Indian youth, including Indian youth in correctional facilities operated by the Department of the Interior and Indian tribes;

''(B) evaluates existing educational programs for at-risk Indian youth; and

''(C) provides recommendations for improvement of such educational programs.

''(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary and the Secretary of the Interior shall submit the report described in paragraph (1) to the Health, Education, Labor and Pensions Committee and the Indian Affairs Committee of the Senate,

the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives, and to Indian tribes.'';

(15) in section 1442, as redesignated by paragraph (12), by inserting at the end the following:

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Alaska Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(16) in section 1903(b)(2)—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(H) representatives of Indian tribes located in the State.''.

Subtitle B—Preparing, Training, and Recruiting High Quality Teachers and Principals

SEC. 121. PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) in part A—

(A) by striking paragraph (3) of section 2102 (20 U.S.C. 6602) and inserting the following:

''(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means—

''(A) a local educational agency—

''(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(ii)(I) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(II) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing; or

''(B) a school funded by the Bureau of Indian Education.'';

(B) by striking clause (ii) of section 2111(b)(1)(A) (20 U.S.C. 6611(b)(1)(A)) and inserting the following:

''(ii) 5 percent for the Secretary of the Interior to be distributed to schools operated or funded by the Bureau of Indian Education, as provided in section 2123(c).'';

(C) in section 2113(c)(18) (20 U.S.C. 6613(c)(18))—

(i) in subparagraph (A) by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by inserting at the end the following:

''(C) provides access to clearinghouse information to schools in the State that are funded by the Bureau of Indian Education.'';

(D) in section 2122 (20 U.S.C. 6622)—

(i) in subsection (b)—

(I) in paragraph (2), by inserting '', including Indian students,'' after ''minority students''; and

(II) in paragraph (9)—

(aa) in subparagraph (C) by striking ''and'' after the semicolon;

(bb) in subparagraph (D) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(E) for teachers in schools that serve Indian children, become familiar with the Indian communities served by the local educational agency and incorporate culturally responsive teaching and learning strategies for Indian children into the educational program.''; and

(ii) in subsection (c), by inserting '', in the case of a local educational agency that serves an Indian tribal community, representatives of Indian tribes,'' after ''part A of title I'';

(E) in section 2123 (20 U.S.C. 6623)—

(i) in subsection (a)(3)—

(I) in subparagraph (B)—

(aa) in clause (ii), by inserting ''students from Indian reservation communities,'' after ''(including students who are gifted and talented),'';

(bb) in clause (iv), by striking ''limited English proficient and immigrant children; and'' and inserting ''children from Indian reservation communities, limited English proficient children, and immigrant children;''

(cc) in clause (v), by striking the period at the end and inserting ''; and''; and

(dd) by inserting at the end the following:

''(vi) in the case of a local educational agency that serves Indian children, provide training in effective incorporation of culturally responsive teaching and learning strategies for Indian children.''; and

(II) in subparagraph (D), by inserting ''Indian students,'' after ''disadvantaged families,''; and

(ii) by adding at the end the following:

''(c) BUREAU OF INDIAN EDUCATION SCHOOLS.—A school funded by the Bureau of Indian Education that receives funds reserved under section 2111(b)(1)(A)(ii) shall use such funds to carry out 1 or more of the activities described in subsection (a), and may use such funds to improve housing, as needed to recruit and retain highly-qualified teachers and principals.'';

(F) in section 2131(1) (20 U.S.C. 6631(1))—

(i) in subparagraph (A)(i) by inserting '', or a tribally controlled college or university (as defined in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801))'' after ''principals''; and

(ii) in subparagraph (B) by inserting ''an Indian tribe,'' after ''principal organization,'';

(G) by inserting after subpart 5, the following:

''Subpart 6—Indian Educator Scholarship Program

''SEC. 2161. INDIAN EDUCATOR SCHOLARSHIP PROGRAM.

''(a) GRANTS AUTHORIZED.—In order to carry out the United States trust responsibility for the education of Indian children, and to provide a more stable base of education professionals to serve in public elementary schools and secondary schools with a significant number of Indian students and schools funded by the Bureau of Indian Education, the Secretary shall make scholarship grants to Indians who are enrolled full- or part-time in appropriately accredited institutions of higher education and pursuing a course of study in elementary and secondary education or school administration. Such scholarships shall be designated Indian educator scholarships and shall be made in accordance with this section.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall determine the applicants who will receive scholarships under subsection (a).

''(2) CRITERIA.—In order to be eligible for participation in the Indian educator scholarship program, an individual must—

''(A) be an Indian, as defined in section 7151;

''(B) be accepted for enrollment, or be enrolled, as a full- or part-time student in a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education;

''(C) submit an application to participate in the Indian educator scholarship program at such time and in such manner as the Secretary shall determine; and

''(D) sign and submit to the Secretary at the time that such application is submitted, a written contract, as described in subsection (c).

''(c) CONTENTS OF CONTRACT.—

''(1) IN GENERAL.—The written contract between the Secretary and the individual, as described in subsection (b)(2)(D), shall contain the following:

''(A) A statement that the Secretary agrees to provide the individual with a scholarship, as described in subsection (d), in each school year or years for a period during which such individual is pursuing a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education.

''(B) A statement that the individual agrees—

''(i) to accept provision of the Indian educator scholarship;

''(ii) to maintain enrollment in such course of study until the individual completes the course of study;

''(iii) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Secretary, taking into account the requirements of the educational institution offering such course of study); and

''(iv) to serve through full-time employment at an eligible school for a time period (referred to in this section as the 'period of obligated service') equal to the greater of—

''(I) 1 year for the equivalent of each school year for which the individual was provided a scholarship under the Indian educator scholarship program; or

''(II) 2 years.

''(C) A statement of the damages to which the United States is entitled, under subsection (e), for the individual's breach of the contract.

''(D) Such other statement of the rights and liabilities of the Secretary and of the individual, in accordance with the provisions of this section.

''(2) PERIOD OF OBLIGATED SERVICE.—

''(A) ELIGIBLE SCHOOLS.—An individual shall meet the requirement for the period of obligated service under the written contract between the individual and the Secretary, as described in paragraph (1), if such individual is employed full-time—

''(i) in a school funded by the Bureau of Indian Education; or

''(ii) in a public school that serves a significant number of Indian students.

''(B) DEFERMENT FOR ADVANCED STUDY.—At the request of an individual who has entered into a contract described in this subsection and who has receive a baccalaureate degree in education, the Secretary shall defer the period of obligated service of such individual under such contract to enable such individual to complete a course of study leading to an advanced degree in education, or needed to become certified for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) A period of advanced study shall not be counted as satisfying any period of obligated service that is required under this section.

''(ii) The period of obligated service of the individual shall commence at the later of—

''(I) 90 days after the completion of the advanced course of study;

''(II) at the commencement of the first school year that begins after the completion of the advanced course of study; or

''(III) by a date specified by the Secretary.

''(C) PART-TIME STUDY.—In the case of an individual receiving a scholarship under this section who is enrolled part-time in an approved course of study—

''(i) a scholarship under this section shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(ii) the period of obligated service shall be equal to the greater of—

''(I) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship, as determined by the Secretary; or

''(II) 2 years; and

''(iii) the amount of the monthly stipend specified in subsection (d) shall be reduced pro rata, as determined by the Secretary, based on the number of hours of study in which such individual is enrolled.

''(d) SCHOLARSHIP.—

''(1) IN GENERAL.—A scholarship provided to a student under the Indian educator scholarship program for a school year shall consist of payment to, or in accordance with paragraph (2), on behalf of, the student in the amount of—

''(A) the tuition of the student for the school year or, for a part-time student, the tuition for the appropriate portion of the school year;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

''(C) a stipend of $800 per month (adjusted in accordance with paragraph (3)) for each of the 12 consecutive months beginning with the first month of such school year.

''(2) PAYMENT TO AN INSTITUTION OF HIGHER EDUCATION.—The Secretary may contract with an institution of higher education in which a participant in the Indian educator scholarship program is enrolled for the payment to such institution of the amounts of tuition and other reasonable educational expenses described in subparagraph (A) and (B) of paragraph (1). Payment to such institution may be made without regard to section 3324(a) and (b) of title 31.

''(3) STIPEND.—The amount of the monthly stipend described in paragraph (1)(C) shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 2011, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (under section 5303 of title 5) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

''(e) LIABILITY; FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE; REPAYMENT.—

''(1) LIABILITY.—An individual who has entered into a written contract with the Secretary under this section shall be liable to the United States for the amount which has been paid to, or on behalf of, such individual under the contract, if such individual—

''(A) fails to maintain an acceptable level of academic standing in the institution of higher education in which the individual is enrolled (as determined by the Secretary taking into account the requirements of the educational institution offering such course of study);

''(B) is dismissed from such institution of higher education for disciplinary reasons;

''(C) voluntarily terminates the training in such institution of higher education for which such individual is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the institution of higher education in which such individual is enrolled not to accept payment, under this section.

''(2) FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE.—

''(A) IN GENERAL.—Subject to paragraph (C), if for any reason not specified in paragraph (1), an individual breaches the written contract under this section by failing either to begin such individual's period of obligated service or failing to complete such obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the following formula:

$$A=3Z(t - s/t)$$

''in which—

''(i) 'A' is the amount the United States is entitled to recover;

''(ii) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

''(iii) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (c)(2) of this section; and

''(iv) 's' is the number of months of such period served by such individual in accordance with this section.

''(B) AMOUNTS NOT PAID.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1395ccc of title 42.

''(C) DELAY IN THE PERIOD OF OBLIGATED SERVICE.—An individual who has entered into a written contract with the Secretary under this section may petition the Secretary to delay the date on which the individual would otherwise be required to begin the period of obligated service if such individual has not succeeded in obtaining employment required by this section. In support of such petition, the individual shall supply such reasonable information as the Secretary may require. The Secretary shall retain full discretion whether to grant or decline such a delay and to determine the duration of any delay that is granted.

''(3) REPAYMENT.—

''(A) IN GENERAL.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(B) RECOVERY OF DAMAGES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once every 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.

''(4) DEATH.—Upon the death of an individual who receives, or has received, an Indian educator scholarship, any obligation of such individual for service or payment that relates to such scholarship shall be canceled.

''(5) WAIVER.—

''(A) REQUIRED WAIVER.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian educator scholarship, if the Secretary determines that—

''(i) it is not possible for the recipient to meet the obligation or make the payment;

''(ii) requiring the recipient to meet the obligation or make the payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) PERMISSIBLE WAIVER.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—

''(A) IN GENERAL.—Subject to subparagraph (B), and notwithstanding any other provision of law, with respect to a recipient of an Indian educator scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11.

''(B) EXCEPTION.—The prohibition described in subparagraph (A) shall not apply if—

''(i) such discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due; and

''(ii) the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''(f) PLACEMENT ASSISTANCE.—The Secretary shall assist the recipient of an Indian educator scholarship in learning about placement opportunities in eligible schools by transmitting the name and educational credentials of such recipient to—

''(1) State educational agency clearinghouses for recruitment and placement of kindergarten, elementary school, and secondary school teachers and administrators in States with a substantial number of Indian children;

''(2) elementary schools and secondary schools funded by the Bureau of Indian Education; and

''(3) tribal education agencies (as defined in section 1116A(b)).

''(g) OTHER PROVISIONS.—Notwithstanding any other provision of this title, sections 2101, 2102, 2103, and subparts 1 through 5 of this part shall not apply to a grant or scholarship awarded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2012, and each of the 5 succeeding fiscal years.''.

(2) in part B, by striking subparagraph (B) of section 2202(a)(2) (20 U.S.C. 6662(a)(2)) and inserting the following:

''(B) ALLOTMENT.—From the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i), the Secretary shall allot—

''(i) one-half of one percent to the Secretary of the Interior for grants involving schools funded by the Bureau of Education; and

''(ii) the amount remaining after funds are distributed in accordance with clause (i), to the State educational agencies in proportion to the number of children aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.''; and

(3) in part C—

(A) in section 2302(b)(2) by striking ''or public charter schools'' and inserting '', public charter schools, or schools funded by the Bureau of Indian Education'';

(B) in section 2304—

(i) in subsection (a)(1)(B), by inserting ''or with a school funded by the Bureau of Indian Education,'' after section ''2101''; and

(ii) in subsection (d)(3), in the matter preceding subparagraph (A), by striking ''or public charter school'' and inserting ''public charter school, or school funded by the Bureau of Indian Education''.

Subtitle C—Native American Languages Programs

SEC. 131. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

Subpart 1 of part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6821 et seq.) is amended by adding at the end the following:

''SEC. 3117. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the academic achievement of American Indian and Alaska Native students through Native American languages programs; and

''(2) to foster the acquisition of Native American languages.

''(b) DEFINITIONS.—In this section:

''(1) AVERAGE.—The term 'average', when used with respect to the number of hours of instruction through the use of a Native American language, means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an Indian tribe;

''(C) an Indian organization;

''(D) a federally supported elementary school or secondary school for Indian children;

''(E) an Indian institution (including an Indian institution of higher education); or

''(F) a consortium of any of the entities described in subparagraphs (A) through (E).

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out the activities described in this section.

''(2) DURATION.—

''(A) IN GENERAL.—The Secretary shall award grants under this section on a multiyear basis for a duration of not less than 4 years.

''(B) RENEWAL.—Grants awarded under this section may be renewed.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, in addition to the information required in this section.

''(2) CONTENTS.—An application submitted under paragraph (1) shall include a certification from the eligible entity that the entity has not less than 3 years of experience in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

''(e) USES OF GRANT FUNDS.—

''(1) REQUIRED USES.—An eligible entity that receives a grant under this section shall use the grant funds for the following activities:

''(A) Native American language programs, which are site-based educational programs that—

''(i) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours;

''(ii) provide for the involvement of parents (or legal guardians) of students participating in such a program;

''(iii) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

''(iv) provide for teacher training; and

''(v) work toward a goal of all students participating in such a program achieving—

''(I) fluency in a Native American language; and

''(II) academic proficiency in mathematics, English, reading (or language arts), and science.

''(B) Native American language restoration programs, which are educational programs that—

''(i) provide instruction in at least 1 Native American language;

''(ii) provide training programs for teachers of Native American languages;

''(iii) develop instructional materials for the programs; and

''(iv) work toward a goal of increasing proficiency and fluency for participating students in at least 1 Native American language.

''(2) PERMISSIBLE USES.—An eligible entity that receives a grant under this section may use the grant funds for—

''(A) Native American language and culture camps;

''(B) Native American language programs provided in coordination and cooperation with educational entities;

''(C) Native American language programs provided in coordination and cooperation with local institutions of higher education;

''(D) Native American language programs that use a master-apprentice model of learning languages;

''(E) Native American language programs provided through a regional program to better serve geographically dispersed students;

''(F) Native American language teacher training programs, such as training programs in Native American language translation for fluent speakers, training programs for Native American language teachers, training programs for teachers in schools to utilize Native American language materials, tools, and interactive media to teach a Native American language; and

''(G) the development of Native American language materials, such as books, audio and visual tools, and interactive media programs.

''(f) ASSURANCE.—A eligible entity awarded a grant under this section shall provide an assurance that each instructor of a Native American language under a program supported with grant funds under this section is certified to teach such language by the Indian tribe whose language will be taught.

''(g) EVALUATION.—After the completion of the fourth year of a grant awarded under this section, the Secretary shall—

''(1) carry out a comprehensive evaluation of the programs carried out by the grantee with grant funds; and

''(2) provide a report on the evaluation to the grantee, the tribe or tribes whose children are served by the program, and parents of the children served.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 132. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

''Subpart 5—State and Tribal Education Agency Agreements

''SEC. 3151. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

''(a) PURPOSE.—The purpose of this section is to facilitate efforts by tribal education agencies and State educational agencies to partner with each other in order to—

''(1) improve the academic achievement of Indian children and youth who reside on reservations and tribal lands; and

''(2) promote tribal self-determination in education.

''(b) DEFINITION.—The term 'tribal education agency' means an agency or administrative unit of an Indian tribe that is authorized by the tribe to have primary responsibility for regulating, administering, or supervising early learning or elementary and secondary education on reservations or tribal lands.

''(c) AUTHORITY FOR ELIGIBLE TRIBAL EDUCATION AGENCIES.—

''(1) IN GENERAL.—In order to receive the authority and funds authorized under paragraph (3), an eligible tribal education agency shall enter into an agreement, subject to approval by the Secretary, with the appropriate State educational agency to assume the State educational agency's responsibility for carrying out activities specified in the agreement under 1 or more of the programs identified in paragraph (3)(B)(ii) on the eligible tribal education agency's reservation or tribal lands.

''(2) ELIGIBILITY.—In order for a tribal education agency to receive the authority or funds described in paragraph (3), pursuant to an agreement with the State educational agency—

''(A) the eligible tribal education agency's tribe must have a reservation or tribal lands (which may be an Alaska Native village), as recognized under Federal or State law, on which 1 or more publicly administered schools are operating under State law; and

''(B) not less than 50 percent of the students enrolled in each such school must be Indians.

''(3) ELIGIBLE TRIBAL EDUCATION AGENCY WITH AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has an approved agreement in place, as described in paragraph (1), the Secretary shall, consistent with the agreement—

''(A) treat the eligible tribal education agency as a State educational agency for the purposes of—

''(i) carrying out on the reservation or tribal lands, the activities specified in the agreement under 1 or more of the programs listed in subparagraph (B)(ii); and

''(ii) section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(B) provide, or have the State educational agency provide, to the eligible tribal education agency a proportion of the funds that are available to—

''(i) carry out State-level activities; and

''(ii) as applicable, award subgrants under 1 or more of the following programs, as provided for in the agreement:

''(I) State grants under part A of title I.

''(II) Grants under this Act that support school turnaround efforts.

''(III) Grants under this Act for the purpose of assessing achievement.

''(IV) The teacher and principal training and recruiting fund under part A of title II.

''(V) Grants under the English Language Acquisition, Language Enhancement, and Academic Achievement Act under part A of title III.

''(VI) The education of migratory children program under part C of title I.

''(VII) Grants provided for the education of homeless children and youth.

''(VIII) Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk under part D of title I.

''(IX) Programs under this Act for rural and low-income schools.

''(4) ELIGIBLE TRIBAL EDUCATION AGENCY WITHOUT AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has not yet entered into an agreement, as described in paragraph (1), the Secretary may provide technical assistance to the eligible tribal education agency in order to facilitate such an agreement.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible tribal education agency that desires to receive the authority or funds described in paragraph (c)(3), pursuant to an agreement with a State educational agency, shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(2) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS AN AGREEMENT.—An application from an eligible tribal education agency that has an agreement in place with the State educational agency and is seeking the Secretary's approval of such agreement, in order to gain the authority and funds described under subsection (c)(3), shall—

''(A) describe the eligible tribal education agency's current role and responsibilities on the reservation or tribal lands; and

''(B) provide a copy of the agreement described under subsection (c)(1), which shall, at a minimum—

''(i) identify each program listed in subsection (c)(3)(B)(ii) for which the applicant will assume some or all of the State-level responsibility on the reservation or tribal lands under the agreement;

''(ii) describe the State-level activities that the tribal education agency will carry out under such program, and the division of roles and responsibilities between the tribal education agency and the State educational agency in carrying out such activities, including, if applicable, any division of responsibility for awarding subgrants to local educational agencies;

''(iii) identify the administrative and fiscal resources that the applicant will have available to carry out such activities; and

''(iv) provide evidence of any other collaboration with the State educational agency in administering State-level activities for the programs listed in subsection (c)(3)(B)(ii).

''(3) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS NOT YET ENTERED INTO AN AGREEMENT WITH A STATE EDUCATIONAL AGENCY.—An application from an eligible tribal education agency that has not yet entered into an agreement with a State educational agency, as described under subsection (c)(1), shall include a description of—

''(A) the program authority that the eligible tribal education agency would like to obtain and the State-level activities that the eligible tribal education agency would like to carry out;

''(B) the eligible tribal education agency's role and responsibilities on the reservation or tribal lands and administrative and fiscal capability and resources at the time of the application; and

''(C) the proposed process and time period for entering into the agreement described under subsection (c)(1).

''(e) SPECIAL RULE.—If the tribal education agency and State educational agency are unable to reach an agreement that the Secretary approves, the Secretary may, at the request of either agency and for a reasonable period, use all or a portion of the State's administrative funds for the program listed in subsection (c)(3)(B)(ii) for which an application is made, in order to facilitate an agreement (such as through alternative dispute resolution).

''(f) REVIEW AND REPORTING.—

''(1) REVIEW.—The Secretary shall require an eligible tribal education agency and a State educational agency that have an approved agreement to—

''(A) periodically review the agreement; and

''(B) if appropriate, revise the agreement and submit the revised agreement to the Secretary for approval.

''(2) REPORT.—An eligible tribal education agency and a State educational agency that have an approved agreement shall report to the Secretary every 2 years about the effectiveness of the agreement.''.

Subtitle D—21st Century Schools

SEC. 141. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

''From funds made available to carry out this subpart, the Secretary shall—

''(1) establish a program to improve school environments and student skill development for healthy choices for Native American students, including—

''(A) prevention regarding—

''(i) alcohol and drug misuse;

''(ii) suicide;

''(iii) violence;

''(iv) pregnancy; and

''(v) obesity;

''(B) nutritious eating programs; and

''(C) anger and conflict management programs;

''(2) establish a program for school dropout prevention for Native American students; and

''(3) collaborate with the Secretary of Agriculture to establish tribal-school specific school gardens and nutrition programs that are within the tribal cultural context.''.

Subtitle E—Indian, Native Hawaiian, and Alaska Native Education

SEC. 151. PURPOSE.

Section 7102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7402) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska native students by meeting their unique cultural, language, and educational needs.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) strengthening American Indian and Alaska Native students' knowledge of their languages, history, traditions, and cultures;''.

SEC. 152. PURPOSE OF FORMULA GRANTS.

Section 7111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421) is amended to read as follows:

''SEC. 7111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies to develop elementary school and secondary school programs for Indian students that are designed to meet the unique cultural, language and educational needs of such students.''.

SEC. 153. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

Section 7112 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7422) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) GRANT AWARDS.—The Secretary''; and

(B) by adding at the end the following:

''(2) CONSORTIA.—

''(A) IN GENERAL.—Two or more local educational agencies may form a consortium to apply for and carry out a program under this subpart, as long as each local educational agency participating in the consortium—

''(i) provides an assurance to the Secretary that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

''(ii) shall be subject to all requirements, assurances, and obligations applicable to local educational agencies under this subpart.

''(B) APPLICABILITY.—The Secretary shall treat each consortium described in subparagraph (A) as if such consortium were a local educational agency for purposes of this subpart.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) ENROLLMENT REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(i) was at least 10; or

''(ii) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(B) SPECIAL RULE.—Notwithstanding any other provision of this Act, in any case where an Indian tribe that represents a plurality of the eligible Indian children who are served by a local educational agency eligible for a grant under this subpart requests that the local educational agency enter into a cooperative agreement with such tribe to assist in the planning and operation of the program funded by such grant, the local educational agency shall enter into such an agreement as a condition for receiving funds under this subpart.''; and

(B) in paragraph (2), by striking ''a reservation'' and inserting ''an Indian reservation'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such grant, an'' and inserting the following: ''such grant—

''(A) an Indian tribe that represents a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant; or

''(B) a consortium of Indian tribes representing a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant.''; and

(B) in paragraph (2)—

(i) by inserting ''or consortium of Indian tribes'' after ''each Indian tribe'';

(ii) by inserting ''or such consortium'' after ''such Indian tribe''; and

(iii) by inserting ''or consortium'' after ''any such tribe''; and

(4) by adding at the end the following:

''(d) INDIAN COMMITTEE.—If neither a local educational agency pursuant to subsection (b), nor an Indian tribe or consortium of Indian tribes pursuant to subsection (c), applies for a grant under this subpart, a committee of Indian individuals in the community of the local educational agency may apply for such grant and the Secretary shall apply the special rule in subsection (c)(2) to such committee in the same manner as such rule applies to an Indian tribe or consortium of Indian tribes.''.

SEC. 154. AMOUNT OF GRANTS.

Section 7113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7423) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$3,000'' and inserting ''$10,000'';

(B) in paragraph (2)—

(i) by inserting ''and Indian tribes'' after ''Local educational agencies''; and

(ii) by inserting ''and operating programs'' after ''obtaining grants''; and

(C) by striking ''$4,000'' and inserting ''$15,000''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''AFFAIRS'' and inserting ''EDUCATION''; and

(B) in paragraph (1)(A)(i), by striking ''Affairs'' and inserting ''Education''.

SEC. 155. APPLICATIONS.

Section 7114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''is consistent with the State and local'' and inserts ''supports the State, tribal, and local''; and

(ii) in subparagraph (B), by striking '', that are'' and all that follows through ''all children''; and

(B) in paragraph (3), by striking '', especially programs carried out under title I,'';

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by adding at the end the following:

''(C) the parents of Indian children and representatives of Indian tribes on the committee described in subsection (c)(5) will participate in the planning of the professional development materials; and''; and

(D) in paragraph (6)(B)—

(i) in clause (i), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(iii) each Indian tribe whose children are served by the local educational agency; and'';

(2) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(B) by inserting after paragraph (1) the following:

''(2) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart;'';

(C) in paragraph (3) (as redesignated by subparagraph (1))—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the follow

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(D) in paragraph (4)(C) (as redesignated by paragraph (1)), by striking ''and teachers,'' and inserting ''teachers, and representatives of Indian tribes with reservations located within 50 miles of any of the schools (if any such tribe has children in any such school)'';

(E) in paragraph (5)—

(i) in subparagraph (A)—

(I) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(II) by inserting after clause (i) the following:

''(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools, if any such tribe has children in any such school;'';

(ii) in subparagraph (B), by inserting ''and representatives of Indian tribes described in subparagraph (A)(ii), if applicable'' before the semicolon at the end; and

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''and'' after the semicolon; and

(II) by adding at the end the following:

''(iii) determined that the program will directly enhance the educational experience of American Indian and Alaska Native students; and''; and

(3) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for grants, and shall undertake appropriate outreach activities to encourage and assist such entities to submit applications.''.

SEC. 156. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (11) as paragraphs (2) through (12), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the activities that support Native American language programs and Native American language restoration programs, such as those programs described in section 7123;'';

(C) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''and directly support the attainment of challenging State academic content and student academic achievement standards'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''that meet the needs of Indian children and their families'' and inserting '', including programs that promote parental involvement in school activities and promote parental involvement to increase student achievement, in order to meet the unique needs of Indian children and their families;''

(E) in paragraph (6) (as redesignated by subparagraph (A));

(F) in paragraph (10) (as redesignated by subparagraph (A)), by striking '', consistent with State standards''; and

(G) in paragraph (12) (as redesignated by subparagraph (A)), by striking '', and incorporate appropriately qualified tribal elders and seniors''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and'' after the semicolon; and

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.''.

SEC. 157. STUDENT ELIGIBILITY FORMS.

Section 7117(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7427(e)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) RECORDS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and the local educational agency and Secretary shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.''.

SEC. 158. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421 et seq.) is further amended by adding at the end the following:

''SEC. 7120. TECHNICAL ASSISTANCE.

''The Secretary shall, directly or through a contract, provide technical assistance to a local educational agency upon request (in addition to any technical assistance available under any other provision of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

''(1) the development of applications under this subpart;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart; and

''(3) integration of activities under this title with other educational activities established by the local educational agency.''.

SEC. 159. AMENDMENTS RELATING TO TRIBAL COLLEGES AND UNIVERSITIES.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended—

(1) in section 7121(b), by striking ''Indian institution (including an Indian institution of higher education)'' and inserting ''Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965''; and

(2) in section 7122—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965;''; and

(ii) in paragraph (4), by striking the period and inserting '', in consortium with not less than 1 Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965.''; and

(B) in subsection (f)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting after ''the Secretary—'' the following:

''(1) shall give priority to tribally-chartered institutions of higher education;'';

(iii) in paragraph (2), as redesignated, by striking ''shall'' and inserting ''may''; and

(iv) in paragraph (3), as redesignated, by striking ''basis of—'' and all that follows through ''grants'' and inserting ''basis of the length of any period during which the eligible entity has received a grant or grants''.

SEC. 160. TRIBAL EDUCATIONAL AGENCY COOPERATIVE AGREEMENTS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

"SEC. 7123. TRIBAL EDUCATION AGENCY COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, an Indian tribe may enter into a cooperative agreement with a State educational agency or a local education agency that serves a school within the Indian lands of such Indian tribe.

''(b) COOPERATIVE AGREEMENT.—Upon the request of an Indian tribe that includes, within the Indian lands of the tribe, a school served by a State educational agency or a local educational agency that receives assistance under this Act, the State educational agency or local educational agency shall enter into a cooperative agreement with the Indian tribe with respect to such school. The Indian tribe and the State educational agency or local educational agency, as the case may be, shall determine the terms of the agreement, and the agreement may—

''(1) authorize the tribal education agency of the Indian tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or local educational agency; and

''(2) authorize the tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary.

''(c) DISAGREEMENT.—If an Indian tribe has requested a cooperative agreement under subsection (b) with a State educational agency or local educational agency that receives assistance under this Act, and the Indian tribe and State educational agency or local educational agency cannot reach an agreement, the Indian tribe may submit to the Secretary the information that the Secretary determines relevant to make a determination. The Secretary shall provide notice the affected State educational agency or local educational agency not later than 30 days after receiving the Indian tribe's submission. After such notice is made, the State educational agency or local educational agency has 30 days to submit information that the Secretary determines relevant in relation to the disagreement. After the 30 days provided to the State educational agency or local educational agency has elapsed, the Secretary shall make a determination.

''(d) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project cooperative agreement by the participating Indian tribes of an intertribal consortium.

''(e) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

SEC. 161. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

"SEC. 7124. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

''(a) PURPOSE.—There is established a pilot project to be known as the 'Tribal Education Agency Pilot Project' that authorizes not more than 5 qualifying Indian tribes per year to be eligible to receive grants with the Secretary to administer State educational agency functions authorized under this Act for schools that meet the eligibility criteria described in subsection (e). These functions include all grants, including grants allocated through formulas and discretionary grants allocated on a competitive basis, that are awarded under this Act.

''(b) PLANNING PHASE.—

''(1) IN GENERAL.—Each Indian tribe seeking to participate in the Tribal Education Agencies Pilot Project shall complete a planning phase. The planning phase shall include—

''(A) the development of an education plan for the schools that meet the eligibility criteria described in subsection (e) and that will be served under the pilot project; and

''(B) demonstrated coordination and collaboration partnerships, including cooperative agreements with each local educational agency that serves a school meeting the criteria described in subsection (e).

''(2) EXEMPTION.—The Secretary may waive the planning phase, upon the application of an Indian tribe, if the Indian tribe has—

''(A) been operating a tribal education agency successfully for 2 or more years; and

''(B) can demonstrate compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(c) FUNDING AGREEMENT.—After an Indian tribe has successfully completed the planning phase, the Secretary shall award a grant and enter into a funding agreement to the Indian tribe to enable the tribal education agency of the tribe to administer all State educational agency functions described in subsection (a) for the schools that meet the eligibility criteria described in subsection (e). Each funding agreement shall—

''(1) identify the programs, services, functions, and activities that the tribal education agency will be administering for such schools;

''(2) determine the amount of funds to be provided to the Indian tribe by the allocations or grant amounts that would otherwise be provided to the State educational agency, as appropriate; and

''(3) ensure that the Secretary provides such funds directly to the tribe to administer such programs.

''(d) ELIGIBILITY.—In order to serve a school through a funding agreement under this section, the Indian tribe shall demonstrate—

''(1) that the school meets 1 or more of the following criteria:

''(A) The school is funded by the Bureau of Indian Affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

''(B) The school receives payments under title VII because of students living on Indian land.

''(C) The school is located on Indian land.

''(D) A majority of the students in the school are American Indian or Alaska Native; and

''(2) that the Indian tribe—

''(A) has the capacity to administer the functions for which the tribe applies for such school, including compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code; and

''(B) satisfies such other factors that the Secretary deems appropriate.

''(e) GEOGRAPHICAL DIVERSITY.—In awarding grants under this section, the Secretary shall ensure that grants are provided and grant amounts are used in a manner that results in national geographic diversity among Indian tribes applying for grants under this section.

''(f) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project by the participating Indian tribes of an intertribal consortium.

''(g) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress a written report 3 years after the date of enactment of this Act that—

''(1) identifies the relative costs and benefits of tribal education agencies, as demonstrated by the grants;

''(2) identifies the funds transferred to each tribal education agency and the corresponding reduction in the Federal bureaucracy; and

''(3) includes the separate views of each Indian tribe participating in the pilot project.

''(h) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 162. IMPROVE SUPPORT FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

"SEC. 7125. TEACHER AND ADMINISTRATOR PIPELINE FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

''(a) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to create or expand a teacher or administrator, or both, pipeline for teachers and administrators of Native American students.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a local educational agency;

''(2) an institution of higher education; or

''(3) a nonprofit organization.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Tribal Colleges and Universities (as defined in section 316 of the Higher Education Act of 1965).

''(d) ACTIVITIES.—An eligible entity that receives a grant under this section shall create a program that shall prepare, recruit, and provide continuing education for teachers and administrators of Native American students, in particular for teachers of—

''(1) science, technology, engineering, and mathematics;,

''(2) subjects that lead to health professions; and

''(3) green skills and 'middle skills', including electrical, welding, technology, plumbing, and green jobs.

''(e) INCENTIVES FOR TEACHERS AND ADMINISTRATORS.—An eligible entity that receives a grant under this section may provide incentives to teachers and principals who

make a commitment to serve high-need, high-poverty, tribal schools, including in the form of scholarships, loan forgiveness, incentive pay, or housing allowances.

''(f) SCHOOL AND COMMUNITY ORIENTATION.—An eligible entity that receives a grant under this section shall develop an evidence-based, culturally-based school and community orientation for new teachers and administrators of Native American students.''.

SEC. 163. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

''SEC. 7126. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the skills of qualified individuals that teach Indian people; and

''(2) to provide an incentive for qualified teachers to continue to utilize their enhanced skills in schools serving Indian communities.

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(2) an Indian tribe or organization, in consortium with a local educational agency; or

''(3) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—For fiscal years 2012 through 2018, the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to—

''(1) reimburse individuals who teach Indian people with out-of-pocket costs associated with obtaining National Board Certification; and

''(2) providing a minimum of $5,000 but not more than a $10,000 increase in annual compensation for National Board Certified individuals for the duration of the Demonstration Project.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may require. In reviewing applications under this section, the Secretary shall ensure that the eligible entities—

''(1) are located within the boundaries of a reservation; and

''(2) maintain an average enrollment of at least 30 percent of students that reside within the boundaries of a reservation.

''(e) RESTRICTIONS ON COMPENSATION INCREASES.—The Secretary shall require and ensure that National Board Certified individuals continue to teach at the eligible entity as a condition of receiving annual compensation increases provided for in this section.

''(f) PROGRESS REPORTS.—In fiscal years 2015 and 2018, the Comptroller General of the United States shall provide a report on the progress of the entities receiving awards in meeting applicable progress standards.''.

SEC. 164. TRIBAL LANGUAGE IMMERSION SCHOOLS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

''SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS.

''(a) PURPOSE.—It is the purpose of this section to establish a grant program to permit eligible schools to use American Indian, Alaska Native, and Native Hawaiian languages as the primary language of instruction of all curriculum taught at the schools (referred to in this section as 'immersion schools') in order to increase the number of American Indian, Alaska Native, and Native Hawaiian graduates at all levels of education, and to increase the proficiencies of these students in the curriculum being taught.

''(b) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section, the Secretary may award grants to eligible schools to develop and maintain, or to improve and expand, programs that support articulated Native language learning in kindergarten through postsecondary education programs.

''(c) ELIGIBLE SCHOOL; DEFINITION.—In this section—

''(1) the term 'eligible school' means a school that provides elementary or secondary education or a Tribal College or University, including an elementary or secondary school operated by a Tribal College or University, that has, or can present a plan for development of, an immersion school or courses in which instruction is provided for a minimum 900 hours per academic year; and

''(2) the term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965.

''(d) APPLICATION.—An eligible school seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, that includes the following information:

''(1) The number of students attending the school.

''(2) The number of present hours of tribal language instruction being provided to students at the school, if any.

''(3) The status of school with regard to any applicable Tribal Education Department or agency, public education system, or accrediting body.

''(4) A statement that the school is engaged in meeting targeted proficiency levels for students as may be required by applicable Federal, State, or tribal law.

''(5) A statement identifying how the proficiency levels for students being educated, or to be educated, at the tribal language immersion school are, or will be, assessed.

''(6) A list of the instructors at the tribal language immersion school and their qualifications.

''(7) A list of any partners or subcontractors with the tribal language immersion school who may assist in the provision of instruction in the immersion setting, and the role of such partner or subcontractor.

''(8) Any other information that the Secretary may require.

''(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—When submitting an application for a grant under this section, each eligible school shall submit:

''(1) A certificate from a federally recognized Indian tribe, or a letter from any organized American Indian, Alaska Native, or Native Hawaiian community, on whose lands the school is located, or which is served by the school, or from a tribally controlled college or university (as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978) that is operating the school, indicating that the school has the capacity to provide language immersion education and that there are sufficient native speakers at the school or available to be hired by the school who are trained as educators who can provide the education services required by the school in the native language used at the immersion school and who will satisfy any requirements of any applicable law for educators generally.

''(2) An assurance that the school will participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the immersion school.

''(3) A demonstration of the capacity to have native language speakers provide the basic education offered by the school for the minimum 900 hours per academic year as required under the grant.

''(f) ACTIVITIES AUTHORIZED.—The following activities are the activities that may be carried out by the eligible schools that receive a grant under this section:

''(1) Development of an articulated instructional curriculum for the language of the tribe, American Indian, Alaska Native, or Hawaiian community served by the school applying for the grant.

''(2) In-service and preservice development of teachers and paraprofessionals who will be providing the instruction in the native language involved.

''(3) Development of contextual, experiential programs, and curriculum materials related to the indigenous language of the community which the immersion school serves.

''(g) NUMBER, AMOUNT, AND DIVERSITY OF LANGUAGES IN GRANTS.—Based on the amount appropriated by Congress as authorized by this section, and the number of eligible schools applying for a grant under this section, the Secretary may determine the amounts and length of each grant made under this section and shall ensure, to the maximum extent practicable, that diversity in languages is represented in such grants.

''(h) REPORT TO SECRETARY.—Each eligible school receiving a grant under this section shall provide an annual report to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(i) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other section authorizing funds to be appropriated for carrying out the purposes of this title, there is authorized to be appropriated to carry out this section $5,000,000 for the first full fiscal year following the date of enactment of this section, and such sums as are necessary in the 4 following fiscal years.''.

SEC. 165. COORDINATION OF INDIAN STUDENT INFORMATION.

Subpart 3 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7451 et seq.) is amended by adding at the end the following:

''SEC. 7137. COORDINATION OF INDIAN STUDENT INFORMATION.

''(a) PURPOSE.—Consonant with the United States' unique and continuing trust responsibility to Indian people for the education of Indian children as described in section 7101, it is the purpose of this section to enable the Secretary to establish or improve the effectiveness and efficiency of programs for coordination among educational agencies and schools for the linkage and exchange of student records of Indian children.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, the States, and Indian tribes, is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, Indian tribes, Indian organizations, tribal education agencies, institutions of higher education, other public and private nonprofit organizations, and consortia of all such entities, to improve the collection, coordination, and electronic exchange of Indian student records between State educational agencies, local educational agencies, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(A) entities that are Indian tribes, Indian organizations, tribal education agencies; or

''(B) consortia that include 1 or more such entities.

''(3) GRANT DURATION.—Each grant awarded under this section shall be for a duration of not more than 5 years.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall assist the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing effective methods for—

''(A) the electronic transfer of student records of Indian children;

''(B) the determination of the number of Indian children in each State, disaggregated by the local educational agency in which such children reside; and

''(C) the determination of the extent to which Indian children under the age of 18 who have not achieved a secondary school diploma are not enrolled in any school.

''(2) INFORMATION SYSTEMS.—

''(A) IN GENERAL.—Using amounts made available under subsection (e), the Secretary, in consultation with the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education, shall award grants or contracts to, or enter agreements with, State educational agencies and local educational agencies, and provide funds to the Secretary of the Interior in accordance with subsection (d) in order to ensure the linkage of Indian student records systems for the purpose of electronically exchanging, among and between State educational agencies, local educational agencies, and schools, health and educational information regarding all Indian students. The Secretary of Education shall ensure such linkage occurs in a cost-effective manner, and to the extent practicable, utilizes systems, if any, used prior to the date of enactment of this section.

''(B) DATA ELEMENTS.—The Secretary shall identify the data elements that each State receiving assistance under this subsection and the Secretary of the Interior shall collect and maintain for each Indian student enrolled in a school, which, at a minimum, shall include—

''(i) the student's enrollment and disenrollment in any elementary and secondary school, and the grade levels successfully completed at such school;

''(ii) the student's immunization records and other health information;

''(iii) the student's elementary and secondary academic history (including partial credit), credit accrual, and results from any assessments required by Federal law;

''(iv) other academic information essential to ensuring that Indian children achieve high standards; and

''(v) the student's eligibility for services under the Individuals with Disabilities Education Act.

''(C) NOTICE AND COMMENT.—After fulfilling the consultation required under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that the Secretary of the Interior and each State shall be required to collect for purposes of electronic transfer of Indian student information with respect to schools assisted under this Act and the requirements the Secretary of the Interior and the States shall meet for immediate electronic access to such information. Such publication shall occur not later than 180 days after the date of enactment of this section.

''(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this Act, or an elementary school or secondary school funded by the Bureau of Indian Education, shall make student records available at request of any other educational agency or school at no cost to the requesting agency or school if the request is made in order to meet the needs of an Indian child who is enrolled, or was enrolled, in the school receiving assistance under this Act.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report—

''(A) describing the status of the implementation of this section; and

''(B) including recommendations from the Secretary and the Secretary of the Interior regarding the collection, coordination and exchange of health and educational information on Indian children by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) REQUIRED CONTENTS.—The Secretary shall include in the report and recommendations described in paragraph (1)—

''(A) a report on the progress made by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing and linking electronic records transfer systems;

''(B) recommendations for the development, linkage, and maintenance of such systems;

''(C) recommendations for measures that may be taken to ensure the continuity and enhancement of services to Indian students;

''(D) a report from the Secretary of the Interior describing the extent to which funding supplied to elementary schools and secondary schools funded by the Bureau of Indian Education pursuant to subsection (e)(2)(B) is sufficient to enable those schools to develop and operate electronic records transfer systems; and

''(E) a report on recommendations made by Indian tribes, Indian organizations, tribal departments of education, and elementary schools and secondary schools funded by the Bureau of Indian Education, and consortia of such entities, regarding implementation of this section and the extent to which such recommendations were taken into account.

''(3) PUBLICATION IN FEDERAL REGISTER.—Not later than 14 days after the report described in paragraph (1) is submitted to Congress, the Secretary shall publish such report in the Federal Register.

''(e) AVAILABILITY OF FUNDS.—

''(1) RESERVATION.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve $20,000,000 of the amount appropriated pursuant to subsection (c) of section 7152.

''(2) ALLOTMENT FOR THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—From the amounts reserved pursuant to paragraph (1), the Secretary shall transfer to the Secretary of the Interior $8,000,000 for each fiscal year to be used as described in subparagraph (B).

''(B) DISTRIBUTION AND USE OF FUNDS.—The Secretary of the Interior shall distribute all funds transferred pursuant to subparagraph (A) to elementary schools and secondary schools funded by the Bureau of Indian Education for use by such schools to pay the costs of establishing and participating in systems for the orderly linkage and exchange of student records of Indian children. To facilitate such establishment and participation by such schools, the Secretary of the Interior shall, at the request of any such school, supply technical assistance. Amounts required to be supplied to elementary and secondary schools operated by Indian tribes or tribal organizations pursuant to contracts issued under authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or pursuant to grants issued under authority of the Tribally Controlled Schools Act (25 U.S.C. 2501 et seq.) shall be added to the respective contracts or grants of such tribes or tribal organizations.

''(f) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on Indian children.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 166. AUTHORIZATION OF APPROPRIATIONS.

Section 7152 (20 U.S.C. 7492) is amended to read as follows:

''SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $130,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) SUBPART 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated $50,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(c) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $25,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

Subtitle F—Impact Aid

SEC. 171. IMPACT AID.

Section 8004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7704) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''benefits of such programs and activities'';

(B) in paragraph (5)—

(i) by inserting ''local education'' after ''to such''; and

(ii) by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''educational program'';

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) ANNUAL SUMMARY.—On an annual basis, a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall provide Indian tribes with—

''(1) a summary of programs and activities that were created for the claimed children, or in which the claimed children participate; and

''(2) the funding received under section 8003 in the prior and current fiscal years attributable to such claimed children.''; and

(4) by inserting after subsection (g), as so redesignated, the following:

''(h) TIMELY PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 the full amount that the

agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

''(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' each place it appears.''.

Subtitle G—General Provisions

SEC. 181. HIGHLY QUALIFIED DEFINITION.

Section 9109(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C)(ii)(VII), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) when used with respect to any public elementary school or secondary school teacher teaching Native American language, history, or culture in a State or any Bureau of Indian Affairs funded or operated school, means a teacher certified by an Indian tribe as highly qualified to teach such subjects.''.

SEC. 182. APPLICABILITY OF ESEA TO BUREAU OF INDIAN EDUCATION SCHOOLS.

Section 9103 (20 U.S.C. 7821) is amended to read as follows:

''SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION SCHOOLS.

''(a) IN GENERAL.—For the purpose of any competitive program under this Act, a school described in subsection (b) shall have the same eligibility for and be given the same consideration as a local educational agency with regard to such program.

''(b) DESCRIPTION OF SCHOOLS.—A school described in this subsection is—

''(1) a school funded by the Bureau of Indian Education (including a school operated under a contract or grant with the Bureau of Indian Education), or a consortium of such schools; or

''(2) a school funded by the Bureau of Indian Education in consortium with an Indian tribe, institution of higher education, tribal organization or community organization.

''(c) OUTREACH.—The Secretary shall perform outreach to schools and consortia described in subsection (b) to encourage such schools and consortia to apply for each competitive program under this Act, and shall provide technical assistance as needed to enable such schools and consortia to submit applications for such programs.

''(d) COLLABORATION.—The Secretary shall collaborate with the Secretary of the Interior to provide training and technical assistance to the Bureau of Indian Education, Indian tribes, and schools operated under contracts and grants from the Bureau of Indian Education, regarding—

''(1) curriculum selection, including development of culturally appropriate curricula;

''(2) the development and use of appropriate assessments; and

''(3) effective instructional practices.''.

SEC. 183. INCREASED ACCESS TO RESOURCES FOR TRIBAL SCHOOLS, SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION, AND NATIVE AMERICAN STUDENTS.

(a) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. TECHNICAL ASSISTANCE AND CAPACITY BUILDING FOR TRIBAL SCHOOLS AND SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION.

''Notwithstanding any other provision of this Act, the Secretary shall ensure that any program supported with funds provided under this Act that awards grants, contracts, or other assistance to public schools, provides a 1 percent reservation for technical assistance or capacity building for tribal schools or schools served by the Bureau of Indian Education to ensure such tribal schools or schools served by the Bureau of Indian Education are provided the assistance to compete for such grants, contracts, or other assistance.''.

TITLE II—AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO PROVIDE FUNDING FOR INDIAN PROGRAMS.

Title XIV of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 279) is amended—

(1) by striking subsection (a) of section 14001 and inserting the following:

''(a) OUTLYING AREAS; BUREAU OF INDIAN EDUCATION.—

''(1) OUTLYING AREAS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of one percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

''(2) BUREAU OF INDIAN EDUCATION.—From the amounts appropriated to carry out section 14006 and section 14007, the Secretary of Education shall allocate not less than 1 percent, but not more than 5 percent, to the schools funded by the Bureau of Indian Education on the basis of their respective needs, as determined by the Secretary of Education, in consultation with the Secretary of the Interior, for activities consistent with such sections under such terms and conditions as the Secretary may determine.''; and

(2) in section 14005(d), by striking paragraph (6) (as added by section 1832(b) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, 125 Stat. 164)) and inserting the following:

''(6) IMPROVING EARLY CHILDHOOD CARE AND EDUCATION.—The State will take actions to—

''(A) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning programs;

''(B) design and implement an integrated system of high quality early learning programs and services; and

''(C) in collaboration with Indian tribes in the State, ensure that the actions described in (A) and (B) are taken to ensure that high-quality early learning programs and services are provided to Indian children in the State, which may be accomplished through subgrants to such tribes; and

''(D) ensure that any use of assessments conforms with the recommendations of the National Research Council's reports on early childhood.''.

SEC. 202. QUALIFIED SCHOLARSHIPS FOR EDUCATION AND CULTURAL BENEFITS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) INDIAN EDUCATION AND CULTURAL BENEFITS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, gross income does not include the value of—

''(A) any qualified Indian education benefit, or

''(B) any qualified Indian cultural benefit.

''(2) QUALIFIED INDIAN EDUCATION BENEFIT.—For purposes of this subsection, the term 'qualified Indian education benefit' means—

''(A) any educational grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, and

''(B) any educational grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member.

''(3) QUALIFIED INDIAN CULTURAL BENEFIT.—For purposes of this subsection, the term 'qualified Indian cultural benefit' means—

''(A) any grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, for the study of the language, culture, and ways of life of the tribe, and

''(B) any grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member, for the study of the language, culture, and ways of life of the tribe.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 45A(c)(6).

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given such term by section 4(l) of the Indian Self-Determination and Education Assistance Act.

''(C) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof.

''(5) DENIAL OF DOUBLE BENEFIT.—This subsection shall not apply to the amount of any qualified Indian education benefit or qualified Indian cultural benefit which is not includible in gross income of the beneficiary of such benefit by reason of any other provision of this title, or to the amount of any such benefit for which a deduction is allowed to such beneficiary under any other provision of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 203. TRIBAL EDUCATION POLICY ADVISORY GROUP.

Section 1126 of the Education Amendments of 1978 (25 U.S.C. 2006) is amended by adding at the end the following:

''(h) TRIBAL EDUCATION POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall establish a Tribal Education Policy Advisory Group (referred to in this subsection as the 'TEPAG') to advise the Secretary and the Assistant Secretary on all policies, guidelines, programmatic issues, and budget development for the school system funded by the Bureau of Indian Education.

''(2) DUTIES.—

''(A) IN GENERAL.—The Secretary shall consult with the TEPAG prior to proposing any regulations, establishing or changing any policies, or submitting any budget proposal applicable to the Bureau of Indian Education school system.

''(B) RECOMMENDATIONS.—The Secretary shall include in the proposed budget developed annually for the Bureau of Indian Education any recommendations made by the TEPAG resulting from the consultation under subparagraph (A).

''(C) SUPPLEMENT, NOT SUPPLANT.—The consultation required by subparagraph (A) shall be in addition to and shall not replace the consultation requirement of section 1131.

''(3) COMPOSITION.—

''(A) IN GENERAL.—The TEPAG shall be composed of 26 members, who shall be selected in accordance with subparagraphs (B) through (D).

''(B) TRIBAL MEMBERS.—

''(i) IN GENERAL.—The TEPAG shall be composed of 22 elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials), 1 from each education line office of the Bureau of Indian Education, who shall act as principal members of the TEPAG.

''(ii) SELECTION PROCESS.—The tribes and schools served by each education line office shall establish a process to select the principal member and alternate member of that education line office to TEPAG.

''(iii) ALTERNATES.—The alternate member of an education line office selected under clause (ii) may participate in TEPAG meetings in the absence of the principal member of that education line office.

''(C) NATIONAL TRIBAL ORGANIZATION MEMBER.—The Secretary shall appoint a principal member and an alternate member to the TEPAG from among national organizations comprised of Indian tribes, who shall be elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials).

''(D) FEDERAL MEMBERS.—The Secretary, the Assistant Secretary for Indian Affairs, and the Director of the Bureau of Indian Education shall be ex-officio members of the TEPAG.

''(4) ADMINISTRATION.—

''(A) MEETINGS.—The TEPAG shall meet in person not less than 3 times per fiscal year and may hold additional meetings by telephone conference call.

''(B) PROTOCOLS.—The Secretary and the TEPAG shall jointly develop protocols for the operation and administration of TEPAG.

''(C) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the TEPAG.

''(D) SUPPORT.—

''(i) IN GENERAL.—The Secretary shall be responsible for all costs associated with carrying out the functions of the TEPAG, including reimbursement for the travel, lodging, and per diem expenses of each principal or alternate TEPAG member selected under subparagraphs (B) and (C) of paragraph 3.

''(ii) ADDITIONAL REQUEST.—

''(I) IN GENERAL.—To facilitate the work of the TEPAG, the Secretary may request additional funding in the annual budget submission of the Secretary to support technical and substantive assistance to the TEPAG.

''(II) RECOMMENDATIONS.—If the Secretary requests additional funding under subclause (I), the Secretary shall take into consideration the amount of funding requested by the TEPAG for technical and substantive assistance when making the additional funding request.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 204. DIVISION OF BUDGET ANALYSIS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary'';

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) a determination of the amount necessary to sustain academic and residential programs at Bureau-funded schools, calculated pursuant to subpart H of part 39 of title 25, Code of Federal Regulations (or successor regulations); and''; and

(2) in subsection (d), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary''.

SEC. 205. QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

Part B of title II of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458) is amended by adding at the end the following:

''SEC. 205. AUTHORIZATION TO ESTABLISH QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

''(a) IN GENERAL.—Pursuant to the authority granted under section 54F(d)(4) of the Internal Revenue Code of 1986, the Secretary shall establish a qualified school construction bond escrow account for the purpose of implementing section 54F of the Internal Revenue Code of 1986.

''(b) TRANSFER TO ESCROW ACCOUNT.—

''(1) IN GENERAL.—The Secretary shall allocate to the escrow account described in subsection (a) amounts described in section 54F(d)(4) of the Internal Revenue Code of 1986.

''(2) OTHER FUNDS.—The Secretary shall accept and disburse to the escrow account described in subsection (a) amounts received to carry out this section from other sources, including other Federal agencies, non-Federal public agencies, and private sources.''.

SEC. 206. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by—

(1) redesignating paragraphs (15) through (34) as paragraphs (16) through (35), respectively; and

(2) by inserting after paragraph (14) the following:

''(15) Keweenaw Bay Ojibwa Community College.''.

SEC. 207. WORKFORCE INVESTMENT ACT OF 1998.

Title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.) is amended—

(1) in section 203—

(A) in paragraph (5)(D), by inserting '', including a Tribal College or University'' after ''education'';

(B) in paragraph (15), by amending subparagraph (B) to read as follows:

''(B) a Tribal College or University; or'';

(C) by redesignating paragraph (18) as paragraph (19); and

(D) by inserting after paragraph (17) the following:

''(18) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.'';

(2) in section 211(a)—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) shall reserve 1.5 percent to carry out section 244, except that the amount so reserved shall not exceed $8,000,000.''; and

(3) by inserting after section 243 the following:

''SEC. 244. AMERICAN INDIAN TRIBAL COLLEGE OR UNIVERSITY ADULT EDUCATION AND LITERACY PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out an American Indian Tribal College and University Adult Education and Literacy Grant Program to enable Tribal Colleges or Universities to develop and implement innovative, effective, and replicable programs designed to enhance life skills and transition individuals to employability and postsecondary education and to provide technical assistance to such institutions for program administration.

''(b) APPLICATION.—To be eligible to receive a grant under this section, a Tribal College or University shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The Secretary shall, to the extent practicable, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.

''(c) ELIGIBLE ACTIVITIES.—Activities that may be carried out under a grant awarded under this section include—

''(1) adult education and literacy services, including workplace literacy services;

''(2) family literacy services;

''(3) English literacy programs, including limited English proficiency programs;

''(4) civil engagement and community participation, including U.S. citizenship skills;

''(5) opportunities for American Indians and Alaska Natives to qualify for a secondary school diploma, or its recognized equivalent; and

''(6) demonstration and research projects and professional development activities designed to develop and identify the most successful methods and techniques for addressing the educational needs of American Indian adults.

''(d) GRANTS AND CONTRACTS.—Funding shall be awarded under this section to Tribal Colleges or Universities on a competitive basis through grants, contracts, or cooperative agreements of not less than 3 years in duration.

''(e) CONSIDERATION AND INCLUSION.—In making awards under this section, the Secretary may take into account the considerations set forth in section 231(e). In no case shall the Secretary make an award to a Tribal College or University that does not include in its application a description of a multiyear strategy, including performance measures, for increasing the number of adult American Indian or Alaska Natives that attain a secondary diploma or recognized equivalent.''.

SEC. 208. TECHNICAL AMENDMENTS TO TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) GRANTS AUTHORIZED.—Section 5203(b)(3) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502(b)(3)) is amended—

(1) by striking ''as defined in section 1128(h)(1)'' and inserting ''as defined in section 1128(a)(1)''; and

(2) by striking ''under section 1128 of such'' and inserting ''under section 1128(c) of that''.

(b) AMENDMENTS TO GRANTS.—Section 5203 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502) is amended by adding at the end the following:

''(h) AMENDMENTS TO GRANTS.—

''(1) IN GENERAL.—At the request of the school board of a tribally controlled school, the Secretary shall approve a request to

amend a grant issued to that school board under this part unless the Secretary, not later than 90 days after the date of receipt of the request, provides written notification to the school board that contains a specific finding that clearly demonstrates, or is supported by a controlling legal authority, that—

''(A) the services to be rendered to the eligible Indian students under the proposed amendment to the grant do not meet the requirements of this part;

''(B) adequate protection of trust resources is not assured;

''(C) the grant or the proposed amendment to the grant cannot be properly completed or maintained;

''(D) the amount of funds proposed under the amendment is in excess of the applicable funding level for the grant, as determined under section 5204; or

''(E) the program, function, service, or activity (or portion of the program, function, service, or activity) that is the subject of the proposed amendment is beyond the scope of programs, functions, services, or activities covered under this part because the proposed amendment includes activities that cannot lawfully be carried out by the grantee.

''(2) APPEALS.—The Secretary shall provide the school board of a tribally controlled school with a hearing on the record in the same manner as provided under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).''.

(c) COMPOSITION OF GRANTS.—Section 5204(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(b)) is amended—

(1) in paragraph (4)(B)(iv), by striking ''section 5209(e)'' and inserting ''section 5208(e)''; and

(2) in paragraph (5)(B), by striking ''section 5209(e)'' and inserting ''section 5208(e)''.

(d) DURATION OF ELIGIBILITY DETERMINATION.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) in paragraph (2), by striking ''section 5206(b)(1)(A)'' and inserting ''section 5205(b)(1)(A)''; and

(2) in paragraph (4)(A), by striking ''section 5206(f)(1)(C)'' and inserting ''section 5205(f)(1)(C)''.

TITLE III—ADDITIONAL EDUCATION PROVISIONS

SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.

(a) SUPPORT.—The Secretary of Education shall expand programs for Native American school children—

(1) to provide support for learning in their Native language and culture; and

(2) to provide English language instruction.

(b) RESEARCH.—The Secretary of Education shall conduct research on culture- and language-based education to identify the factors that improve education and health outcomes.

SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Indian Education.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any agency or organization that is eligible for financial assistance under section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(b) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary shall establish a program to provide eligible entities with grants for the purpose of assisting Native Americans to ensure the survival and continuing vitality of Native American languages.

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—An eligible entity may use amounts received under this section to carry out activities that ensure the survival and continuing vitality of Native American languages, including—

(A) the establishment and support of community Native American language projects designed to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

(B) the establishment of projects that train Native Americans to—

(i) teach a Native American language to others; or

(ii) serve as interpreters or translators of a Native American language;

(C) the development, printing, and dissemination of materials to be used for the teaching and enhancement of a Native American language;

(D) the establishment or support of a project to train Native Americans to produce or participate in television or radio programs to be broadcast in a Native American language;

(E) the compilation, transcription, and analysis of oral testimony to record and preserve a Native American language;

(F) the purchase of equipment, including audio and video recording equipment, computers, and software, required to carry out a Native American language project; and

(G)(i) the establishment of Native American language nests, which are site-based educational programs that—

(I) provide instruction and child care through the use of a Native American language for at least 10 children under the age of 7 for an average of at least 500 hours per year per student;

(II) provide classes in a Native American language for parents (or legal guardians) of students enrolled in a Native American language nest (including Native American language-speaking parents); and

(III) ensure that a Native American language is the dominant medium of instruction in the Native American language nest;

(ii) the establishment of Native American language survival schools, which are site-based educational programs for school-age students that—

(I) provide an average of at least 500 hours of instruction through the use of 1 or more Native American languages for at least 15 students for whom a Native American language survival school is the principal place of instruction;

(II) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(III) provide for teacher training;

(IV) work toward a goal of all students achieving—

(aa) fluency in a Native American language; and

(bb) academic proficiency in mathematics, reading (or language arts), and science; and

(V) are located in areas that have high numbers or percentages of Native American students; and

(iii) the establishment of Native American language restoration programs, which are educational programs that—

(I) operate at least 1 Native American language program for the community which the educational program serves;

(II) provide training programs for teachers of Native American languages;

(III) develop instructional materials for the Native American language restoration programs;

(IV) work toward a goal of increasing proficiency and fluency in at least 1 Native American language; and

(V) provide instruction in at least 1 Native American language.

(2) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAMS.—An eligible entity carrying out a program described in paragraph (1)(G)(iii) may use amounts made available under this section to carry out—

(A) Native American language programs, including—

(i) Native American language immersion programs;

(ii) Native American language and culture camps;

(iii) Native American language programs provided in coordination and cooperation with educational entities;

(iv) Native American language programs provided in coordination and cooperation with local institutions of higher education;

(v) Native American language programs that use a master-apprentice model of learning languages; and

(vi) Native American language programs provided through a regional program to better serve geographically dispersed students;

(B) Native American language teacher training programs, including—

(i) training programs in Native American language translation for fluent speakers;

(ii) training programs for Native American language teachers;

(iii) training programs for teachers in the use of Native American language materials, tools, and interactive media to teach Native American language; and

(C) the development of Native American language materials, including books, audio and visual tools, and interactive media programs.

(d) APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), in awarding a grant under this section, the Secretary shall select applicants from among eligible entities on the basis of applications submitted to the Secretary at such time, in such form, and containing such information as the Secretary requires.

(2) REQUIREMENTS.—An application under paragraph (1) shall include, at a minimum—

(A) a detailed description of the current status of the Native American language to be addressed by the project for which a grant is requested, including a description of existing programs and projects, if any, in support of that language;

(B) a detailed description of the project for which the grant is requested;

(C) a statement that the objectives of the project are in accordance with the purposes of this section;

(D) a detailed description of the plan of the applicant to evaluate the project;

(E) if appropriate, an identification of opportunities for the replication or modification of the project for use by other Native Americans;

(F) a plan for the preservation of the products of the Native American language project for the benefit of future generations of Native Americans and other interested persons; and

(G) in the case of an application for a grant to carry out any purpose specified in subsection (c)(1)(G)(iii), a certification by the applicant that the applicant has not less than 3 years of experience in operating and administering a Native American language survival school, a Native American language nest, or any other educational program in which instruction is conducted in a Native American language.

(3) PARTICIPATING ORGANIZATIONS.—If an applicant determines that the objectives of a proposed Native American language project would be accomplished more effectively

through a partnership with an educational entity, the applicant shall identify the educational entity as a participating organization in the application.

(e) LIMITATIONS ON FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of a program under this section shall not exceed 80 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this section may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(B) SOURCE OF NON-FEDERAL SHARE.—The non-Federal share—

(i) may be provided from any private or non-Federal source; and

(ii) may include amounts (including interest) distributed to an Indian tribe—

(I) by the Federal Government pursuant to the satisfaction of a claim made under Federal law;

(II) from amounts collected and administered by the Federal Government on behalf of an Indian tribe or the members of an Indian tribe; or

(III) by the Federal Government for general tribal administration or tribal development under a formula or subject to a tribal budgeting priority system, including—

(aa) amounts involved in the settlement of land or other judgment claims;

(bb) severance or other royalty payments; or

(cc) payments under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or a tribal budget priority system.

(3) DURATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may make grants made under this section on a 1-year, 2-year, or 3-year basis.

(B) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAM.—The Secretary shall only make a grant available under subsection (c)(1)(G)(iii) on a 3-year basis.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall carry out this section through the Bureau of Indian Education.

(2) EXPERT PANEL.—

(A) IN GENERAL.—Not later than 180 days after date of enactment of this section, the Secretary shall appoint a panel of experts for the purpose of assisting the Secretary to review—

(i) applications submitted under subsection (d);

(ii) evaluations carried out to comply with subsection (d)(2)(C); and

(iii) the preservation of products required by subsection (d)(2)(F).

(B) COMPOSITION.—

(i) IN GENERAL.—The panel shall include—

(I) a designee of the Institute of American Indian and Alaska Native Culture and Arts Development;

(II) representatives of national, tribal, and regional organizations that focus on Native American language or Native American cultural research, development, or training; and

(III) other individuals who are recognized as experts in the area of Native American language.

(ii) RECOMMENDATIONS.—Recommendations for appointments to the panel shall be solicited from Indian tribes and tribal organizations.

(C) DUTIES.—The duties of the panel shall include—

(i) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this section;

(ii) reviewing applications received under subsection (d);

(iii) providing to the Secretary a list of recommendations for the approval of applications in accordance with—

(I) regulations issued by the Secretary; and

(II) the relative need for the project; and

(iv) reviewing evaluations submitted to comply with subsection (d)(2)(C).

(3) PRODUCTS GENERATED BY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), for preservation and use in accordance with the responsibilities of the respective organization under Federal law, a copy of any product of a Native American language project for which a grant is made under this section—

(i) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

(ii) may be transmitted, at the discretion of the grantee, to national and regional repositories of similar material.

(B) EXEMPTION.—

(i) IN GENERAL.—In accordance with the Federal recognition of the sovereign authority of each Indian tribe over all aspects of the culture and language of that Indian tribe and subject to clause (ii), an Indian tribe may make a determination—

(I) not to transmit a copy of a product under subparagraph (A);

(II) not to permit the redistribution of a copy of a product transmitted under subparagraph (A); or

(III) to restrict in any manner the use or redistribution of a copy of a product transmitted under subparagraph (A).

(ii) RESTRICTIONS.—Clause (i) does not authorize an Indian tribe—

(I) to limit the access of the Secretary to a product described in subparagraph (A) for purposes of administering this section or evaluating the product; or

(II) to sell a product described in subparagraph (A), or a copy of that product, for profit to the entities referred to in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2018.

(h) REPEAL; CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3) is repealed.

(2) CONFORMING AMENDMENTS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(A) in subsection (a), by striking ''sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)'';

(B) in subsection (b), by striking ''other than sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)''; and

(C) by striking subsection (e).

SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM CONTEST.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) establish an in-school facility innovation program contest in which institutions of higher education, including a Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), are encouraged to consider solving the problem of how to improve school facilities for tribal schools and schools served by the Bureau of Indian Education for problem-based learning in their coursework and through extracurricular opportunities; and

(2) establish an advisory group for the contest described in paragraph (1) that shall include students enrolled at a Tribal College or University, a representative from the Bureau of Indian Education, and engineering and fiscal advisors.

(b) SUBMISSION OF FINALISTS TO THE INDIAN AFFAIRS COMMITTEE.—The Secretary of the Interior shall submit the finalists to the Committee on Indian Affairs of the Senate.

(c) WINNERS.—The Secretary of the Interior shall—

(1) determine the winners of the program contest conducted under this section; and

(2) award the winners appropriate recognition and reward.

SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN SCHOOL FUNDS.

Notwithstanding any other provision of law, beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or reassumption by the Bureau of Indian Education, remain available to the Bureau for a period of 5 years from the date of retrocession or reassumption for the benefit of the programs approved for the school on October 1, 1995.

SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF EDUCATION JOINT OVERSIGHT BOARD.

(a) IN GENERAL.—The Secretary of Education and the Secretary of the Interior shall jointly establish a Department of the Interior and Department of Education Joint Oversight Board, that shall—

(1) be co-chaired by both Departments; and

(2) coordinate technical assistance, resource distribution, and capacity building between the 2 departments on the education of and for Native American students.

(b) INFORMATION TO BE SHARED.—The Joint Oversight Board shall facilitate the communication, collaboration, and coordination between the 2 departments of education policies, access to and eligibility for Federal resources, and budget and school leadership development, and other issues, as appropriate.

SEC. 306. FEASIBILITY STUDY TO TRANSFER BUREAU OF INDIAN EDUCATION TO DEPARTMENT OF EDUCATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall carry out a study that examines the feasibility of transferring the Bureau of Indian Education from the Department of the Interior to the Department of Education.

(b) CONTENTS.—The study shall include an assessment of the impacts of a transfer described in subsection (a) on—

(1) affected students;

(2) affected faculty, staff, and other employees;

(3) the organizational and operating structure of the Bureau of Indian Education;

(4) applicable Federal laws, including laws relating to Indian preference; and

(5) intergovernmental agreements.

SEC. 307. TRIBAL SELF GOVERNANCE FEASIBILITY STUDY.

(a) STUDY.—The Secretary of Education shall conduct a study to determine the feasibility of entering into self governance compacts and contracts with Indian tribal governments who wish to operate public schools that reside within their lands.

(b) CONSIDERATIONS.—In conducting the study described in subsection (a), the Secretary of Education shall consider the feasibility of—

(1) assigning and paying to an Indian tribe all expenditures for the provision of services and related administration funds that the Secretary would otherwise pay to a State educational agency and a local educational agency for 1 or more public schools located on the Indian lands of such Indian tribe;

(2) providing assistance to Indian tribes in developing capacity to administer all programs and services that are currently under

the jurisdiction of the State educational agency or local educational agency; and

(3) authorizing the Secretary to treat an Indian tribe as a State for the purposes of carrying out programs and services funded by the Secretary that are currently under the jurisdiction of the State.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Education shall submit, to the Committee on Indian Affairs and the Committee on Health, Education, Labor and Pensions of the Senate and the Education and the Workforce Committee of the House of Representatives, a report that includes—

(1) the results of the study conducted under subsection (a);

(2) a summary of any consultation that occurred between the Secretary and Indian tribes in conducting this study;

(3) projected costs and savings associated with the Department of Education entering into self governance contracts and compacts with Indian tribes, and any estimated impact on programs and services described in paragraphs (2) and (3) of subsection (a) in relation to probable costs and savings; and

(4) legislative actions that would be required to authorize the Secretary to enter into self governance compacts and contracts with Indian tribes to provide such programs and services.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) INDIAN LANDS.—The term ''Indian lands'' has the meaning given that term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

SEC. 308. ESTABLISHMENT OF CENTER FOR INDIGENOUS EXCELLENCE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' shall have the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ''Native American'' and ''Native American language'' shall have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(3) NATIVE AMERICAN LANGUAGE NESTS AND SURVIVAL SCHOOLS.—The terms ''Native American language nest'' and ''Native American language survival school'' shall have the meanings given such terms in section 803C(b)(7) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3).

(4) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term ''Native Hawaiian or Native American Pacific Islander native language educational organization'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) STEM.—The term ''STEM'' means a science, technology, engineering, and mathematics program.

(7) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ''tribally sanctioned educational authority'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(b) IN GENERAL.—There shall be established a Center for Indigenous Excellence to—

(1) support Native American governments, communities, schools, and programs in the development and demonstration of Native American language and culture-based education from the preschool to graduate education levels as appropriate for their distinctive populations, circumstances, visions, and holistic approaches for the benefit of the entire community;

(2) provide direction to Federal, State, and local government entities relative to Native American language and culture-based education;

(3) demonstrate nationally and internationally recognized educational best practices through integrated programming in Native American language and culture-based education from the preschool to graduate education levels that benefits the entire specific indigenous group regardless of its geographic dispersal, including—

(A) teacher certification;

(B) curriculum and materials development;

(C) distance education support;

(D) research; and

(E) holistic approaches;

(4) serve as an alternative pathway of choice for meeting federally mandated academic assessments, teacher qualifications, and curriculum design for Native American language nests and Native American language survival schools; and

(5) serve as a coordinating entity and depository for federally funded research into Native American language and culture-based education including STEM applications that will address workforce needs of Native American communities.

(c) ELIGIBLE ENTITIES.—For the purpose of determining the site of the Center for Indigenous Excellence, the Secretary shall consider the following to be an eligible entity:

(1) A tribally sanctioned educational authority.

(2) A Native American language college.

(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

(4) An institution of higher education with a commitment to serve Native American communities.

(5) A local educational agency with a commitment to serve Native American communities.

(d) CRITERIA FOR SELECTION.—The Secretary shall determine the site of the Center for Indigenous Excellence based on—

(1) a record of excellence, on a national and international level, with regard to Native American language and culture-based education;

(2) a high representation of Native Americans among its personnel;

(3) a high representation of speakers of 1 or more Native American languages among its personnel; and

(4) a location in a community with a high representation of Native Americans.

(e) ESTABLISHMENT OF PARTNERSHIPS AND CONSORTIA.—

(1) IN GENERAL.—Once established, the Center for Indigenous Excellence may develop partnerships or consortia with other entities throughout the United States with expertise appropriate to the mission of the Center and include such entities in its work.

(2) ASSISTANCE TO PARTNERS.—The Center shall provide assistance to partners, to the extent practicable, in curriculum development, technology development, teacher and staff training, research, and sustaining Native American language nests, Native American survival schools, and Native American language schools.

By Mr. KOHL (for himself and Mr. MANCHIN):

S. 1263. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator MANCHIN to introduce the Silver Alert Act of 2011. This legislation increases the chances of quickly locating missing senior citizens by establishing a national communications network to help regional and local search efforts.

Every year, thousands of adults go missing from their homes or care facilities due to diminished mental capacity, dementia, Alzheimer's disease, or other circumstances. As the population of the United States ages, that number is likely to increase. Over five million Americans currently suffer from Alzheimer's disease, and it is estimated that 60 percent of these men and women are likely to wander away from their homes. Disorientation and confusion may keep many from finding their way back home. The safe return of missing persons often depends upon them being found quickly. If not found within 24 hours, roughly half risk serious illness, injury, or death. Only four percent of those Alzheimer's sufferers who leave home are able to get back without some assistance.

Our bill would create a national program to coordinate existing state-based Silver Alert plans so that missing seniors can be returned safely to their homes and families. Not only will a federal network increase the success of efforts to find missing seniors, but it also eliminates duplicative search efforts, saving the public time and money. The Silver Alert Act creates this needed Federal network.

The Amber Alert system, which the Silver Alert Act is modeled after, has a track record of success. The Amber Alert Act created a similar Federal program that filters information and transmits relevant details to the appropriate authorities as quickly as possible. Just as with missing and abducted children, timely notification and dissemination of appropriate information about missing seniors greatly improves the chances that they will be found before they are seriously harmed. Silver Alert plans use the same infrastructure as Amber Alert plans, so this Act enables us to protect another vulnerable group in our population, at very little additional cost.

Over half of States have responded to the problem of missing seniors by establishing Silver Alert plans. These plans have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to locate him or her, and return the senior safely home.

I urge my colleagues to support this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. LEAHY, and Mr. DURBIN):

S. 1264. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce, together with Senator KERRY, the Veteran Voting Support Act of 2011. We are joined by Senators REID, LEAHY, and DURBIN.

This bill would take important steps to improve veterans' access to voter registration services. Our veterans have served our Nation at great risk and sacrifice. I believe we should do everything in our power to ensure that they play a central role in our democratic process, that their votes are cast and their voices heard.

Almost 4 years ago, during the previous administration, I learned that a Department of Veterans Affairs facility in California had been barring voter registration groups from accessing veterans in the facility. Similar reports emerged in Connecticut and other parts of the country.

Since that time, Senator KERRY and I have been working, together with our cosponsors, to make sure that our Government works to provide veterans with voter registration services, not to prevent them from receiving election-related materials.

We have written letters and our staffs have held meetings with the VA to establish a fair, nonpartisan policy to facilitate voter registration for veterans who receive services from VA facilities.

We have made significant progress.

After much negotiation, in 2008, the VA established a new and substantially improved policy that allows state and local election officials, as well as nonpartisan groups, to access VA facilities for voter registration under terms and conditions set by the facility. This is an improvement, and we have not heard serious complaints in recent years.

However, legislation remains necessary. First, this voluntary policy could be rescinded or rolled back in the future; Federal law cannot. Second, more should be done to ensure not only that outside groups can register voters in a nonpartisan manner in VA facilities but also that veterans who live in and use these facilities have easy access to voter registration and absentee ballot forms, even when no group or official comes by.

The Veteran Voting Support Act of 2011 would require the VA to provide voter registration forms to veterans when they enroll in the VA health care system, or change their status or address in that system.

The bill would also ensure that veterans who live in VA facilities have access to absentee ballots when they want to cast votes, and that VA employees assist veterans with election-related forms if necessary, in the same way that these employees assist veterans with other forms.

It would allow nonpartisan voter groups and election officials to provide voter information and registration services to veterans in a time, place, and manner that makes sense for the facilities.

It would give the Attorney General authority to enforce these provisions.

It is a cornerstone of our democracy that every eligible citizen is able to register and cast their vote. These rights should never be denied, by fiat or as a matter of practicality, to those who have given the very most for our country.

I believe it is time that the VA provides veterans with the support they need and deserve to register, cast their votes, and have those votes counted.

I hope my colleagues will join me in supporting the Veteran Voting Support Act of 2011.

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. 1264

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 ''Veteran Voting Support Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans to register to vote and to vote.

SEC. 3. VOTER REGISTRATION AND ASSISTANCE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide a mail voter registration application form to each veteran—

(1) who seeks to enroll in the Department of Veterans Affairs health care system (including enrollment in a medical center, a community living center, a community-based outpatient center, or a domiciliary of the Department of Veterans Affairs health care system), at the time of such enrollment; and

(2) who is enrolled in such health care system—

(A) at any time when there is a change in the enrollment status of the veteran; and

(B) at any time when there is a change in the address of the veteran.

(b) PROVIDING VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall provide to each veteran described in subsection (a) the same degree of information and assistance with voter registration as is provided by the Department with regard to the completion of its own forms, unless the applicant refuses such assistance.

(c) TRANSMITTAL OF VOTER REGISTRATION APPLICATION FORMS.—

(1) IN GENERAL.—The Secretary shall accept completed voter registration application forms for transmittal to the appropriate State election official.

(2) TRANSMITTAL DEADLINE.—

(A) IN GENERAL.—Subject to subparagraph (B), a completed voter registration application form accepted at a medical center, community living center, community-based outpatient center, or domiciliary of the Department shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(B) EXCEPTION.—If a completed voter registration application form is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REQUIREMENTS OF VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall ensure that the information and assistance with voter registration that is provided under subsection (b) will not—

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not register has any bearing on the availability of services or benefits.

(e) LIMITATION ON USE OF INFORMATION.—No information relating to registering to vote, or a declination to register to vote, under this section may be used for any purpose other than voter registration.

(f) ENFORCEMENT.—

(1) NOTICE.—

(A) NOTICE TO THE FACILITY DIRECTOR OR THE SECRETARY.—A person who is aggrieved by a violation of this section or section 4 may provide written notice of the violation to the Director of the facility of the Department health care system involved or to the Secretary. The Director or the Secretary shall respond to a written notice provided under the preceding sentence within 20 days of receipt of such written notice.

(B) NOTICE TO THE ATTORNEY GENERAL AND THE ELECTION ASSISTANCE COMMISSION.—If the violation is not corrected within 90 days after receipt of a notice under subparagraph (A), the aggrieved person may provide written notice of the violation to the Attorney General and the Election Assistance Commission.

(2) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section or section 4.

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

(a) IN GENERAL.—Consistent with State and local laws, each director of a community living center, a domiciliary, or a medical center of the Department of Veterans Affairs health care system shall provide assistance in voting by absentee ballot to veterans residing in the community living center or domiciliary or who are inpatients of the medical center, as the case may be.

(b) ASSISTANCE PROVIDED.—The assistance provided under subsection (a) shall include—

(1) providing information relating to the opportunity to request an absentee ballot;

(2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and

(3) working with local election administration officials to ensure proper transmission of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs health care system, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—Subject to reasonable time, place, and manner restrictions, the Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary shall provide reasonable access to facilities of the Department health care system to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act. Such report shall include the following information with respect to the preceding year:

(1) The number of veterans who were served by facilities of the Department of Veterans Affairs health care system.

(2) The number of such veterans who requested information on or assistance with voter registration.

(3) The number of such veterans who received information on or assistance with voter registration.

(4) Information with respect to written notices submitted under section 3(f), including information with respect to the resolution of the violations alleged in such written notices.

SEC. 8. RULES OF CONSTRUCTION.

(a) NO INDIVIDUAL BENEFIT.—Nothing in this Act may be construed to convey a benefit to an individual veteran.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleagues Senator COLLINS and Senator AKAKA, to introduce legislation to improve the efficiency and effectiveness of our Government by fostering greater integration among the personnel who work on critical national security and homeland security missions.

The national security and homeland security challenges that our nation faces in the 21st century are far more complex than those of the last century. Threats such as terrorism, proliferation of nuclear and biological weapons, insurgencies, and failed states are beyond the capability of any single agency of our Government, such as the Department of Defense, DOD, the Department of State, or the intelligence community, to counter on its own.

In addition, threats such as terrorism and organized crime know no borders and instead cross the so-called ''foreign/domestic divide,'' the bureaucratic, cultural, and legal division between agencies that focus on threats from beyond our borders and those that focus on threats from within.

Finally, a new group of government agencies is now involved in national and homeland security. These agencies bring to bear critical capabilities, such as interdicting terrorist finance, enforcing sanctions, protecting our critical infrastructure, and helping foreign countries threatened by terrorism to build their economies and legal systems, but many of them have relatively little experience of involvement with the traditional national security agencies. Some of these agencies have existed for decades or centuries, such as the Departments of Treasury, Justice, and Health and Human Services, HHS, while others are new since 9/11, such as the Department of Homeland Security, DHS, and the Office of the Director of National Intelligence, ODNI.

As a result, our government needs to be able to apply all instruments of national power, including military, diplomatic, intelligence, law enforcement, foreign aid, homeland security, and public health, in a whole-of-government approach to counter these threats. We only need to look at our government's failure to use the full range of civilian and military capabilities to stymie the Iraqi insurgency immediately after the fall of Saddam Hussein's regime in 2003, the government's failure to prepare and respond to Hurricane Katrina in 2005, and the government's failure to share information and coordinate action prior to the attack at Fort Hood, Texas, in 2009, for examples of failure of interagency coordination and their costs in terms of lives, money, and the national interest.

The challenge of integrating the agencies of the Executive Branch into a whole-of-government approach has been recognized by Congressionally chartered commissions for more than a decade. Prior to 9/11, the Commission led by former Senators Gary Hart and Warren Rudman, entitled the U.S. Commission on National Security in the 21st Century, issued reports recommending fundamental reorganization to integrate government capabilities, including for homeland security.

In 2004, the 9/11 Commission, led by former Governor Tom Kean and former Representative Lee Hamilton, found that the U.S. Government needed reform in order to foster a stronger, faster, and more efficient government-wide effort against terrorism.

In 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, led by former Senators Bob Graham and Jim Talent, called for improving interagency coordination in our Nation's defenses against bioterrorism and other weapons of mass destruction.

Congress has long recognized that a key way to better integrate our Government's capabilities is to provide strong incentives for personnel to do rotational assignments across bureaucratic stovepipes. The personnel who serve in our Government are our Nation's best-and-brightest, and they have and will respond to incentives that we institute in order to improve coordination across our government.

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. That legislation sought to break down stovepipes and foster jointness across the military services by requiring that military officers have served in a position outside of their service as a requirement for promotion to general or admiral.

Twenty-five years later, this requirement has produced a sea change in military officers' mindsets and created a dominant military culture of jointness.

In 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act at the 9/11 Commission's recommendation and required a similar rotational requirement for intelligence personnel. The Director of National Intelligence has since instituted rotations across the Intelligence Community as an eligibility requirement for promotion to senior intelligence positions, and this requirement is helping to integrate the 16 agencies and elements of the Intelligence Community.

Finally, in 2005, Congress enacted the Post-Katrina Emergency Management Reform Act to improve our Nation's preparedness for and responses to domestic catastrophes and instituted a

rotational program within the Department of Homeland Security in order to integrate that department.

This proven mechanism of rotations must be applied to integrate the government as a whole on national security and homeland security issues. Indeed, the Hart/Rudman Commission called for rotations to other agencies and interagency professional education to be required in order for personnel to hold certain positions or be promoted to certain levels. The Graham/Talent Commission called for the Government to recruit the next generation of national security experts by establishing a program of joint duty, education, and training in order to create a culture of interagency collaboration, flexibility, and innovation.

The Executive Branch has also recognized the need to foster greater interagency rotations and experience in order to improve integration across its agencies. In 2007, President George W. Bush issued Executive Order 13434 concerning national security professional development and to include interagency assignments. However, that executive order was not implemented aggressively toward the end of the Bush administration and has languished as the Obama administration pursued other priorities.

Clearly, it is time for Congress to act and to institute the personnel incentives and reforms necessary to further integrate our government and enable it to counter the national security and homeland security threats of the 21st Century.

Today I join with Senator SUSAN M. COLLINS and Senator DANIEL K. AKAKA to introduce the bipartisan Interagency Personnel Rotation Act of 2011. Companion legislation is being introduced in the House of Representatives on a bipartisan basis by Representative GEOFF DAVIS and Representative JOHN F. TIERNEY.

The purpose of this legislation is to enable Executive Branch personnel to view national security and homeland security issues from a whole-of-government perspective and be able to capitalize upon communities of interest composed of personnel from multiple agencies who work on the same national security or homeland security issue.

This legislation requires that the Executive Branch identify ''Interagency Communities of Interest,'' which are subject areas spanning multiple agencies and within which the Executive Branch needs to operate on a more integrated basis. Interagency Communities of Interest could include counterinsurgency, counterterrorism, counter proliferation, or regional areas such as the Middle East.

This legislation then requires that agencies identify positions that are within each Interagency Community of Interest. Government personnel would then rotate to positions within other agencies but within the particular Interagency Community of Interest related to their expertise.

Government personnel could also rotate to positions at offices that have specific interagency missions such as the National Security Staff. Completing an interagency rotation would be a prerequisite for selection to certain Senior Executive Service positions within that Interagency Community of Interest. As a result, personnel would have the incentives to serve in a rotational position and to develop the whole-of-government perspective and the network of contacts necessary for integrating across agencies and accomplishing national security and homeland security missions more efficiently and effectively.

Let me offer some examples of how this might work.

An employee of the U.S. Agency for International Development, USAID, who specializes in development strategy could rotate to the Office of the Secretary of Defense to advise DOD in planning on how development issues should be taken into account in military operations, while DOD counterinsurgency specialists could rotate to USAID to advise on how development priorities should be assessed in a counterinsurgency.

A Treasury employee who does terrorist finance work could benefit from a rotation to Department of Justice to understand operations to take down terrorist cells and how terrorist finance work can help identify and prosecute their members, while Justice personnel would have the chance to learn from the Treasury's financial expertise in understanding how sources of funding can affect cells' formation and plotting.

Someone from HHS who specializes in public health could rotate to a DOD counterinsurgency office to advise on improving public health in order to win over the hearts and minds of the population prone to counterinsurgency, while someone from DHS could rotate to HHS in order to learn about HHS's work to prepare the U.S. public health system for a biological terrorist attack.

The cosponsors of this legislation and I recognize the complexity involved in the creation of Interagency Communities of Interest, the institution of rotations across a wide variety of government agencies, and having a rotation as a prerequisite for selection to certain Senior Executive Service positions. As a result, our legislation gives the Executive Branch substantial flexibility, including to identify Interagency Communities of Interest, to identify which positions in each agency are within a particular Interagency Community of Interest; to identify which positions in an Interagency Community of Interest should be open for rotation and how long the rotations will be; and finally, which Senior Executive Service positions have interagency rotational service as a prerequisite.

To be clear, this legislation does not mandate that any agency be included in an Interagency Community of Interest or the interagency personnel rotations; instead, this legislation permits the Executive Branch to include any agency or part of an agency as the Executive Branch determines that our nation's national and homeland security missions require.

In addition, our legislation gives the Executive Branch 15 years in which to implement this legislation and contains a substantial number of exemptions and waivers, especially during but not limited to the phase-in period.

The legislation contains a number of provisions designed to protect the rights of our government personnel under existing law.

Finally, this legislation is designed to be implemented without requiring any additional personnel for the Executive Branch. The legislation envisions that rotations will be conducted so that there is a reasonable equivalence between the number of personnel rotating out of an agency and the number rotating in. That way, no agency will be short-staffed as a result of having sent its best-and-brightest to do rotations; each agency will be receiving the best-and-brightest from other agencies.

Let me close by answering a common objection to government reorganization. To quote the 9/11 Commission, ''An argument against change is that the nation is at war, and cannot afford to reorganize in midstream. But some of the main innovations of the 1940s and 1950s, including the creation of the Joint Chiefs of Staff and even the construction of the Pentagon itself, were undertaken in the midst of war. Surely the country cannot wait until the struggle against Islamic terrorism is over.''

I urge my colleagues to take bold action to improve the efficiency and effectiveness of our Government in countering 21st century national security and homeland security threats by promptly passing the Interagency Personnel Rotation Act of 2011.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1269. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr President, I rise to introduce the High School Data Transparency Act in celebration of the 39th Anniversary of Title IX. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 39 year-old landmark civil rights law is all about, equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the field of play.

For girls who compete in sports, 50 percent are less likely to suffer depression and breast cancer . . . 80 percent are less likely to have a drug problem . . . and 92 percent are less likely to have an unwanted pregnancy. Athletic participation helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it is not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up.

To cite one example, Irene Rosenfeld, Chairman and CEO, Kraft Foods was quoted as saying, ''growing up, I was extremely athletic, and very competitive. I played four varsity sports in high school and went to Cornell because they had a fabulous women's athletic program, and the academics weren't bad either.''

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls, fewer than 300,000, played sports. Today, the number is more than 2.9 million . . . that is an increase of over 900 percent. Moreover, our country is celebrating the achievements and being inspired by our female athletes now more than ever.

Last fall, the University of California, Berkley celebrated the life of the late Jill Costello who served as an inspiration not only to her fellow teammates but to the thousands of girls who defy the odds every day. Jill participated on Cal's Women's Crew Team as their varsity coxswain despite being diagnosed with stage IV cancer with only nine months to live. Throughout her treatment she not only supported her friends, family and teammates but was supported by them. Despite battling for her life Jill led Cal to achieve second place at the NCAA national crew championship. Jill's story proves that the incredible mystical nature of team and friendship does exist.

Earlier this year, the University of Connecticut's Women's Basketball Team furthered displayed women's progress in athletics. These women surpassed the University of California at Los Angeles men's basketball record of 88 consecutive wins achieving the longest winning streak of 90 games. The impact of this accomplishment has yet to be fully realized but has surely raised the profile of not only women's basketball but also woman's athletics.

Indeed, in my state of Maine, Bowdoin's women's varsity field hockey team has remarkably won Division III national championships in 3 of the last 4 years, putting Bowdoin and Maine on the women's field hockey map.

So while we celebrate this remarkable progress, we cannot allow rest on our laurels. That is why I am so pleased to join with Senator PATTY MURRAY, who has been a tireless advocate for women's sports, to reintroduce the High School Sports Data Collection Act of 2011.

Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms.

These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's Web site and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies.

With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field. Soccer star, Mia Hamm, characterized it best when ''somewhere behind the athlete you've become and the hours of practice and the coaches who have pushed you is a little girl who fell in love with the game and never looked back . . . play for her,'' and I am introducing this bill today for her as well.

By Mr. WHITEHOUSE:

S. 1271. A bill to amend the Internal Revenue Code of 1968 to provide a temporary credit for hiring previously unemployed workers; to the Committee on finance.

Mr. WHITEHOUSE. Mr. President, with the unemployment rate hovering above 9 percent nationwide, and at almost 11 percent in my home State of Rhode Island, job creation must continue to be our No. 1 priority as lawmakers.

It disappoints me that Republicans chose politics over job creation yesterday when they filibustered legislation that would have reauthorized the Economic Development Administration, an agency dedicated to restoring economically distressed regions to prosperity. In the past, this bill has been reauthorized and supported broadly, indeed, by unanimous consent. It is the fourth jobs bill the minority has chosen to obstruct, and I hope my colleagues on the other side of the aisle will reconsider their tactics. If not, we may have to reconsider ours and force some votes on job creation measures without this litany of irrelevant amendments that have bogged down and obstructed the previous jobs bill we have tried to get action on. Out-of-work Americans are hurting right now, and they want us to act to help create jobs.

I rise today to introduce a measure that will do just that. I have heard from dozens of Rhode Island business owners that business is picking up a bit, but they are still concerned the recovery may be temporary and that discourages them from hiring additional workers. I spoke with one such small business owner on Monday. I visited Dona Vincent during a tour of her Cranston, RI company, Tedco. Tedco makes and stamps metal components for the automotive, aerospace, and communications industry. It employed 13 people before the recession struck in 2008. Now it is down to eight employees. Dona and Ted's co-general manager Barbara Galonio wishes to start hiring more workers, but they worry that business could slow down again. They told me they have been waiting to hire, wanting to hire, and for months saying to themselves: Well, what if this? What if that? They have been on the border of hiring.

The legislation I have introduced today, the Job Creation Tax Credit Act of 2011, would give Dona and thousands of other business owners nationwide greater security as they look forward to building their workforces. The bill would provide refundable tax credits for employers to hire new workers now. The way it would work is that for each qualified hire made in 2011, the business would receive a tax credit equal to 15 percent of the wages paid to the new employee. If the new employee remains employed or if the business were to hire additional employees in 2012, the business would be eligible for a 10-percent tax credit on those employees' wages next year. Because these tax credits would be refundable, businesses would benefit from them even if they are not currently profitable.

One of the problems with struggling businesses that are not sure how much profit they are going to make if they are right on the edge is giving them a tax credit doesn't help because they have no tax against which to take the credit. A refundable tax credit comes to the business in spite of that. The higher credit in 2011 I expect would encourage employers to hire new workers as soon as possible, and the additional credit in 2012 would encourage retaining those employees and additional workforce expansion. To help those Americans who are struggling to find work, qualified hires would be defined as new employees who have been unemployed for at least 60 days prior to getting hired.

The Job Creation Tax Credit Act would continue the job creations sparked by the HIRE Act of 2010 which included somewhat different tax incentives for new hiring. Economist Mark Zandi has estimated that the HIRE Act created 250,000 new jobs, a quarter of a million families with a paycheck coming in. The larger financial incentives in this new bill would continue to dent the unemployment numbers in Rhode Island and nationwide.

The previous HIRE Act, sponsored by Senator SCHUMER and Senator HATCH, received wide bipartisan support, and I hope my colleagues on both sides of the aisle will support the Job Creation Tax Credit Act as well because right now we cannot forget that too many unemployed Americans are hurting. Too many are out of work. Too many are out of work through no fault of their own. Indeed, too many of them are still out of work because of the cascade of misery that washed across this country from the Wall Street meltdown. There may be a lot of blame to go around on that, but none of it attaches to the workers who got caught in that cascade of misery. Of course, too many families are struggling to make ends meet week to week. We must continue fighting for them by using every tool at our disposal, including these new tax incentives, to get our economy moving and to help businesses start hiring.

Again, this is a bill with a proven successful strategy, that has been approved by this body in the past, that has had bipartisan support in the past, and that addresses the most important issue facing our country right now, and that is putting people back to work, rekindling our economy, and getting folks into jobs.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 1272. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing of a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in the southern New Mexico and El Paso, Texas, region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of New Mexico. Mr. President, last fall I led a discussion with NM Veterans Secretary John Garcia on post-traumatic stress disorder or PTSD and other issues facing our veterans. We held our discussion near Silver City, New Mexico, at the historic Fort Bayard medical facility. This was an outstanding chance to hear firsthand from veterans about the medical problems they were facing.

During this meeting, I found out that one of the biggest challenges that many veterans in southern New Mexico face is finding nearby treatment for PTSD and traumatic brain injury which are called the signature wounds of the wars in Afghanistan and Iraq.

A bit of background for those who may not be familiar with my home State. Southern New Mexico is home to White Sands Missile Range, Holloman Air Force Base, and most of Fort. Bliss. It is a region filled with active duty personnel, as well as many veterans who choose to stay in New Mexico and the El Paso region after finishing their active duty service. And as more and more veterans return from Afghanistan and Iraq suffering from PTSD and traumatic brain injury, many need the services of polytrauma centers—which specialize in treating injuries like PTSD and TBI.

Unfortunately, the closest polytrauma centers to southern New Mexico are hundreds of miles away.

That is why, after hearing the stories of veterans who attended our Fort Bayard meeting, I began working on legislation to help improve the ability for them to access care in the region.

With this legislation we hope to address that issue by requiring the Veterans Administration to submit to Congress a study on the feasibility of building a polytrauma center in the region. And we want them to consider Fort Bayard specifically as a location for that new polytrauma center.

The facilities at Fort Bayard should not be wasted and could be put to good use by the Veterans Administration for a polytrauma center for the southern New Mexico/El Paso region. This plan would be a win-win for the region—it would provide veterans with much-needed, convenient access to a quality polytrauma center through the innovative use of a facility that is currently being underutilized.

Veterans who have risked their lives for our country deserve convenient access to the best of care when they return home. Because as long as America faces threats and values freedom, we will need men and women willing to protect us. And as long as Americans serve in uniform, we have a sacred responsibility to support them.

By Mr. DURBIN (for himself, Mr. KOHL, and Mr. BINGAMAN):

S. 1275. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing legislation with Senator BINGAMAN and Senator KOHL to remove Social Security numbers, SSNs, from Medicare identification cards.

Today, many of the 45 million Medicare beneficiaries in the United States carry their Medicare cards in their wallets. The card displays an individual's Medicare identification number, which is their Social Security number with a 1- or 2-digit code at the end.

The use of Social Security numbers on Medicare cards places millions of seniors at risk of identity theft because if the card is lost or stolen, their Social Security number is easily obtained. A person's Social Security number is one of the most valuable pieces of information that a thief can steal. It can unlock a treasure trove of personal and financial information.

Last year, nearly 8.1 million Americans were victims of identity theft, many after their Social Security numbers were stolen. These crimes accounted for more than $37 billion in fraudulent charges.

Recognizing this risk of identity theft, many government agencies and private businesses have stopped displaying Social Security numbers on identification cards. Thirty-three states have enacted laws that limit how public and private entities use and display Social Security numbers. Social Security numbers are being removed from driver's licenses, and most private health insurance cards no longer display them.

Federal agencies have also taken steps to reduce the threat of identity theft. The Department of Veterans Affairs and Department of Defense are no longer displaying Social Security numbers on new identification cards. In addition, the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services, CMS, is lagging behind other agencies.

In 2005, I offered an amendment to the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to remove SSNs from Medicare cards. My amendment passed 98–0. The final bill directed CMS to provide Congress a report on steps necessary to remove the numbers.

CMS issued the report in 2006, but it has not yet begun to remove Social Security numbers from Medicare cards.

In 2008, the Inspector General of the Social Security Administration took CMS to task for its inaction. The Inspector General's report confirmed that displaying Social Security numbers on Medicare cards places millions of people at risk for identity theft and concluded that ''immediate action is needed to address this significant vulnerability.''

The bill that I am introducing today, the Social Security Number Protection Act of 2011, establishes a reasonable timetable for CMS to begin removing Social Security numbers from Medicare cards.

Not later than 3 years after enactment, CMS would be prohibited from displaying Social Security numbers on newly issued Medicare cards. CMS would be prohibited from displaying the number on existing cards no later than 5 years after enactment.

In addition to Medicare cards, the bill would prohibit CMS from displaying Social Security numbers on all written and electronic communications to Medicare beneficiaries, beginning no

later than 3 years after enactment, except in cases where their display is essential for the operation of the Medicare program.

I urge my colleagues to cosponsor this important legislation and work with me to enact it. Removing Social Security numbers from Medicare cards and communications to beneficiaries is long overdue.

Medicare beneficiaries should not be placed at greater risk of identity theft than people with private health insurance. Other Federal agencies have successfully removed Social Security numbers from identification cards, and we should require CMS to do the same.

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. 1275

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 ''Social Security Number Protection Act of 2011''.

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROHIBIT THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of social security account numbers of Medicare beneficiaries.

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term ''Medicare beneficiary'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(xii) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2011.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Ms. SNOWE (for herself, Mr. ROBERTS, Mr. CORNYN, Mr. BOOZMAN, Mr. BLUNT, and Mr. BARRASSO):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Finance.

Ms. SNOWE. Mr. President, as former Chair and now Ranking Member of the Senate Small Business Committee, it is my privilege and my responsibility today to stand up for small businesses across America that are being unfairly hurt by a punitive and unnecessary tax. The so-called ''tanning tax'' was included at the eleventh hour as part of last year's health care legislative maneuvering, and I am pleased to offer this legislation to repeal the tanning tax.

The tanning tax was added to the health care bill without any analysis of how it would affect this industry comprised primarily of small businesses, 75 percent of whose employees and customers are women. I cannot reiterate enough that small businesses are the primary job creators in this country, responsible for more than two-thirds of all new jobs created. At a time when a staggering and seemingly intractable unemployment rate of over 9 percent has become the norm, when some 22 million Americans are unemployed or underemployed, when we are experiencing the longest period of long-term unemployment in American history since data collection started in 1948, surpassing even the 1982 double-dip recession for the length of unemployment, when the percentage of population that is employed has declined to 58.4 percent, the lowest level in nearly 30 years, how could anyone think that shuttering or slowing the growth of small businesses is a good idea?

Reports show that small businesses lost an estimated $2 trillion in profits and asset valuation since the recession started in December 2007, while larger companies have been less affected and are recovering more quickly. Combined with the current, on-going economic malaise, the tanning tax is certain to accelerate job losses in this industry beyond the 20,000 jobs already lost nationwide. These small businesses need our help, not a further hindrance such as this tax.

I have heard first-hand of just what a job-killing, growth-preventing measure this tax is. Sun Tan City, a chain of small business tanning salons based in Augusta, ME, with 125 employees in Maine and another 50 in New Hampshire have slowed dramatically the expansion of their business. They opened 7 new salons in 2009 but only 4 in 2010 and another 2 in 2011. Sun Tan City remitted $85,000 to the IRS just this past quarter, money that would have gone to grow jobs and their business.

The tanning tax is not just about the money, it is also about the burden of compliance. Each store must collect and remit its tanning tax liability individually, increasing the paperwork and compliance burden. At an estimated cost of $74 per hour spent complying with paperwork burdens, merely remitting the tax imposes yet another enormous burden on small businesses.

Moreover, the tanning tax is imposed in addition to any state tax levies. For instance, New Jersey imposes a 7 percent tax on tanning services, meaning tanning salons in New Jersey are now responsible for 17 percent in taxes just for this service. We are already hearing that those seeking tanning services are going to other States when possible in order to avoid the higher New Jersey and Federal combined taxes. I guess that is one way to improve interstate commerce.

The worst part of the provision, though, may be the way the IRS has interpreted its implementation, in a way that favors larger businesses over smaller ones. The IRS released its tanning tax-implementing guidance on June 15, 2010, just two weeks before the tax became effective. This guidance contained a gross inequity that will subject some businesses to the tanning tax while exempting others. The guidance exempts ''qualified physical fitness facilities,'' which include gyms. That is, a person could pay for a membership at such a facility and be able to use that facility's tanning beds without having to pay the tax. Thus, the tax is having a disproportionate effect on small businesses while allowing larger, syndicated gyms and similar facilities to go untaxed.

There are legitimate concerns about the health of those who engage in tanning, whether using natural sunlight or tanning beds. I do not come before you today to argue the science. But the Food and Drug Administration has been under pressure for years to ban outright the use of tanning beds and repeatedly has declined to do so. The 10 percent tanning tax was never designed as a deterrent; it was designed solely to replace the 5 percent tax on Botox injections and elective cosmetic surgery as a revenue raiser to pay for the health care bill. No other factor was discussed, nor were there ever hearings on the merits. I am as concerned as any Senator or citizen about the health of our fellow Americans, but a dead-of-night job-killing tax increase on small businesses is not the way to address any health concerns!

There are other ways, such as an education campaign, that would be far

more effective and less cumbersome than this 10 percent tax to inform people about any tanning risks, especially when the IRS has carved out big businesses from being affected by the tax. Why is it safe to tan in gyms but not in salons? That is not a question the IRS should be answering. If the health issue is important enough to merit scrutiny of the industry, then let us have that debate, but the fact that there was no debate before this onerous tax was imposed makes it doubly outrageous.

This bill is supported by the National Federation of Independent Businesses and by the Indoor Tanning Association, which is comprised of business owners and operators, as well as manufacturers and distributors of tanning equipment. The tanning tax was a painful hit to this sector of our economy and this bill will seek in some way to rectify what was done to them by eliminating the onerous tax going forward.

Finally, I want to thank Glen and Dennis Guerrette, whose father, Will, served in the Maine state legislature, and Lewis Henry, all from Maine, for bringing this issue and their stories to my attention. I would also like to thank Congressmen MICHAEL GRIMM and PAT TIBERI and many others for their leadership in the House on this crucial issue.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

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. 1278

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

SECTION 1. REPEAL OF EXCISE TAX ON INDOOR TANNING SERVICES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by striking chapter 49 and by striking the item relating to such chapter in the table of chapters of such subtitle.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—DESIGNATING THE WEEK OF JUNE 24 THROUGH 28, 2011, AS ''NATIONAL MUSIC EDUCATION WEEK''

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 214

Whereas the National Association for Music Education has designated the week of June 24 through 28, 2011, as ''National Music Education Week'';

Whereas school-based music education is important and beneficial for students of all ages;

Whereas music education programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas 3 out of every 4 Americans have participated in music education programs, including chorus groups and formal instrument lessons, during their time in school;

Whereas of those who have participated in school-based music education programs, 40 percent stated that such programs were extremely influential in contributing to their current level of personal fulfillment;

Whereas music education provides students with the opportunity to express their creativity and to develop skills that will benefit them throughout the rest of their lives;

Whereas the skills gained through music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas many students have limited access to music education, which places them at a disadvantage compared to their peers;

Whereas local budget cuts are predicted to lead to a significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved, That the Senate designates the week of June 24 through 28, 2011, as ''National Music Education Week'' in order to recognize the benefits and importance of music education.

Mrs. MURRAY. Mr. President, I rise today to discuss the importance of music education in a child's educational journey. As a former music student myself, I believe every student should have access to this valuable area of study.

Three quarters of Americans have been involved in a music program during their time in school. Over half of those participants continue their involvement with music after the 12th grade. This is a testament to the positive impact of music education and why we must continue to provide our students with opportunities to pursue these programs.

Music education also provides students with the opportunity to express creativity and to develop skills that will benefit them throughout the rest of their lives. In addition to its inherent cultural value, music education provides a variety of unique avenues for intellectual growth. We also know that musical training has a profound impact on other skills including speech and language, memory and attention, and even the ability to convey emotions vocally.

I believe music and other arts are among society's most compelling and effective pathways for offering our children rich and fulfilling educational experiences. It is also important that we acknowledge the music educators who have instilled many generations of students with the gift of music. For these reasons, I am proud to introduce a resolution today recognizing June 24, 2011 through June 28, 2011 as National Music Education Week.

SENATE RESOLUTION 215—DESIGNATING THE MONTH OF JUNE 2011 AS ''NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH''

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 215

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2011 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect this virus can have on their children.

SENATE RESOLUTION 216—ENCOURAGING WOMEN'S POLITICAL PARTICIPATION IN SAUDI ARABIA

Mrs. BOXER (for herself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 216

Whereas, on September 22, 2011, the Kingdom of Saudi Arabia is scheduled to hold its first nationwide municipal elections since 2005, with voter registration open as of April 23, 2011;

Whereas the Government of Saudi Arabia has announced—as it did in 2005—that women will be unable to run for elective office or vote;

Whereas, on March 28, 2011, president of the general committee for the election of municipal council members Abd al-Rahman Dahmash stated, ''We are not prepared for the participation of women in the municipal elections now.'';

Whereas Foreign Minister of Saudi Arabia Prince Saud Al Faisal stated in an interview after the 2005 election that he assumed women would be allowed to vote in future elections, and that this would benefit the election process because women were ''more sensible voters than men'';

Whereas the decision by the Government of Saudi Arabia to continue to disenfranchise women in the September 2011 municipal elections is inconsistent with a series of commitments made by the Government of Saudi Arabia;

Whereas, in January 2003, Saudi Arabia proposed to the League of Arab States the ''Covenant for Arab Reform,'' resulting in the adoption of the ''Tunis Declaration'' at the May 2004 Arab Summit, which declared, among other things, a ''firm determination'' to ''pursue reform and modernization'' by ''widening women's participation in the political, economic, social, cultural and educational fields'';

Whereas these declarations were reaffirmed at the Arab Summit in Algiers on March 23, 2005, and at the Riyadh Summit held in Saudi Arabia on March 28, 2007;

Whereas, in April 2009, Saudi Arabia ratified the Arab Charter on Human Rights, which states in article 24(3), ''Every citizen has the right. . . to stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.'';

Whereas, on June 10, 2009, the Government of Saudi Arabia accepted the majority of the recommendations put forward by the United Nations Human Rights Council's Working Group on the Universal Periodic Review including to ''[a]bolish all legislation, measures and practices that discriminate against women. . . In particular, to abolish legislation and practices which prevent women from participating fully in society on an equal basis with men,'' and to ''end the strict system of male guardianship and give full legal identity to Saudi women'';

Whereas the Government of Saudi Arabia has indicated that it is supportive of the human rights of women;

Whereas, in November 2010, Saudi Arabia was elected to the Executive Board of UN Women, emphasizing the commitment of the Government of Saudi Arabia to the rights of women;

Whereas 'Abd al-Rahman Dahmash, the president of the general committee for the election of municipal council members, has stated that Saudi women will be granted the right to vote in the next municipal elections scheduled to be held in 2015; and

Whereas, while the United States Government acknowledges the deep cultural and religious traditions and sentiments within Saudi society, without the right to vote on par with men, women in Saudi Arabia are denied not only a fundamental human right but also the ability to contribute fully to the economic development, modernization, and prosperity of their own country: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Saudi Arabia to allow women to participate, both as voters and candidates for elective office, in the September 2011 elections;

(2) supports the women of Saudi Arabia as they endeavor to exercise their human rights; and

(3) believes that it is in the interest of Saudi Arabia and all nations to permit women to run for office and vote in all elections.

SENATE CONCURRENT RESOLUTION 24—COMMEMORATING THE 75TH ANNIVERSARY OF THE DEDICATION OF SHENANDOAH NATIONAL PARK

Mr. WEBB (for himself and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 24

Whereas the 75th anniversary of the dedication of Shenandoah National Park corresponds with the Civil War sesquicentennial, enriching the heritage of both the Commonwealth of Virginia and the United States;

Whereas in the early to mid-1920s, as a result of the efforts of the citizen-driven Shenandoah Valley, Inc. and the Shenandoah National Park Association, the congressionally appointed Southern Appalachian National Park Committee recommended that Congress authorize the establishment of a national park in the Blue Ridge Mountains of Virginia for the purpose of providing the western national park experience to the populated eastern seaboard;

Whereas, in 1935, the Secretary of the Interior, Harold Ickes, accepted the land deeds for what would become Shenandoah National Park from the Commonwealth of Virginia, and, on July 3, 1936, President Franklin D. Roosevelt dedicated Shenandoah National Park ''to this and to succeeding generations for the recreation and re-creation they would find'';

Whereas the Appalachian Mountains extend through 200,000 acres of Shenandoah National Park and border the 8 Virginia counties of Albemarle, Augusta, Greene, Madison, Page, Rappahannock, Rockingham, and Warren;

Whereas Shenandoah National Park is home to a diverse ecosystem of 103 rare and endangered species, 1,405 plant species, 51 mammal species, 36 fish species, 26 reptile species, 23 amphibian species, and more than 200 bird species;

Whereas the proximity of Shenandoah National Park to heavily populated areas, including Washington, District of Columbia, promotes regional travel and tourism, providing thousands of jobs and contributing millions of dollars to the economic vitality of the region;

Whereas Shenandoah National Park, rich with recreational opportunities, offers 520 miles of hiking trails, 200 miles of which are designated horse trails and 101 miles of which are part of the 2,175-mile Appalachian National Historic Trail, more than 90 fishable streams, 4 campgrounds, 7 picnic areas, 3 lodges, 6 backcountry cabins, and an extensive, rugged backcountry open to wilderness camping to the millions of people who annually visit the Park;

Whereas the Park protects significant cultural resources, including—

(1) Rapidan Camp, once a summer retreat for President Herbert Hoover and now a national historic landmark;

(2) Skyline Drive, a historic district listed on the National Register of Historic Places;

(3) Massanutten Lodge, a structure listed on the National Register of Historic Places;

(4) 360 buildings and structures included on the List of Classified Structures;

(5) 577 significant, recorded archeological sites, 11 of which are listed on the National Register of Historic Places; and

(6) more than 100 historic cemeteries;

Whereas Congress named 10 battlefields in the Shenandoah Valley for preservation in the Shenandoah Valley Battlefields National Historic District and Commission Act of 1996 (section 606 of Public Law 104–333; 110 Stat. 4174), and Shenandoah National Park, an integral partner in that endeavor, provides visitors with outstanding views of pristine, natural landscapes that are vital to the Civil War legacy;

Whereas Shenandoah National Park also protects intangible resources, including aspects of the heritage of the people of the United States through the rigorous commitments of the Civilian Conservation Corps and the advancement of Civil Rights as Shenandoah's ''separate but equal'' facilities became the first to desegregate in Virginia;

Whereas, on October 20, 1976, Public Law 94–567 was enacted, designating 79,579 acres within Shenandoah National Park's boundaries as wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.), which protects the wilderness character of the lands ''for the permanent good of the whole people''; and

Whereas Congress should support efforts to preserve the ecological and cultural integrity of Shenandoah National Park, maintain the infrastructure of the Park, and protect the famously scenic views of the Shenandoah Valley: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 75th anniversary of the dedication of Shenandoah National Park; and

(2) acknowledges the historic and enduring scenic, recreational, and economic value of the Park.

AMENDMENTS SUBMITTED AND PROPOSED

SA 513. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table.

SA 514. Mr. TOOMEY (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 515. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 516. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 517. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 518. Mr. CARPER submitted an amendment intended to be proposed by him to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 513. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 53, lines 21 and 22, strike ''in the competitive service''.

On page 61, line 23, insert ''for a term of seven years'' after ''Senate,''.

SA 514. Mr. TOOMEY (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 63, strike lines 3 through 18.

SA 515. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 47, beginning on line 12, strike all through page 48, line 3.

On page 54, beginning on line 24, strike all through page 55, line 22.

SA 516. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 47, beginning on line 12, strike all through ''AMERICANS'' on page 48, line 5.

On page 54, beginning on line 24, strike all through page 55, line 11.

On page 55, line 12, strike ''(2)'' and insert ''(1)''.

On page 55, line 23, strike ''(3)'' and insert ''(2)''.

SA 517. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SA 518. Mr. CARPER submitted an amendment intended to be proposed by him to the resolution S. Res. 116 to provide for expedited Senate consideration of certain nominations subject to advice and consent; which was ordered to lie on the table; as follows:

On page 7, strike line 5 and insert the following:

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 23, 2011, at 9:30 a.m. in room G50 of the Dirksen Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. 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 June 23, 2011, at 10 a.m., to conduct a hearing entitled ''Reauthorization of the National Flood Insurance Program, Part II.''

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

COMMITTEE ON FINANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Health Care Entitlements: The Road Forward.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., to hold a hearing entitled, ''Evaluating Goals and Progress in Afghanistan and Pakistan.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Stories From the Kitchen Table: How Middle Class Families are Struggling to Make Ends Meet.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m. to conduct a hearing entitled ''Federal Regulation: A Review of Legislative Proposals.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 23, 2011, at 2:15 p.m., in room 5D–628 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Indian Reorganization Act—75 Years Later: Renewing our Commitment to Restore Tribal Homelands and Promote Self-Determination.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 23, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on June 23, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS AND THE SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS, AND INTERNATIONAL ENVIRONMENTAL PROTECTION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs and the Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International environmental Protection be authorized to meet during the session of the Senate on June 23, 2011, at 2:15 p.m., to conduct a hearing entitled ''Rebuilding Haiti in the Martelly Era.''

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

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Nicole Winters-Brown, a legal intern with Homeland Security and Governmental Affairs Committee, be granted the privilege of the floor for the duration of the debate on S. 679.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 10 a.m., Tuesday, June 29, 2011, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 62, 110, and 145, with all other provisions of the previous unanimous consent agreement remaining in effect.

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

NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH

Mr. REID. Mr. President, I ask that the Senate proceed to the consideration of S. Res. 215.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 215) designating the month of June 2011 as ''National Cytomegalovirus Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent 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 statements be printed in the RECORD.

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

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2011 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect this virus can have on their children.

MEASURES READ THE FIRST TIME—S. 1276, H.R. 2021

Mr. REID. Mr. President, I am told there are two bills at the desk. I ask for their first reading en bloc.

The clerk will read the titles of the bills for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1276) to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes.

A bill (H.R. 2021) to amend the Clear Air Act regarding air pollution from Outer Continental Shelf activities.

Mr. REID. Mr. President, I now ask for a second reading but object to my own request to both of those bills.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, JUNE 27, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, June 27; that following the prayer and pledge, the Journal of proceedings 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 6 p.m. with Senators permitted to speak for up to 10 minutes each; further, that Senator SANDERS be recognized at 4 p.m. for up to 90 minutes.

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

PROGRAM

Mr. REID. Mr. President, as announced previously, there will be no rollcall votes on Monday. The first vote of the week will be on Tuesday, June 28, at noon on confirmation of the Cole nomination.

ADJOURNMENT UNTIL MONDAY, JUNE 27, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:55 p.m., adjourned until Monday, June 27, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JENNIFER GUERIN ZIPPS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE JOHN M. ROLL, DECEASED.

ROSEMARY MARQUEZ, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE FRANK R. ZAPATA, RETIRED.

DEPARTMENT OF JUSTICE

STEVEN R. FRANK, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE THOMAS M. FITZGERALD, TERM EXPIRED.

MARTIN J. PANE, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE MICHAEL ROBERT REGAN, TERM EXPIRED.

DAVID BLAKE WEBB, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE GARY EDWARD SHOVLIN, RESIGNED.

EXTENSIONS OF REMARKS

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Mr. FARR. Madam Chair, I rise in strong opposition to H.R. 2021, the Jobs and Energy Permitting Act. Since the beginning of the 112th Congress, my Republican colleagues have been relentless in their attempts to weaken offshore drilling regulations and to preserve wasteful and unnecessary subsidies to the most profitable oil corporations in the world. While Americans are facing serious pain at the pump, in the first quarter of 2011, the five biggest oil companies have made a total combined profit of $35 billion. Yet, as these companies break record profits, the Republican leadership insists that we continue to hand these companies billions of taxpayer dollars in subsidies.

H.R. 2021 is just another blatant attack on human health and the environment in an attempt to shield outrageous Big Oil profits. This bill seeks to evade Clean Air Act standards intended to protect our air and health by allowing the oil companies to pollute as much as they want from their offshore operations. Secondly, this anti-environment piece of legislation would block the right of California and other states to enforce more rigorous emissions standards on vessels servicing an offshore operation. It seems ironic that my colleagues who are arguing against big government now want to take away states' rights to protect their residents from dirty local air.

I strongly support the need to reduce America's dependence on foreign oil. However, H.R. 2021 is not the answer. I am extremely disappointed that my Republican colleagues continue to dismiss renewable sources of energy as part of the solution. The renewable energy sector has the potential to support hundred of thousands of jobs while reducing greenhouse gas emissions. The number of jobs in the solar industry, for example, doubled from 2009 to 2010. However, in the Fiscal Year 2012 Energy and Water Subcommittee Appropriations bill, Republicans have proposed draconian cuts to programs that focus on energy efficiency research and renewable sources of energy such as solar and wind. The proposed cut of $1.895 billion to the Department of Energy's Energy Efficiency and Renewable Energy program is simply unacceptable. These cuts to alternative energy programs and the numerous pro-Big Oil bills, such as H.R. 2021, that have been introduced in the 112th Congress indicate that the Republicans do not support a comprehensive solution to rising gas prices, ending America's foreign dependence on oil, and creating jobs.

My fellow Democrats attempted to improve H.R. 2021 by offering ten different amendments, but the Republicans rejected each and every one, including an amendment that would maintain California's ability to set its own emissions standards. Unfortunately this Republican desired top-down approach will degrade air quality along the coast of California, causing health costs to soar with increasing incidence of respiratory illnesses.

Madam Chair, the quality of the air we breathe and the health of my constituents is of utmost importance. For this reason, I do not support this legislation, and I voted "no" on H.R. 2021.

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF SHUTESBURY, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, on June 30, 1761, the incorporation of the town of Shutesbury, Massachusetts, was approved by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. Named for former colonial Governor Samuel Shute, the town is an exemplification of the natural beauty of Massachusetts' rolling hills. After 250 years, Shutesbury remains a town largely untouched by the imperfections of modernity.

The town traces its history to 1735, when an east-west inland road was built to encourage commerce from Lancaster to Sunderland. Over the next century, residents constructed a meetinghouse and assembled a small town. The incorporation of Shutesbury in 1761 allowed residents to expand their community to include a church and public library. The town has grown to now include over 1,700 people while maintaining the charm and civility that Shutesbury has continually represented.

Shutesbury continues to thrive in western Massachusetts as a rural community amidst burgeoning cities. The promise of this town is rooted in its commitment to protecting natural resources and recognizing the capacity of forests, streams and rural communities for future generations to enjoy.

On the occasion of the 250th anniversary of the town of Shutesbury, Massachusetts, I congratulate its citizens and praise their dedication and perseverence throughout the town's history. I look forward with enthusiastic support as we continue together to work toward a prosperous future.

IN HONOR OF REVEREND THOMAS O'DONNELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Thomas O'Donnell, who has devoted his life to the enrichment of his community.

Reverend O'Donnell was born in Cleveland, Ohio at St. John's Hospital and is one of three children. His brother, Neil is now deceased and his sister Ellen Jane is a nun in Latrobe, Pennsylvania. Reverend O'Donnell spent much of his youth interested in music and eventually received a Bachelor's Degree in Music from Oberlin College before entering the seminary. Ordained on May 20, 1967, Reverend O'Donnell first served at St. Clare Church in Lyndhurst, Ohio. Two years later he began teaching Sacred Music at St. Mary Seminary. While he was teaching, in 1972, Reverend O'Donnell began attending Case Western Reserve University to further his studies in Sacred Music.

After fourteen years at the seminary, during which time he also became Diocesan Director of Music and Assistant Director of the Diocesan Office for Pastoral Liturgy, he decided to return to parish ministry. Reverend O'Donnell then began to serve as a hospital chaplain, first at Brentwood and Suburban Hospitals and later as the Catholic Chaplain at MetroHealth Medical Center in Cleveland. He underwent a two year training course at the Cleveland Clinic prior to his work as a chaplain.

Reverend O'Donnell has been with Holy Name for fourteen years and has worked tirelessly for the betterment of his parish and the entire community. Reverend O'Donnell brought together a parish life steering committee and was integral in opening the John Paul II—Ozanam Hunger Center, along with churches in Slavic Village and several other suburban parishes. Furthermore, his parish now provides the area with five Alcoholics Anonymous meetings a week, a Parish Wellness Center, a hot meal program which serves the community twice a month, and countless other civic organizations and projects.

Mr. Speaker and colleagues, please join me in honor of Reverend Thomas O'Donnell, a hardworking, heartfelt individual who has devoted his life so tirelessly to God and his community.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 478, I was unavoidably detained. Had I been present, I would have voted "aye."

HONORING HUGHSON POLICE CHIEF JANET RASMUSSEN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Hughson Police Chief Janet Rasmussen, who rose through the ranks to become the County of Stanislaus and the City of Hughson's First Female Chief nearly 7 years ago, announced her retirement as of July 30, 2011; after serving in law enforcement for 36 years; and

Chief Rasmussen started her law enforcement career as a Volunteer Dispatcher-Clerk in April 1975, School Resource Officer and Matron-Dispatcher-Clerk in May 1976, and Dispatcher-Clerk in June 1977 through January 1982, Explorer Advisor in January 1979 through January 1982; and Reserve Police officer in January 1979 through January 1982; and

Janet Rasmussen continued her career serving in the Tulare County Sheriffs Department, hired by the Corcoran Police Department in 1976, Tulare Police Department in 1977, Tulare Sheriff's Department in 1982; and the Stanislaus County Sheriff's Department in 1991; while attending College of the Sequoias and receiving her Associates of Science in Criminal Justice in 1981, becoming a P.O.S.T Graduate in 2002, and completing her Bachelors of Science program in 2006; and

Janet Rasmussen was selected as the First Woman Narcotics Detective in Tulare County and First Woman Sergeant to serve in patrol, the First Female selected in Stanislaus County Sheriffs Department, the First Woman Instructor for Stanislaus County Sheriffs Department at the Ray Simon Regional Training Center Police Academy for Firearms, Weaponless Defense, Expandable Baton, Oleoresin Capsicum; the First Woman Team Leader for a Hostage Negotiation Team and in 2005 was selected as the First Woman in Stanislaus County Sheriffs Department serving as Chief of Police for the City of Hughson; and

Allowed attendance only by invitation and through an extensive nomination process she was the 2nd Woman in Stanislaus County to attend the FBI National Academy graduating in 2007, whereby only 12,000 women out of 39,000 attended the academy since its inception in 1935; and during the Chief's tenure in Stanislaus County, Criminal and gang activity remained at a level that placed Hughson as one of the safest communities in the Stanislaus County compared to communities in the area; and

Chief Rasmussen was very active in various organizations and extended her service to society by participating and volunteering in various organization such as serving as Governing Board Member—Stanislaus County Association of Law Enforcement Executive; Joint Powers Advisory Board Member for the Stanislaus County Drug Enforcement Agency; Advisory Board Member for the Stanislaus County Domestic Preparedness Task Force and Joint Board Member for the Office of Emergency Services Operational Area County; and a Member of the FBI National Academy Association; receiving AAA Auto Theft Recovery Award; and the Excellence in Law Enforcement and Public Safety Award.

Chief Rasmussen has been an outstanding and highly effective Police Chief whose quiet and steady leadership is an excellent example to us all of how to serve humanity.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to law enforcement and the Hughson Community by Chief of Police Janet Rasmussen and hereby wish her continued success in her retirement.

THE INTERRELIGIOUS TASK FORCE ON CENTRAL AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor the InterReligious Task Force on Central America on the occasion of its 30th anniversary.

Since its inception, the IRTF has strived to promote peace, justice, human rights, and nonviolence in Central America by raising awareness in Northeast Ohio. It has constantly sought out policies that support anti-militarism, environmental human rights, economic justice, ending the exploitation of labor, and the promotion of fair trade in Central America.

In 1987, the IRTF started the Rapid Response Network for Human Rights, which allowed volunteers to write letters in order to protest urgent human rights abuses. Originally conceived to respond to human rights abuses in Guatemala, this service is currently available for all Central American nations and Columbia.

The IRTF has also worked to expose the negative effects of globalization in Central America. These effects include ecological destruction, privatization of utilities and other public services, a decrease in labor standards, and the disruption of local populations by large multi-national corporations. Through its efforts to promote fair trade, Northeast Ohio is now one of the largest markets for fair trade coffee in the United States.

Mr. Speaker and colleagues, please join me in honoring the InterReligious Task Force on Central America, an organization whose policies work to improve conditions for the oppressed peoples in Central America, on the occasion of its 30th anniversary.

25TH ANNIVERSARY OF HOSPICE AND PALLIATIVE CARE NURSES ASSOCIATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. McCARTHY of New York. Mr. Speaker, as a nurse of many years, I rise today to extend my sincere congratulations to the Hospice and Palliative Care Nurses Association (HPNA) on the occasion of its 25th anniversary (1986–2011). Representing nearly 10,000 members across the United States, HPNA is now the nation's largest and oldest professional nursing organization dedicated to promoting excellence in hospice and palliative nursing care. Since 1986 HPNA has played an important role in promoting excellence among palliative nursing professionals through evidence-based educational tools, specialty resources, visionary collaboration, and professional networking. The important role that these nurses play in the lives of individuals and their families is worthy of celebration, and I add my voice to those honoring the organization's 25 years of service.

As my colleagues may know, nurses now comprise the largest group of health professionals with approximately 2.9 million providers offering essential care to patients in a variety of settings, including hospitals, long-term care facilities, community or public health areas, schools, workplaces and home care. Nurses represent the public interest and not a special interest. The contributions made by the practice and science of nursing are significant, and in collaboration with other healthcare professionals, significantly improves the quality of our nation's health care system. Simply put, nurses are involved in every aspect of health care, including end of life care. The field of hospice and palliative care nursing is instrumental in treating the person and taking into account the medical, social, psychological, and spiritual needs of a patient and their family at the end of life. This key field of nursing emphasizes quality of life at life's end, and for that I am grateful. Hospice is a covered benefit under Medicare, Medicaid, and most private insurance plans. I applaud HPNA,for educating families and the public regarding these important considerations and care options.

Again, I commend the work, dedication and commitment of the hospice and palliative care nurses and the HPNA to improve the quality of life for individuals and their families at the end of life. I look forward to continuing to work with my fellow nurses in this important field as well as the critical patient population and families that they serve.

HONORING RACHEL ANSZELOWICZ

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to commend an extraordinary constituent of mine, Rachel Anszelowicz.

Rachel visited my office recently to tell me about how difficult it is to live with type 1 diabetes. She told me about the painful glucose monitors and burdensome insulin pumps that she and other children with juvenile diabetes use to manage their disease. And, she told me about her increased risk as an adult for, among other ailments, kidney failure and heart disease. As a 2011 Children's Congress delegate from the Juvenile Diabetes Research Foundation, Rachel spoke with a poise and maturity beyond her 13 years.

In her fight with the disease, Rachel is not alone. As many as twenty-six million Americans have diabetes, which ultimately accounts for $174 billion in health care costs in the United States, and twenty-two percent of hospital inpatient days. If we are to bring down this country's rising health care costs, then new cost effective and high quality treatments for chronic diseases like diabetes will be a critical part of that effort.

Research by the Juvenile Diabetes Research Foundation and other clinical experts

has indicated that an artificial pancreas could be a potentially transformative tool to manage type 1 diabetes. By automatically controlling blood glucose levels, it would drastically improve the quality of life for those like Rachel Anszelowicz who struggle daily with the disease.

There is currently no ''quick-fix'' or lasting solution for type 1 diabetes. There is no cure. So, for Rachel and my other constituents with juvenile diabetes, I will continue to support the research necessary to translate these and other innovations from lab tested to in daily use by patients.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Ms. RICHARDSON. Madam Chair, I rise in opposition to H.R. 2021, the incorrectly named Jobs and Energy Permitting Act of 2011, which, aside from creating no jobs, merely permits major offshore oil companies to skirt reasonable clean-air standards, leading to greater health hazards and a poisoned environment for my constituents in California and others living on America's coastlines.

Under the Clean Air Act of 1990, large, offshore projects that emit more than 250 tons of an air pollutant are subject to pre-construction air pollution permits, just like any on-shore installation, such as a factory. Oil rigs and their support ships are subject to regulations based on the amount of pollution they distribute into the air and the surrounding ocean.

H.R. 2021 declares that pollution regulations shall apply ''solely with respect to the impacts in the corresponding onshore area.'' This means that the ocean and all the area from the oil rig to the breakers will not be properly taken into account when a company prepares its environmental impact reports. Near-shore areas with extensive human activity such as fishing and boating sites will not matter. Companies will be regulated according to how much they pollute at long distances, allowing them to pump more toxins into the air.

We all know that air pollution contributes to adverse health effects and environmental degradation. Nowhere is this more obvious than in my home state of California where toxic air pollution is consistently linked to cancer and birth defects. According to the Environmental Protection Agency, the City of Los Angeles, where my 37th Congressional District is located, has some of the highest levels of cancer-related toxic air pollutants in the country. The Clean Air Act itself was a direct response to the issues of air quality in major American cities such as Los Angeles, and I cannot support a bill that undoes efforts which have improved the quality of life for so many of my constituents.

As a member of the Committee on Transportation and Infrastructure representing a major port city, I authored the Diesel Emissions Reduction Act, DERA, of 2010, which was passed in the 111th Congress. DERA provides economic incentives to retrofit commercial diesel engines, making them cleaner and more efficient without threatening trade. Instead of letting offshore drillers pollute more, we should focus on technologies and procedures that lessen their environmental impact.

I believe that, in the wake of the Deepwater Horizon disaster, offshore oil drillers should be held to the highest standards. To this end, I will soon introduce the Securing Health for Ocean Resources and Environment, SHORE, Act, which will ensure that offshore drilling operations prepare comprehensive disaster mitigation and clean-up plans before they ever begin operations.

Under H.R 2021, the weak regulations the Republicans are attempting to establish would not even be in effect until ''the period between when drilling commences at a location and when drilling ends at that location.'' Support vessels, which produce the majority of emissions at these sites, would not have to apply any pollution controls or be factored into environmental impact statements. These provisions will effectively prevent the EPA and state authorities from addressing serious sources of pollution from offshore oil and gas sites.

In addition to recklessly cutting critical safeguards to air pollutants, this legislation will remove any authority for EPA's Environmental Appeals Board to review permit decisions for offshore exploration activities. Stakeholders who wish to challenge an EPA permit would have to do so through costly litigation through the DC Circuit Court of Appeals. Furthermore, it cuts down the time allotted for public review and places similar time constraints on state and local hearing boards.

In summary, this destructive bill would remove basic safeguards to toxic pollutants and restrict procedures used to challenge oil companies who drill in sensitive areas. There are similar operations going on just off shore from my district, and I cannot tell my constituents that I sat idly by while Congress allowed more toxic substances to fill our air and threaten our environment. I urge my colleagues to vote for the health of the American people and oppose this legislation.

IN HONOR OF THE 20TH ANNIVERSARY OF SLOVENIAN STATEHOOD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 20th anniversary of Slovenian Statehood. I am also pleased to be joined by the Consul General of the Republic of Slovenia, Mr. Jure Zmauc, his wife, Mrs. Janja Zmauc, and Dr. Bostjan Zeks, Minister for Slovenes Abroad, to celebrate Slovenian Statehood Day.

The twenty-fifth of June is Slovenian Statehood Day, an annual celebration of Slovenia's independence and the sovereignty it gained in 1991. It is a commemoration of the struggles and triumphs of the people of Slovenia. It also serves as an opportunity for residents of northeast Ohio to celebrate the customs, traditions and contributions of Slovenian Americans to our community.

This year's celebration of Slovenian Statehood Day begins with a reception at the Slovenian Museum and Archives where a special exhibit depicting the role of Americans of Slovenian heritage that worked to gain independence will be on display. Later in the evening the city of Cleveland Mayor Frank Jackson and Councilmen Michael Polensek and Joe Cimperman will host an event that will feature musical performances by Raine Austen and the Men's Chorus Mi smo Mi.

Mr. Speaker and colleagues, please join me in honor and recognition of the 20th anniversary of Slovenian Statehood. Slovenia has grown in many facets over the years and should be recognized for its prosperity.

IN HONOR OF FATHER MARTIN MORONEY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. MATSUI. Mr. Speaker. I rise today in recognition of Father Martin Moroney. He has served as a pastor in Northern California and the Sacramento area since he came to this country in 1967. As his friends and family celebrate his retirement, I ask my colleagues to join me in thanking him for his dedication and leadership.

Born in County Clare in western Ireland, Father Moroney grew up in a small town on his family's farm. He loved the countryside of Ireland, but later felt very much at home in Northern California and the Sacramento area's cities and open spaces.

Father Moroney spent his 12 twelve years in the United States as an assistant pastor in several parishes, beginning with St. Mel's in Fair Oaks and St. Anthony's in Mt. Shasta. In 1970 he moved to St. Theresa's in South Lake Tahoe, and 6 years later he began to serve at Sacred Heart in Sacramento. In 1978 he transferred to All Hallows on 14th Avenue.

As Father Moroney gained experience in these welcoming parishes, he began to take on larger responsibilities. He became pastor of St. John's in Quincy; there he led his own parish as well as nearby Greenville's mission church. For 12 years, he happily served as spiritual leader for these two Plumas County communities.

In 1993, Father Moroney was asked to move to Rancho Cordova, where he has remained as pastor up until his retirement. The St. John Vianney parish in Rancho Cordova was very welcoming and quickly grew to love and respect him as their pastor. Father Moroney has dedicated his work and service to guide the church's followers for 18 years. During that time he has reached out to the Hispanic community and launched a program of Spanish-language masses. Furthermore, he recently oversaw the addition of monthly Indonesian-language masses to celebrate the Indonesian community in the area.

When Father Moroney first came to St. John Vianney's, the church had a $200,000 debt. As he retires, Father Moroney is happy to report that the debt has been completely paid off. He is also ecstatic that the church's school fund has grown so much that the interest earned is helping support the school.

Father Moroney's retirement marks the end of almost half a century's dedication to helping others. He has made important contributions to every parish that he worked in, and helped countless individuals find their way. His leadership will be sorely missed from the Sacramento area and beyond, though his conviction and dedication will be remembered for a long time by the people he encountered across the state.

Mr. Speaker, I stand today to honor Father Moroney, who has been an exceptional community leader. He has devoted his life to serving and to assisting those around him. I ask all my colleagues to join me in wishing Father Moroney the best as he retires.

INTRODUCTION OF THE ROBIN DANIELSON ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. MALONEY. Mr. Speaker, as a longtime advocate of women's health, I am proud to reintroduce the Robin Danielson Act, legislation that would address the unanswered health concerns regarding the safety of tampons. Given the sheer number of women who use these products and the potential cumulative adverse effects, it is time women have definitive answers about the potential risk these products pose to their health.

Today, approximately 73,000,000 women in the United States use tampons made of cotton and rayon and the average woman may use as many as 16,800 tampons in her lifetime. Rayon is a synthetic fiber produced from bleached wood pulp. During this process, dioxin, a probable cancer-causing agent, is created. Although chlorine-free bleaching processes are available, most wood pulp manufacturers use elemental chlorine-free bleaching processes, which continue to produce dioxin. Due to a lack of access to timely and comprehensive information, most women are not fully aware of the potential risks associated with use of the mainstream product. Dioxins in tampons and TSS are serious women's health concerns that have not been adequately monitored, analyzed, or reported.

Like thousands of others, Robin Danielson, whom the bill is named after, was the victim of Toxic Shock Syndrome (TSS), a rare but potentially life-threatening illness that is often linked to high-absorbency tampon use. Robin's death could have been prevented if only she had recognized the symptoms. Even today, many women are not fully aware of the risks of tampon use or TSS. This legislation would direct the National Institutes of Health (NIH) to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related products pose any health risks to women and asks the Centers for Disease Control (CDC) to collect and report information on Toxic Shock Syndrome (TSS).

According to the Center for Disease Control and Prevention, one to two of every 100,000 women between the ages of 15–44 years old will be diagnosed with TSS each year. Yet, the last national surveillance was conducted in 1987 and reporting of TSS by the states is voluntary. It is clear we do not have enough transparent or timely information to evaluate the reality of TSS today.

This legislation is necessary to provide women with accurate information about the safety of tampons and to increase awareness about the risk of TSS.

RECOGNITION OF THE 250TH ANNIVERSARY OF THE TOWN OF BELCHERTOWN, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, on June 30, 1761, the town of Belcher's Town, Massachusetts, was incorporated by the colonial Governor of the Commonwealth of Massachusetts, Sir Francis Bernard. The town is named for Jonathan Belcher, colonial Governor of the Province of Massachusetts Bay from 1730 until 1741. After 250 years of development and innovation, Belchertown continues to promote civility and cooperation amongst its citizens.

Overlooking the Connecticut and Quaboag Valleys, Belchertown has long been a town connected to the thoroughfares passing through the area. Many of the original buildings were taverns to accommodate travelers; however, the first railroad in 1850 allowed greater diversity in the town's commercial endeavors. In the past century, Belchertown has continued to prosper while maintaining the community-oriented charm familiar to most of western Massachusetts.

The commitment to volunteerism and community service is traced throughout Belchertown's history. Its citizens stand as an example of what hard work and resolve can accomplish, as evidenced by the formidable carriage industry in the early 1800s, the town's first library in 1887, the development of Quabbin Reservoir in 1927, and the brave service of numerous citizens in every U.S. war except the War of 1812.

On the occasion of the 250th anniversary of the town of Belchertown, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town's history. I look forward with enthusiastic support as we continue to work together for a prosperous future.

HONORING JAMES ADDY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. CAPITO. Mr. Speaker, I rise to recognize and honor, James Addy, the mayor of Harpers Ferry, West Virginia. Mayor Addy will retire this month after 10 successful years in the mayor's office. Jim has been Mayor since 2001 and is a professor of social studies at Bowie State University, where he teaches courses in American history. He has served a stalwart career as a public official and has worked relentlessly to improve his community.

Mayor Addy brought an honest and clear vision to Harper's Ferry where he has worked to bring a better life to its citizens. I have always valued his wise counsel.

In his terms in office, Mayor Addy has applied his wealth of knowledge. As a professor, he knows the common thread of American history and how lessons learned in the past are often repeated in the future. As a teacher and former assistant principal, he applied his ability to build relationships and mentor those who will follow in his footsteps, especially the younger generation. And finally as a product of a childhood in a neighborhood of Baltimore, he brought the idea of working for a better community and a greater good.

Mayor Addy, I hope that you enjoy your time out of public service. I know you will continue to teach and affect the young lives that you so believe in. I know that you will continue to be involved in all aspects of Harpers Ferry and its future.

You have done a great job. I wish you the very best.

AMERICA INVENTS ACT

SPEECH OF

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. PENCE. Madam Chair, I rise in support of H.R. 1249, the America Invents Act, which is a carefully-crafted compromise that will modernize our nation's patent laws to allow for greater innovation, economic growth and job creation.

Years of hard work have gone into this bill. I would like to congratulate and thank Chairman SMITH and Rep. GOODLATTE for their leadership and diligence.

The Constitution vests in Article I, Section 8, clause 8, the power to Congress to "promote the Progress of Science and useful Arts, by securing for limited Times to . . . Inventors the exclusive Right to their . . . Discoveries."

Our patent laws were written nearly sixty years ago, and it is time to update them to account for changes in our modern economy. It is Congress's power and responsibility to do so, especially with the problems that are evident with the patent system today.

And not doing so will cost our country even more jobs. Patent reform is about jobs because intellectual property, like other forms of private property, is a pillar of economic prosperity. Part of creating a pro-growth environment in this country includes modernizing our patent laws.

I have heard about the need for modernization from countless Hoosier business leaders, patent holders and entrepreneurs. Indiana has a long tradition of leadership in the life sciences and medical industry. Indiana also has a robust university research system, growing tech industry and, of course, a manufacturing industry that grows more high-tech with each passing year.

These and many other sectors of the Hoosier economy will benefit from the reforms in this bill. When inventors and entrepreneurs are able to protect their inventions and speed

them to market, it creates jobs not only for researchers and inventors, but also for factory workers, distributors, sales associates, and marketing teams to name a few.

This bill will ensure that newly-issued patents will be strong, high-quality patents that have gone through rigorous review. It will modernize the U.S. Patent and Trademark Office to reduce the current backlog of more than 700,000 patent applications, and it will ensure that the PTO, with proper congressional oversight, is able to retain the fees it collects to fund its operations. Finally, this patent reform bill will go a long way towards eliminating the lawsuit abuse that has become so prevalent in recent years.

Of personal interest to me, I am pleased that the bill before us incorporates the changes to best mode that I obtained during the 2007 patent reform debate and floor vote.

American patent law currently requires that a patent application ''set forth the best mode contemplated by the inventor of carrying out his invention'' at the time the application is filed. But providing the best mode is not a requirement in Europe, Japan or the rest of the world and it has become a vehicle for lawsuit abuse.

In my view, the best mode requirement of American law imposes extraordinary and unnecessary costs on inventors. I have maintained since 2007 that best mode should be repealed in full, and I would continue to support a full repeal if possible today.

But, at the very least, I am pleased that the bill before us, like my amendments from 2007, only retains best mode as a specifications requirement for obtaining a patent. Once the examiner is satisfied that the best mode has been disclosed, the issue is settled forever. Going forward, best mode cannot be used as a legal defense to infringement in patent litigation or a basis for a post-grant review proceeding.

The America Invents Act will enable America to continue to be the world's leader in innovation. It will lay the groundwork for intellectual property protection that will help grow our economy and create jobs both in the Hoosier state and across the nation.

After so many years, I am encouraged that we are on the cusp of passing this bill out of the Congress and sending it to the president. I urge my colleagues to support the America Invents Act today.

HONORING PROFESSOR MEL BARON ON THE OCCASION OF HIS RECEIPT OF THE PINNACLE AWARD FROM THE AMERICAN PHARMACISTS ASSOCIATION FOUNDATION IN RECOGNITION OF HIS PIONEERING WORK TO ADDRESS THE PHARMACY NEEDS OF UNDERSERVED COMMUNITIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor Professor Mel Baron of the University of Southern California School of Pharmacy upon his receipt of the Pinnacle Award for Individual Achievement by the American Pharmacists Association Foundation (APhA).

Dr. Baron, who is now celebrating his 52nd year in the pharmacy profession, ranks as a practice pioneer, an educational futurist and a regional force in meeting the pharmacy needs of our community. He has been a visionary in establishing pharmacy as part of the solution in meeting the health-care needs of Southern California's 2.7 million uninsured residents. Dr. Baron is a recognized leader in providing expanded pharmacy services in safety-net clinics that increase the number of patients served while also providing better and more cost-efficient care. His pioneering effort to secure USC's first funding grant for clinical pharmacy practice in safety-net clinics earned the School of Pharmacy the APhA Pinnacle Award for Group Practice, the American Society of Health-System Pharmacists' (ASHP) Best Practices Award and the American Association of Colleges of Pharmacy's (AACP) Transformative Community Service Award over the past few years.

Furthering his efforts to address the needs of underserved populations in Southern California, Dr. Baron has produced a series of Spanish and English fotonovelas (comic book-like pamphlets) on medication compliance, diabetes, folic acid, depression, dementia, pediatric asthma and childhood obesity. Recognizing the lack of culturally sensitive health information on these topics, Dr. Baron obtained grant funding to produce them. Through these materials, he has extended the reach of pharmacy expertise tremendously and offered vital information to the residents I represent in East Los Angeles. These fotonovelas have now been distributed across the country. In addition to the print versions, local actors have done theatrical readings of them at health fairs in Los Angeles. Currently, he is also leading an effort to produce a DVD series for prospective transplant patients and their families.

Earlier in his career, Dr. Baron worked in his own medical-building pharmacy. In the 1970s, he grew his business into a vibrant home-care pharmacy that met the pressing needs of patients struggling to live in a health-care environment with limited resources. At a time when home-care pharmacy services were in their infancy, Dr. Baron had the vision to use pharmacist expertise in the home-care setting to meet the needs of these patients.

Dr. Baron also approaches his teaching with excellence in mind. He originated externships for USC pharmacy students back in the 1980s—long before most pharmacy students were doing any clinical work in the early years of their curriculum. Dr. Baron recognized the wisdom of exposing pharmacy students to clinical settings early and often in their educational careers. Dr. Baron also has made it a priority to teach an annual course on leadership to pharmacy students.

Clearly, Dr. Baron has been at the forefront of the most pressing issues of pharmacy today. Through hard work, Dr. Baron's long and vibrant career has been marked by pioneering foresight and vision. In addition, his work has inspired students and served those in our community who are most vulnerable and in need.

Mr. Speaker, I ask my colleagues to please join me in congratulating Dr. Baron on his receipt of the Pinnacle Award and in thanking him for his half-century of exceptional service to our community. His tireless leadership, innovation and inspiration have made a tremendous contribution to our community and to the nation, and I extend to him my best wishes for many more successful years ahead.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. PINGREE of Maine. Mr. Speaker, the York River in Maine is the cultural and economic heart of the York River watershed community. Standing on the banks of the river, I heard from community members about what the river means to them and how they have pulled together to protect this waterway. I also heard from the community about how the York River needs additional protections from increasing development pressures. The bill that I am introducing today commissions a feasibility study which will provide a comprehensive overview of the river and will evaluate whether the York River qualifies as a Wild and Scenic Partnership River within the National Park Service's Wild and Scenic Rivers System.

Watching two York River lobstermen tie up their boat, I wouldn't have guessed that the York River area is on the northern fringe of the Boston megalopolis in terms of population and development pressures. The towns of York, Eliot, Kittery, and South Berwick recognize that without additional knowledge and management tools, the river's unique cultural, recreational, commercial, and natural resources will be threatened. Support for the York River Study Bill was the result of a partnership between the local environmental community, a local land trust, support from the state, and, most importantly, support from an entire community of Mainers with the foresight to recognize the value of the river to the business community.

The York River is located in southern Maine and runs 11.25 miles from the York Pond in Eliot to the mouth of the river harbor in the town of York. On its way from the land to the sea, this river passes by farms, old mills that date back to the 1600s, wharves and warehouses from the 1700s that tell the story of Maine's rich fishing heritage, public boat launches, working waterfronts, and recreational spots for lunching, fishing and kayaking. There have been concerted and successful efforts over the past ten years by the York Land Trust and the Mount Agamenticus to the Sea Conservation Initiative to protect land in the watershed. These efforts have included preserving historic waterfront access, preventing the subdivision of farms, and restoring habitat.

Listed as a Priority Coastal Watershed by the Maine Department of Environmental Protection, the York River watershed encompasses a wide diversity of habitats and ecological communities that support species including the wild brook trout, the Atlantic Salmon, the New England Cottontail, and Maine endangered species, such as the Eastern Box Turtle. Birders come to the York River to see exceptional varieties of birds including the threatened Harlequin Duck, which is seldom seen from shore anywhere in Maine except York County, as well as other species that call

the York River home, like great blue herons, bald eagles and ospreys.

The York River is also a classroom for young environmentalists—a place where students actively learn about the values and ecology of the river habitat through forward-looking environmental curricula developed by the public schools. In addition to its value as a natural setting for young and old learners alike, the river also serves as a recreational center. The waterways of the York River provide fishing grounds for residents and visitors who fish for striped bass and flounder, and the river is increasingly used for sailing, canoeing, and kayaking.

But, the York River is more than a beautiful place with abundant natural resources. It is also a place where people are making their living. Small fishing operations carry on trades that have been practiced on the river for hundreds of years. Sections of the York River are nationally recognized historic working waterfronts, and continue to provide access to the river for water-dependent businesses. Through preservation of historic waterfront access points such as Sewall's Bridge, the York River community has made it possible for local lobstermen to continue to engage in a trade that has shaped and continues to define the spirit of Maine. And, the York River watershed is a place where farmers carry on Maine tradition, growing pumpkins, potatoes and other produce that keep Maine communities healthy. These farmers face the same development pressures that waterfront businesses do, and the York River community has made it possible for farms like Highland Farm to keep providing sustainable local food sources.

Visitors come to the York River to enjoy its unique recreational, scenic, and historic values, and the York River community welcomes them and recognizes that preserving and maintaining this vibrant landscape is of critical economic importance. The York River community's investments in conservation have been substantial and have resulted in the preservation of natural and historical aspects of the river that draw visitors from throughout Maine and throughout the nation. This study bill will be a vital means of continuing to support these important efforts so that the York River can remain a community resource for future generations.

COMMEMORATING THE 175TH ANNIVERSARY OF THE NATIONAL LIBRARY OF MEDICINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 175th anniversary of the National Library of Medicine. What began in 1836 as a small collection of medical books on a shelf in the library of the U.S. Army Surgeon General is now the world's largest biomedical library. The National Library of Medicine, part of the National Institutes of Health, is located in Bethesda, Maryland.

Today, the National Library of Medicine is much more than a collection of books. The National Library of Medicine is dedicated to the innovative use of communications and medical information to enhance public access and understanding of human health as well as to provide valuable information resources for medical research. Whether it is serving to facilitate advances in medical technology, empowering the public to play an active role in managing health and health care, developing groundbreaking electronic health records, or responding to national emergencies with disaster management research, the National Library of Medicine is the world's most trusted resource for health information and innovation.

This historic anniversary is an opportunity to recognize the valuable contributions the National Library of Medicine has made to scientific discovery, health care delivery, and public health response. It is with great honor that I congratulate the National Library of Medicine on 175 years of excellence in medical and health information and look forward to seeing the positive effects its continuing innovation will have in the future.

HONORING NINOSKA PEREZ CASTELLON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the work and accomplishments of a distinguished radio journalist, artist and community activist of South Florida, Ninoska Perez Castellon.

Ninoska Perez Castellon is a prominent figure among the exiled Cuban community and deserves our upmost respect for always promoting democracy and freedom. Ninoska was born in Havana, Cuba. At the age of nine, her family was forced to flee from communist Cuba, leaving Ninoska to begin a new life in the United States. Ninoska's family began to transition to their new life by adapting to the American culture and language; nevertheless, their roots were never forgotten.

Being raised and educated in Miami allowed her to be close to her family who ingrained values and morals into Ninoska that hold true today. Her mother, Mrs. Rogelia Castellon has not only been a loving mother but has also been a fountain of knowledge and wisdom for her daughter. Rogelia is an intellectual and indefatigable fighter for the liberty of Cuba. Despite the tribulations she has endured, Rogelia refuses to be discouraged.

Learning perseverance from her mother, Ninoska completed her studies at Miami-Dade College and the University of Miami. At a very young age, Ninoska began her role as an active leader against the tyranny of Castro's communism. She has not only advocated for Cuba's liberty on American soil but her message has reached many hearts and ears around the world. Her voice has broken many barriers of an enslaved country living under the most prolonged and cruelest dictatorship in the continent.

Ninoska and her husband, Roberto Martin Perez, tirelessly condemn each crime committed by the Castro regime. Roberto is an exemplary individual who experienced firsthand the horrors of Cuban prisons with courage and dignity for 28 long years.

Ninoska's profound knowledge and expertise led her to testify before the U.S. Congress as an expert witness on Cuban issues. As a founder of various Cuban-American organizations, Ninoska has gained the respect of numerous exiled communities residing in South Florida.

Ninoska symbolizes the American dream and is testament to what can be accomplished through hard work and dedication. For over 25 years, she has developed professionalism in her work as a journalist and is now one of the most recognized personalities in radio, television and print media. She currently produces and directs the program Ninoska Mambi on the emblematic Spanish radio station Radio Mambi. In addition to her continued journalistic success, Ninoska is also a talented artist. Her artwork portrays her undying love of Cuba and has been displayed in many galleries.

As a lover of freedom and democracy, Ninoska defends the United States with the same dedication and passion as she does for Cuba. Ninoska, having immense passion, has never ceased to denounce the crimes and abuses of totalitarian regimes. Her ideas and knowledge will be everlasting in the books she has written.

Mr. Speaker, I ask my colleagues to join me in recognizing my dear friend, Mrs. Perez Castellon for her morals and principles, her loyalty and love of Cuba, as well as her talent and dedication to our community of South Florida. My most sincere appreciation and admiration goes out to you, Ninoska Perez Castellon, you are a special person who has dedicated a life both, personally and professionally, fighting for democratic principles and the liberty of Cuba.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Ms. RICHARDSON. Mr. Chair, I rise in strong support of the Capps amendment to H.R. 2021.

I thank my colleague, the gentlelady from California for bringing this amendment to the floor.

The Capps amendment corrects a glaring flaw in this legislation by maintaining the rights of states who have already been delegated authority to continue to regulate and monitor air pollution from offshore oil and gas operations that will ultimately affect their residents.

H.R. 2021 seeks to degrade state permitting powers by cutting time frames, restricting citizen engagement, and shifting responsibilities back to the Environmental Protection Agency.

I find it interesting that some of my colleagues who campaign on small government have decided to fight regulation by stripping authority from local agencies and handing it over to a federal bureaucracy!

Under the Clean Air Act, states have the right to issue permits and regulate emissions according to their own criteria, which either meet or exceed national standards.

States and localities should take the lead in regulating pollution because they are most responsive to the concerns of their citizens and

familiar with the dynamics at work on the ground.

In my home state of California, cities such as Los Angeles, where my 37th Congressional District is located, have struggled with air pollution for decades.

Thanks to the efforts of state regulatory agencies, such as the California Air Resources Board, the region has seen a marked improvement in air quality and other environmental indicators. The number of air quality alerts has fallen from over 200 per year in the 1970s to less than 10 per year today.

For 17 years, the Air Resources Board has regulated and monitored oil and gas operations near my district. The standards they employ were developed over nearly 5 decades of experience, and, most importantly, they remain directly accountable to the people and communities of California.

Mr. Chair, I believe that if a state invests time and money towards establishing high standards and creating innovative solutions to a problem, they ought to enjoy the full support of the law.

I urge my colleagues to support the Capps amendment.

HONORING U.S. MERCHANT MARINE

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. REED. Mr. Speaker, I rise today to acknowledge the tremendous work accomplished by the U.S. Merchant Marine during World War II.

Those who served on ships in the Merchant Marine risked their lives and welfare during World War II to protect our country. Like our other service members, the Merchant Marine members served in both theaters of war. They faced enemy fire, floating mines and other dangerous conditions. Unfortunately the risks faced by these brave men have often been forgotten.

Mr. Speaker, one of my constituents, Jacena Brahm, wrote me a letter to tell me about her husband, Vernon Lee Brahm, who served in the U.S. Merchant Marine. I'm proud to recognize Mr. Brahm and all the brave men who served in the Merchant Marine during World War II. These men committed their lives to America's cause by leaving their families and their homes and putting themselves in harm's way to help win the war. I commend these brave souls for all that they did to ensure our freedom. The Merchant Marine helped lead us to victory.

The sacrifices of our veterans have been appreciated throughout the history of our nation, and that demonstration of respect should not be denied to those in Merchant Marine who also defended our nations' interests in World War II.

HONORING JEANETTE SUTHERLIN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Jeanette Sutherlin on her retirement from the University of California Cooperative Extension; and to thank her for her dedicated, lifelong spirit of community service.

Since joining the University of California Cooperative Extension in 1973, Jeanette has been a leading advocate for nutrition and agricultural education, working tirelessly to implement nutrition education and youth development programs throughout Fresno County.

Jeanette began her career at the University of California Cooperative Extension in Fresno County as the 4–H Advisor. She later took over the role of Nutrition, Family and Consumer Sciences Advisor where she focused on providing nutrition education and access to healthy nutrition for low-income families in Fresno County. In addition, she successfully secured more than a half-million dollars in grants each year to fund multiple projects related to nutrition and agricultural education.

Jeanette's hard work in the Fresno County agriculture industry is deeply valued by those who have worked with her. One of Jeanette's main focuses was strengthening a nearly decade long relationship between the University of California Cooperative Extension and the Fresno County Farm Bureau. President Brian Pacheco commemorated Jeanette's contributions to the Fresno County Farm Bureau, stating, ''Jeanette's expertise in nutrition education, youth development and administration has been an asset to the Fresno County Farm Bureau, and her services will not be soon forgotten.''

Beyond her work at the University of California Cooperative Extension and Fresno County Farm Bureau, Jeanette has volunteered much of her time to philanthropic endeavors. She currently serves as Chairperson of the Board for the Trauma Intervention Program, providing emotional aid and practical support to victims of traumatic events and their families in the hours following a tragedy.

Mr. Speaker, please join me in honoring Jeanette Sutherlin on her retirement and wishing her the best of luck and health in her future endeavors.

SUPPORT OF A NATIONAL WORLD WAR I MEMORIAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Ms. NORTON. Mr. Speaker, I submit the following:

Whereas, the year 2014 marks the centennial of World War I, often referred to as the ''Great War;''

Whereas, the National Mall is home to memorials for America's major 20th century conflicts—the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, with the exception of a World War I Memorial;

Whereas, the District of Columbia War Memorial, managed by the National Park Service, was dedicated to the more than 26,000 District of Columbia residents who, without a vote in Congress, served bravely in World War I, including 499 who were killed;

Whereas, a memorial dedicated to all Americans who served in World War I should be located in our nation's capital, in a well-traveled area commensurate with the importance of World War I in the nation's history;

Whereas, members of Congress and other Americans desire to establish a commission to ensure a suitable observance of the World War I centennial;

Whereas, the National Park Service, the National Capital Memorial Advisory Commission, and the American Battle Monuments Commission have specifically determined that either adding a new National World War I Memorial in the vicinity of the District of Columbia War Memorial or re-designating the District of Columbia Memorial as a National World War I Memorial would violate the Commemorative Works Act: Be it therefore

Resolved that, the District of Columbia War Memorial should remain a memorial dedicated solely to the D.C. residents who served in World War I; and, be it therefore

Resolved that, a proper location for a memorial dedicated to all Americans who served in World War I shall be determined; and, be it therefore

Resolved that, Congress should authorize a study or commission to determine a proper location for a memorial dedicated to all Americans who served in World War I.

AMERICA INVENTS ACT

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of New Jersey. Madam Chair, for over two decades, USPTO has had an internal policy that human beings at any stage of development are not patentable subject matter under 35 U.S.C. Section 101. I commend Chairman LAMAR SMITH for including in the manager's amendment to H.R. 1249, the America Invents Act, a provision that will codify an existing pro-life policy rider included in the CJS Appropriations bill since FY2004. This amendment, commonly known as the Weldon amendment, ensures the U.S. Patent and Trade Office, USPTO, does not issue patents that are directed to or encompassing a human organism.

Codifying the Weldon amendment simply continues to put the weight of law behind the USPTO policy.

This amendment and USPTO policy reflect a commonsense understanding that no member of the human species is an ''invention,'' or property to be licensed for financial gain. Patents on human organisms commodify life and allow profiteers to financially gain from the biology and life of another human person.

Codifying a ban on patenting of humans would not violate international obligations under the TRIPs agreement with the WTO, in which member countries can exclude from patentability subject matter to prevent commercial exploitation which is ''necessary to protect ordre public or morality, [and] to protect human, animal or plant life.'' (The Agreement on Trade-Related Aspects of Intellectual Property Rights, Article 27, Section 5).

Even the European Union prevents patents on human embryos on the basis of morality and public order without conflicting with the TRIPs agreement. (See Guidelines for Substantive Examination. European Patent Office. Part C, Chapter IV, Section 4.5, iii (Rule 28c))

4.5 Biotechnological inventions

In the area of biotechnological inventions, the following list of exceptions to patentability under Art. 53(a) is laid down in Rule 28. The list is illustrative and non-exhaustive and is to be seen as giving concrete form to the concept of ''ordre public'' and ''morality'' in this technical field. Under Art. 53(a), in conjunction with Rule 28, European patents are not to be granted in respect of biotechnological inventions which concern:

(iii) uses of human embryos for industrial or commercial purposes; The exclusion of the uses of human embryos for industrial or commercial purposes does not affect inventions for therapeutic or diagnostic purposes which are applied to the human embryo and are useful to it (EU Dir.98/44/EC, rec. 42).

I also submit into the RECORD items from previous debate on the Weldon amendment that will add further clarification to the intent of this important provision.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES, JULY 22, 2003

H. Admt. 286

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004—(House of Representatives—July 22, 2003)

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida:

None of the funds appropriated or otherwise made available under by the act may be used to issue patents on claims directed to or encompassing a human organism.

Mr. WELDON of Florida. Mr. Chairman, technology proceeds at a rapid rate, bringing great benefits to humankind from treatments of disease to greater wealth and greater knowledge of our world. However, sometimes technology can be used to undermine what is meant to be human, including the exploitation of human nature for the purpose of financial gain.

Several weeks ago, at a meeting of the European Society of Human Reproduction and Embryology in Madrid, Spain, it was reported that scientists had created the first male-female hybrid human embryos. The researchers transplanted cells from male embryos into female embryos and allowed them to grow for 6 days. This research was universally condemned as unnecessary and unethical.

Reuters reported that one member of the European Society condemned this research, saying there are very good reasons why this type of research is generally rejected by the international research community. Furthermore, the scientists who created these shemale embryos reportedly want to patent this research.

It is important that we, as a civilized society, draw the line where some rogue scientists fail to exercise restraint. Just because something can be done does not mean that it should be done. A patent on such human organisms would last for 20 years. We should not allow such researchers to gain financially by granting them an exclusive right to practice such ghoulish research.

Long-standing American patent and trademark policy states that human beings at any stage of development are not patentable, subject to matters under 35 U.S.C. section 101. Though current policy would not issue patents on human embryos, Congress has remained silent on this subject. Though this amendment would not actually ban this practice, it is about time that Congress should simply reaffirm current U.S. patent policy and ensure there is not financial gain or ownership of human beings by those who engage in these activities.

This amendment simply mirrors the current patent policy concerning patenting humans. The Patent Office has, since 1980, issued hundreds of patents on living subject matter, from microorganisms to nonhuman animals. It does not issue patents on human beings nor should it. Congress should reaffirm this policy, and this amendment simply accomplishes this by restricting funds for issuing patents on human embryos, human organisms.

Congress should speak out, and I encourage my colleagues to support this amendment.

I would like to add, Mr. Chairman, that this has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

I think I heard the gentleman say this, but I want it repeated again so it is clear. Is the gentleman saying that this amendment would not interfere in any way with any existing patents with respect to stem cells?

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I would respond that, no, it would not. And I recognize that there are many institutions, particularly in Wisconsin, that have extensive patents on human genes, human stem cells. This would not affect any of those current existing patents.

The Patent Office policy is not to issue these patents, and there never has been one. The Congress has been silent on this issue. I am trying to put us on record that we support the Patent Office in this position that human life in any form should not be patentable.

Mr. OBEY. I appreciate the gentleman's clarification.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. WELDON). The amendment was agreed to.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES WEDNESDAY, NOVEMBER 5, 2003

Mr. WELDON of Florida. Mr. Speaker, this summer I introduced an amendment that provides congressional support for the current federal policy against patenting humans. It was approved by the House of Representatives without objection on July 22, 2003 as Sec. 801 of the Commerce/Justice/State appropriations bill.

Since that time, the Biotechnology Industry Organization (BIO) has launched a lobbying campaign against the amendment, and has now enlisted the political aid of the broader ''Coalition for the Advancement of Medical Research'' (CAMR), an umbrella organization of groups supporting human cloning for research purposes.

BIO and CAMR claim to support the current policy of the U.S. Patent and Trademark Office (USPTO) against patenting human beings. However, they oppose this amendment, saying it would have a far broader scope—potentially prohibiting patents on stem cell lines, procedures for creating human embryos, prosthetic devices, and in short almost any drug or product that might be used in or for human beings.

The absurdity of these claims is apparent when one compares the language of the amendment with the language of the current USPTO policy that these groups claim to support.

The House-approved amendment reads:

''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.''

The current USPTO policy is set forth in two internal documents:

U.S. Patent and Trademark Office, ''Notice: Animals—Patentability,'' 1077 Official Gazette U.S. Pat. and Trademark Off. 8 (April 21, 1987):

''The Patent and Trademark Office now considers non-naturally occurring nonhuman multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. . . . A claim directed to or including within its scope a human being will not be considered patentable subject matter under 35 U.S.C. 101. The grant of a limited, but exclusive property right in a human being is prohibited by the Constitution. Accordingly, it is suggested that any claim directed to a nonplant multicellular organism which would include a human being within its scope include the limitation 'non-human' to avoid this ground of rejection.''

(This notice responded to the Supreme Court's 1980 decision in Chakrabarty concluding that a modified ''microorganism,'' a bacterium, could be patented, and a subsequent decision by the USPTO's own Board of Appeals in Ex parte Allen that a multicellular organism such as a modified oyster is therefore patentable as well. The USPTO sought to ensure that these policy conclusions would not be misconstrued as allowing a patent on a human organism.)

U.S. Patent and Trademark Office, Manual of Patent Examining Procedure (Revised February 2003), Sec. 2105: ''Patentable Subject Matter—Living Subject Matter'':

''If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter.''

In other words, the USPTO clearly distinguishes between organisms that are nonhuman and therefore are patentable and those organisms that are human and therefore not patentable subject matter.

As a USPTO official testified recently to the President's Council on Bioethics:

''When a patent claim includes or covers a human being, the USPTO rejects the claim on the grounds that it is directed to nonstatutory subject matter. When examining a patent application, a patent examiner must construe the claim presented as broadly as is reasonable in light of the application's specification. If the examiner determines that a claim is directed to a human being at any stage of development as a product, the examiner rejects the claims on the grounds that it includes non-statutory subject matter and provides the applicant with an explanation. The examiner will typically advise the applicant that a claim amendment adding the qualifier, nonhuman, is needed, pursuant to the instructions of MPEP 2105. The MPEP does not expressly address claims directed to a human embryo. In practice, examiners treat such claims as directed to a human

being and reject the claims as directed to non-statutory subject matter.'' (Testimony of Karen Hauda on behalf of USPTO to the President's Council on Bioethics, June 20, 2002, http://bioethicsprint.bioethics.gov/transcripts/jun02/june2I session5.html)

Current USTPO policy, then, is that any claim that can reasonably be interpreted as ''directed to'' or ''encompassing'' a human being, and any claim reaching beyond ''nonhuman'' organisms to cover human organisms (including human embryos), must be rejected. My amendment simply restates this policy, providing congressional support so that federal courts will not invalidate the USPTO policy as going beyond the policy of Congress (as they invalidated the earlier USPTO policy against patenting living organisms in general). Literally the only difference between my amendment and some of these USPTO documents is that the amendment uses the term ''human organism,'' while the USPTO usually speaks of the nonpatentability of (anything that can be broadly construed as) a ''human being.'' But ''human organism'' is more politically neutral and more precise, having a long history of clear interpretation in federal law.

Since 1996, Congress has annually approved a rider to the Labor/HHS appropriations bill that prohibits federal funding of research in which human embryos are created or destroyed—and this rider defines a human embryo as a ''human organism'' not already protected by older federal regulations on fetal research. In December 1998 testimony before the Senate Appropriations Subcommittee on Labor/HHS/Education, a wide array of expert witnesses—including NIH Director Harold Varmus and the head of a leading company in BIO—testified that this rider does not forbid funding research on embryonic stem cells, because a human embryo is an ''organism'' but a stem cell clearly is not (see S. Hrg. 105–939, December 2, 1998). That same conclusion was later reached by HHS general counsel Harriet Rabb, in arguing that the Clinton administration's guidelines on stem cell research were in accord with statutory law; this same legal opinion was accepted by the Bush administration when it issued its more limited guidelines for funding stem cell research (Legal memorandum of HHS general counsel Harriet S. Rabb, ''Federal Funding for Research Involving Human Pluripotent Stem Cells,'' January 15, 1999). To argue now that a ban on patenting ''human organisms'' somehow bans patenting of stem cells or stem cell lines would run counter to five years of legal history, and would undermine the legal validity of any federal funding for embryonic stem cell research.

BIO also claims that the amendment raises new and difficult questions about ''mixing'' animal and human species. What about an animal that is modified to include a few human genes so it can produce a human protein or antibody? What about a human/animal ''chimera'' (an embryo that is half human, half animal)? The fact is, these questions are not new. The USPTO has already granted patents on the former (see U.S. patent nos. 5,625,126 and 5,602,306). It has also thus far rejected patents on the latter, the half-human embryo (see Biotechnology Law Report, July–August 1998, p. 256), because the latter can broadly but reasonably be construed as a human organism. The Weldon amendment does nothing to change this, but leaves the USPTO free to address new or borderline issues on the same case-by-case basis as it already does.

In short, my amendment has exactly the same scope as the current USPTO policy, and cannot be charged with the radical expansions of policy that BIO and its allies claim. In reality, BIO opposes this amendment because it opposes the current USPTO policy as well, and has a better chance of nullifying this policy in court (or having courts reinterpret it into uselessness) if it lacks explicit support in statutory law.

This goal is apparent from BIO's own ''fact sheet'' opposing the amendment (see www.bio.org/ip/cloningfactsheet.asp). There BIO argues that human beings should be patentable, if they arise from anything other than ''conventional reproduction'' or have any ''physical characteristics resulting from human intervention.'' In other words, humans should be seen as ''inventions'' and thus be patentable on exactly the same grounds as animals are now.

The logic of this argument reaches beyond the human embryo, because an embryo who resulted from reproductive technology or received any physical or genetic modification presumably remains just as invented throughout his or her existence, no matter what stage of development he or she reaches.

BIO's stated support for reducing members of the human species to patentable commodities makes the passage of my amendment more urgently necessary than ever.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES FRIDAY, NOVEMBER 21, 2003

AMENDMENT TO SUPPORT CURRENT U.S. PATENT AND TRADEMARK OFFICE POLICY AGAINST PATENTING HUMAN ORGANISMS—(EXTENSIONS OF REMARKS—NOVEMBER 22, 2003).

Mr. WELDON of Florida. Mr. Speaker, this summer I introduced an amendment that provides congressional support for the current U.S. Patent and Trademark Office policy against patenting human organisms, including human embryos and fetuses. This amendment was approved by the House of Representatives with bipartisan support on July 22, 2003, as Sec. 801 of the Commerce/Justice/State appropriations bill.

On November 5th of this year, I submitted to the Congressional Record an analysis of my amendment that offers a more complete elaboration of what I stated on July 22nd, namely, that this amendment ''has no bearing on stem cell research or patenting genes, it only affects patenting human organisms, human embryos, human fetuses or human beings.''

However, some have continued to misrepresent my amendment by claiming it would also prohibit patent claims directed to methods to produce human organisms. Moreover, some incorrectly claim that my amendment would prohibit patents on claims directed to subject matter other than human organisms. This is simply untrue.

What I want to point out is that the U.S. Patent Office has already issued patents on genes, stem cells, animals with human genes, and a host of non-biologic products used by humans, but it has not issued patents on claims directed to human organisms, including human embryos and fetuses. My amendment would not affect the former, but would simply affirm the latter. This position is reaffirmed in the following U.S. Patent Office letter of November 20, 2003.

I submit to the RECORD a letter from James Rogan, Undersecretary and Director of the U.S. Patent office, that supports the enactment of my amendment because it ''is fully consistent with our policy.''

U.S. PATENT AND TRADEMARK OFFICE,
November 20, 2003.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to present the Administration's position on the Weldon amendment adopted by the House during consideration of H.R. 2799, the Commerce-Justice-State Appropriations bill FY 2004, and the effect it would have on the United States Patent and Trademark Office (USPTO) policy on patenting living subject matter. For the reasons outlined below, we view the Weldon amendment as fully consistent with USPTO's policy on the non-patentability of human life-forms.

The Weldon Amendment would prohibit the U.S. Patent and Trademark Office from issuing any patent ''on claims directed to or encompassing a human organism.'' The USPTO understands the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the species Homo sapiens at any stage of development. It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living ''organisms'' are to be rejected unless they include the adjective ''nonhuman.''

The USPTO's policy of rejecting patent application claims that encompass human lifeforms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, applies regardless of the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer, in vitro fertilization, parthenogenesis). If a patent examiner determines that a claim is directed to a human life-form at any stage of development, the claim is rejected as non-statutory subject matter and will not be issued in a patent as such.

As indicated in Representative WELDON's remarks in the Congressional Record of November 5, 2003 the referenced language precludes the patenting of human organisms, including human embryos. He further indicated that the amendment has ''exactly the same scope as the current USPTO policy,'' which assures that any claim that can be broadly construed as a human being, including a human embryo or fetus, is not patentable subject matter. Therefore, our understanding of the plain language of the Weldon Amendment is fully consistent with the detailed statements that the author of the amendment, Representative Weldon, has made in the Congressional Record regarding the meaning and intent of his amendment.

Given that the scope of Representative WELDON's amendment does not alter the USPTO policy on the non-patentability of human life-forms at any stage of development and is fully consistent with our policy, we support its enactment.

With best personal regards, I remain

Sincerely,

JAMES E. ROGAN,
Under Secretary and Director.

SPEECH OF HON. DAVE WELDON OF FLORIDA IN THE HOUSE OF REPRESENTATIVES MONDAY, DECEMBER 8, 2003

CONFERENCE REPORT ON H.R. 2673, CONSOLIDATED APPROPRIATIONS ACT, 2004—(HOUSE OF REPRESENTATIVES—DECEMBER 8, 2003)

Mr. WELDON of Florida. Mr. Speaker, on July 22, 2003, I introduced an amendment to provide congressional support for the current U.S. Patent and Trademark Office (USPTO) policy and practice against approving patent claims directed to human organisms, including human embryos and human fetuses. The House of Representatives approved the amendment without objection on July 22, 2003, as section 801 of the Fiscal Year 2004 Commerce/Justice/State Appropriations Bill. The amendment, now included in the Omnibus appropriations bill as section 634 of H.R. 2673, reads as follows: ''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.''

The current Patent Office policy is that ''non-human organisms, including animals'' are patentable subject matter under 35 U.S.C. 101, but that human organisms, including human embryos and human fetuses, are not patentable. Therefore, any claim directed to a living organism must include the qualification ''non-human'' to avoid rejection. This amendment provides unequivocal congressional support for this current practice of the U.S. patent office.

House and Senate appropriators agreed on report language in the manager's statement on section 634. The statement reads: ''The conferees have included a provision prohibiting funds to process patents of human organisms. The conferees concur with the intent of this provision as expressed in the colloquy between the provision's sponsor in the House and the ranking minority member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells.''

The manager's statement refers to my discussion with Chairman DAVID OBEY, when I explained that the amendment ''only affects patenting human organisms, human embryos, human fetuses or human beings.'' In response to Chairman OBEY's inquiry, I pointed out that there are existing patents on stem cells, and that this amendment would not affect such patents.

Here I wish to elaborate further on the exact scope of this amendment. The amendment applies to patents on claims directed to or encompassing a human organism at any stage of development, including a human embryo, fetus, infant, child, adolescent, or adult, regardless of whether the organism was produced by technological methods (including, but not limited to, in vitro fertilization, somatic cell nuclear transfer, or parthenogenesis). This amendment applies to patents on human organisms regardless of where the organism is located, including, but not limited to, a laboratory or a human, animal, or artificial uterus.

Some have questioned whether the term ''organism'' could include ''stem cells''. The answer is no. While stem cells can be found in human organisms (at every stage of development), they are not themselves human organisms. This was considered the ''key question'' by Senator HARKIN at a December 2, 1998 hearing before the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education regarding embryonic stem cell research. Dr. Harold Varmus, then director of the NIH testified ''that pulripotent stem cells are not organisms and are not embryos. . . . ''Senator HARKIN noted: ''I asked all of the scientists who were here before the question of whether or not these stem cells are organisms. And I believe the record will show they all said no, it is not an organism.'' Dr. Thomas Okarma of the Geron Corporation stated: ''My view is that these cells are clearly not organisms . . . in fact as we have said, are not the cellular equivalent of an embryo.'' Dr. Arthur Caplan agreed with this distinction, saying that a stem cell is ''absolutely not an organism.'' There was a unanimous consensus on this point at the 1998 hearing, among witnesses who disagreed on many other moral and policy issues related to stem cell research.

The term ''human organism'' includes an organism of the human species that incorporates one or more genes taken from a nonhuman organism. It includes a human-animal hybrid organism (such as a human-animal hybrid organism formed by fertilizing a nonhuman egg with human sperm or a human egg with non-human sperm, or by combining a comparable number of cells taken respectively from human and non-human embryos). However, it does not include a non-human organism incorporating one or more genes taken from a human organism (such as a transgenic plant or animal). In this respect, as well, my amendment simply provides congressional support for the Patent Office's current policy and practice.

This amendment should not be construed to affect claims directed to or encompassing subject matter other than human organisms, including but not limited to claims directed to or encompassing the following: cells, tissues, organs, or other bodily components that are not themselves human organisms (including, but not limited to, stem cells, stem cell lines, genes, and living or synthetic organs); hormones, proteins or other substances produced by human organisms; methods for creating, modifying, or treating human organisms, including but not limited to methods for creating human embryos through in vitro fertilization, somatic cell nuclear transfer, or parthenogensis; drugs or devices (including prosthetic devices) which may be used in or on human organisms.

Jamed Rogan, undersecretary of the U.S. Patent and Trademark Office, has stated in a November 20, 2003, letter to Senate appropriators: ''The USPTO understands the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the species Homo sapiens at any stage of development . . . including a human embryo or human fetus. . . . The USPTO's policy of rejecting patent application claims that encompass human lifeforms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, applies regardless of the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer, in vitro fertilization, parthenogenesis).'' Undersecretary Rogan concludes: ''Given that the scope of Representative WELDON's amendment . . . is full consistent with our policy, we support its enactment.''

The advance of biotechnology provides enormous potential for developing innovative science and therapies for a host of medical needs. However, it is inappropriate to turn nascent individuals of the human species into profitable commodities to be owned, licensed, marketed and sold.

Congressional action is needed not to change the Patent Office's current policy and practice, but precisely to uphold it against any threat of legal challenge. A previous Patent Office policy against patenting living organisms in general was invalidated by the U.S. Supreme Court in 1980, on the grounds that the policy has no explicit support from Congress. In an age when the irresponsible use of biotechnology threatens to make humans themselves into items of property, of manufacture and commerce, Congress cannot let this happen again in the case of human organisms.

I urge my colleagues to support this Omnibus in defense of this important provision against human patenting.

HONORING COLONEL VINCENT QUARLES ON HIS COMMAND OF THE CHICAGO DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with the deepest admiration that I take this opportunity to honor Colonel Vincent Quarles. Colonel Quarles has spent the last three years as the District Commander for the United States Army Corps of Engineers, Chicago District. At this post, Colonel Quarles has undertaken immense responsibility, overseeing water resources development in the Chicago metropolitan area, an area of about 5,000 square miles with a population nearing 8 million. Since his arrival at the Chicago District on July 1, 2008, Colonel Quarles has served all who live in his District of responsibility with unwavering devotion. He has deeply touched many lives and is deserving of our sincerest gratitude. On behalf of both myself and my constituents, I take this opportunity to thank Colonel Quarles who will be relinquishing his command to Colonel Fred Drummond on June 30, 2011, at the Harold Washington Library Center in Chicago, Illinois.

Colonel Vincent Quarles began his impressive military career as a Cannon Fire Direction Specialist, Charlie Battery, 113th Field Artillery Battalion. Upon graduating from college, Colonel Quarles was granted a federal commission in the Corps of Engineers and entered active service in 1987. He was assigned to 8th Engineer Battalion, 1st Cavalry Division, Fort Hood, Texas, where he served as a Sapper Platoon Leader, an Assault and Obstacle Platoon Leader, and a Company Executive Officer. From this post, Colonel Quarles deployed to Operation Desert Shield and Operation Desert Storm as the Battalion Maintenance Officer. In 2000, Colonel Quarles reported to Engineer Brigade, 3rd Infantry Division, Fort Stewart, Georgia. From there, he deployed to Bosnia Herzegovina as the Brigade Operations Officer in support of stabilization operations. Upon his return from Bosnia in 2001, Colonel Quarles was reassigned as Executive Officer, 10th Engineer Battalion until 2002. Colonel Quarles deployed to Iraq in support of Operation Iraqi Freedom in 2003. While overseas, his battalion managed more than 300 construction contracts at a cost exceeding $326 million as well as emplacing and maintaining the brigade's communication network, operating the brigade's internment facility, and providing brigade organic military intelligence capabilities. Post battalion command, Colonel Quarles served as the Mobility Team Chief, Dominant Maneuver Division of Force Development, Army G–8 from 2006–2008.

Colonel Quarles' educational background is very impressive in its own right. As a member of the United States Army, Colonel Quarles completed both the United States Army Engineer Basic and Advanced Courses. From 1997–1999, Colonel Quarles taught Civil and Mechanical Engineering at the United States Military Academy where he also acted as the Department's Executive Officer. Next, he went on to graduate from the Command and General Staff College in 2000. His civilian educational accomplishments are noteworthy as

well. He earned both an undergraduate degree from Norfolk State University and a Master's Degree in Mechanical Engineering from North Carolina State University.

Colonel Quarles' outstanding military career is exceeded only by his devotion to his amazing family. It has been a pleasure to become acquainted with the Quarles family. I would also like to congratulate Colonel Quarles and his wonderful wife, Auratha, on their upcoming 25th wedding anniversary on July 5, 2011. They have two beloved children, Vincent and Alisha, who I also have the pleasure of knowing.

Mr. Speaker, from a very young age, Colonel Quarles has selflessly served his country and his fellow Americans. Thus far, his life has truly been a model of self-sacrifice and dedication to others. Since joining the Army Corps of Engineers Chicago District, Colonel Quarles has overseen numerous projects aimed at improving the quality of life for all those he serves. He has had an especially profound impact in Indiana's First Congressional District. Colonel Quarles has exhibited utmost concern for its residents and deserves our sincerest gratitude. I respectfully ask that you and my other distinguished colleagues join me in honoring Colonel Vincent Quarles for his outstanding contributions and constant dedication to Indiana's First Congressional District.

CONGRATULATING COLONEL GINA M. GROSSO ON HER ELEVATION TO BRIGADIER GENERAL

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. RUNYAN. Mr. Speaker, I humbly rise today to congratulate one of my constituents, Colonel Gina M. Grosso, on her elevation to the rank of Brigadier General. Brigadier General Grosso is currently the Joint Base and 87th Air Base Wing Commander at Joint Base McGuire-Dix-Lakehurst in my district. She entered the Air Force in 1986 as a ROTC distinguished graduate from Carnegie-Mellon University. She has held several command and staff positions throughout her career. Her command tours include Headquarters Squadron Section, Military Personnel Flight, Mission Support Squadron, and command of the Air Force's sole Basic Military Training Group. I am tremendously proud of Brigadier General Grosso and I know she will continue to serve her country with honor and distinction. Mr. Speaker, please join me in congratulating Brigadier General Gina M. Grosso.

INTRODUCTION OF THE PREPARE ALL KIDS ACT OF 2011

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mrs. MALONEY. Mr. Speaker, the value of investing in early education is clear: Early education lays the foundation for lifelong learning and prepares children to succeed academically and in life. Studies show that children who attend high-quality preschool are more successful in school, more likely to graduate from high school, and thus more likely to become productive adults who contribute to the U.S. economy.

That is why today I am pleased to reintroduce the Prepare All Kids Act, which would assist states in providing at least one year of high-quality pre-kindergarten to children, with a focus on children from low-income families and children with special needs. This legislation ensures a high-quality learning environment by limiting classroom size to a maximum of 20 children and children-to-teacher ratios to no more than 10 to 1.

Introduced in the Senate by my colleague on the Joint Economic Committee, Sen. CASEY of Pennsylvania, I am happy to be introducing this House companion bill.

I urge my colleagues to support the Prepare All Kids Act and further invest in our nation's great resource—our children.

SALUTING SERVICE ACADEMY STUDENTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor an extraordinary group of young men and women who have been chosen as future leaders in our armed forces by the prestigious United States service academies. It is a privilege to send such a fine group from the Third District of Texas to pursue a world-class education and serve our nation.

As we keep them and their families in our prayers, may we never forget the sacrifices they are preparing to make while defending our freedoms all across the globe. I am so proud of each one. God bless them and God bless America. I salute these young men and women.

The name and hometown of each appointee follows:

THIRD CONGRESSIONAL DISTRICT SERVICE ACADEMY BOUND STUDENTS CLASS OF 2015

UNITED STATES MILITARY ACADEMY

1. Brianna Burnstad—Plano, Texas—Plano Senior High School
2. Kevin Carringer—Plano, Texas—Plano West Senior High School
3. SPC David Crossley—Plano, Texas—Plano Senior High School *Prior active duty service in the U.S. Army as an E–4.
4. Christopher Gordon—Plano, Texas—Plano West Senior High School *Attended Boston University
5. Corporal Benjamin Ridder—Allen, Texas—Allen High School *Prior active duty service in the U.S. Army as an E–4.
6. Michael Roberto—Plano, Texas—Cistercian Preparatory School

UNITED STATES NAVAL ACADEMY

1. James Kennington—Plano, Texas—Plano West Senior High School
2. Amber Lowman—McKinney, Texas—McKinney High School
3. Ryan Martinez—Plano, Texas—Cistercian Preparatory School

UNITED STATES AIR FORCE ACADEMY

1. Elizabeth Carpenter—Murphy, Texas—Plano East Senior High School
2. Emma Dridge—Allen, Texas—Allen High School
3. Joseph Hays—Plano, Texas—Plano West Senior High School
4. Jeffrey Herrera—Murphy, Texas—Wylie High School
5. Corbin Palmer—Frisco, Texas—Centennial High School *Attended the U.S. Air Force Academy Preparatory School

UNITED STATES MERCHANT MARINE ACADEMY

1. Emily Boyson—Garland, Texas—Bishop Lynch High School
2. Kioumars Rezaie—Plano, Texas—Plano West Senior High School
3. Amanda Rigsby—Plano, Texas—Plano East Senior High School
4. Connor Willcox—McKinney, Texas—McKinney Boyd High School

PERSONAL EXPLANATION

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. LONG. Mr. Speaker, on Monday, May 23, Tuesday, May 24, Wednesday, May 25, Thursday, May 26 and Friday, May 27, I was in Joplin, Missouri, assisting my constituents as they work to recover from one of the deadliest tornados in United States history. I was able to interact directly with Federal Emergency Management Agency officials, including Administrator William Fugate, in trying to assist my constituents as best I could.

Due to this tragedy, I was unable to vote on any legislative measure this week.

On Motion to Suspend the Rules and Pass as Amended the Honoring American Veterans Act of 2011, Rollcall Vote No. 330, had I been present I would have voted "yes."

On Motion to Suspend the Rules and Pass as Amended the Restoring GI Bill Fairness Act of 2011, Rollcall Vote No. 331, had I been present I would have voted "yes."

On Motion to Suspend the Rules and Pass H.R. 1657, Rollcall Vote No. 332, had I been present I would have voted "yes."

On Ordering the Previous Question, Rollcall Vote No. 333, had I been present I would have voted "yes."

On Agreeing to the Resolution H. Res. 269, Rollcall Vote No. 334, had I been present I would have voted "yes."

On Motion that the Committee Rise for H.R. 1216, Rollcall Vote No. 335, had I been present I would have voted "no."

On the amendment of Mr. TONKO of New York, Amendment No. 2 to H.R. 1216, Rollcall Vote No. 336, had I been present I would have voted "no."

On the amendment of Mr. CARDOZA of California, Amendment No. 9 to H.R. 1216, Rollcall Vote No. 337, had I been present I would have voted "no."

On the amendment of Ms. FOXX of North Carolina, Amendment No. 7 to H.R. 1216, Rollcall Vote No. 338, had I been present I would have voted "yes."

On Motion to Recommit with Instructions H.R. 1216, Rollcall Vote No. 339, had I been present I would have voted "no."

On Passage of H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, Rollcall Vote No. 340, had I been present I would have voted "yes."

On Ordering the Previous Question for H. Res. 276, Providing for further consideration of

H.R. 1540, Rollcall Vote No. 341, had I been present I would have voted "yes."

On Agreeing to the Resolution, H. Res. 276, Providing for further consideration of H.R. 1540, Rollcall Vote No. 342, had I been present I would have voted "yes."

On the amendment of Ms. WOOLSEY of California, Amendment No. 2 to H.R. 1540, Rollcall Vote No. 343, had I been present I would have voted "no."

On the amendment of Mr. HUNTER of California, Amendment. No. 12 to H.R. 1540, Rollcall Vote No. 344, had I been present I would have voted "no."

On the amendment of Mr. SARBANES of Maryland, Amendment No. 24 to H.R. 1540, Rollcall Vote No. 345, had I been present I would have voted "no."

On the amendment of Mr. MURPHY of Connecticut, Amendment No. 25 to H.R. 1540, Rollcall Vote No. 346, had I been present I would have voted "no."

On the amendment of Mr. COLE of Oklahoma, Amendment No. 27 to H.R. 1540, Rollcall Vote No. 347, had I been present I would have voted "yes."

On the amendment of Mr. GARAMENDI of California, Amendment No. 28 to H.R. 1540, Rollcall Vote No. 348, had I been present I would have voted "no."

On the amendment of Ms. MALONEY of New York, Amendment No. 26 to H.R. 1540, Rollcall Vote No. 349, had I been present I would have voted "no."

On the amendment of Mr. HIMES of Connecticut, Amendment No. 30 to H.R. 1540, Rollcall Vote No. 350, had I been present I would have voted "no."

On the amendment of Ms. JACKSON LEE of Texas, Amendment No. 31 to H.R. 1540, Rollcall Vote No. 351, had I been present I would have voted "no."

On the amendment of Mr. ANDREWS of New Jersey, Amendment No. 32 to H.R. 1540, Rollcall Vote No. 352, had I been present I would have voted "no."

On the amendment of Mr. RICHMOND of Louisiana, Amendment No. 37 to H.R. 1540, Rollcall Vote No. 353, had I been present I would have voted "no."

On the amendment of Mr. MICA of Florida, Amendment No. 38 to H.R. 1540, Rollcall Vote No. 354, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 40 to H.R. 1540, Rollcall Vote No. 355, had I been present I would have voted "yes."

On the amendment of Mr. SMITH of Washington, Amendment No. 42 to H.R. 1540, Rollcall Vote No. 356, had I been present I would have voted "no."

On the amendment of Mr. BUCHANAN of Florida, Amendment No. 43 to H.R. 1540, Rollcall Vote No. 357, had I been present I would have voted "yes."

On the amendment of Ms. MALONEY of New York, Amendment No. 47 to H.R. 1540, Rollcall Vote No. 358, had I been present I would have voted "no."

On the amendment of Mr. MACK of Florida, Amendment No. 48 to H.R. 1540, Rollcall Vote No. 359, had I been present I would have voted "yes."

On the amendment of Mr. LANGEVIN of Rhode Island, Amendment No. 49 to H.R. 1540, Rollcall Vote No. 360, had I been present I would have voted "no."

On the amendment of Mr. AMASH of Michigan, Amendment No. 50 to H.R. 1540, Rollcall Vote No. 361, had I been present I would have voted "no."

On the amendment of Mr. CAMPBELL of California, Amendment No. 53 to H.R. 1540, Rollcall Vote No. 362, had I been present I would have voted "no."

On the amendment of Mr. CAMPBELL of California, Amendment No. 54 to H.R. 1540, Rollcall Vote No. 363, had I been present I would have voted "no."

On the amendment of Mr. CHAFFETZ of Utah, Amendment No. 56 to H.R. 1540, Rollcall Vote No. 364, had I been present I would have voted "no."

On the amendment of Mr. POLIS of Colorado, Amendment No. 60 to H.R. 1540, Rollcall Vote No. 365, had I been present I would have voted "no."

On the amendment of Mr. CONYERS of Michigan, Amendment No. 61 to H.R. 1540, Rollcall Vote No. 366, had I been present I would have voted "yes."

On the amendment of Mr. FLAKE of Arizona, Amendment No. 62 to H.R. 1540, Rollcall Vote No. 367, had I been present I would have voted "no."

On the amendment of Mr. ELLISON of Minnesota, Amendment No. 63 to H.R. 1540, Rollcall Vote No. 368, had I been present I would have voted "no."

On the amendment of Ms. LORETTA SANCHEZ of California, Amendment No. 64 to H.R. 1540, Rollcall Vote No. 369, had I been present I would have voted "no."

On the amendment of Ms. JACKSON LEE of Texas, Amendment No. 111 to H.R. 1540, Rollcall Vote No. 370, had I been present I would have voted "yes."

On the amendment of Mr. TURNER of Ohio, Amendment No. 148 to H.R. 1540, Rollcall Vote No. 371, had I been present I would have voted "yes."

On the amendment of Mr. CRAVAACK of Minnesota, Amendment No. 152 to H.R. 1540, Rollcall Vote No. 372, had I been present I would have voted "yes."

On the amendment of Mr. MCGOVERN of Massachusetts, Amendment No. 55 to H.R. 1540, Rollcall Vote No. 373, had I been present I would have voted "no."

On Motion to Recommit with Instructions H.R. 1540, Rollcall Vote No. 374, had I been present I would have voted "no."

On Passage of H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, Rollcall Vote No. 375, had I been present I would have voted "yes."

On Motion to Concur in the Senate Amendment to the House Amendment, S. 990, the Small Business Additional Temporary Extension Act of 2011, Rollcall Vote No. 376, had I been present I would have voted "yes."

AMERICA INVENTS ACT

SPEECH OF

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of Texas. Madam Chair, I submit: (1) Manager's Statement on Supplemental Examination; (2) Manager's Statement on Genetic Test Study proposed in the Managers; (3) Statement on the codification of the Weldon amendment; (4) Statement on the business method patent transitional program; (5) Statement on the PTO fee compromise provision in the Manager's amendment; (6) November 2003 letter on the Weldon amendment from PTO Director James Rogan; (7) Information on the Weldon amendment from the Family Research Council.

CHAIRMAN'S FLOOR REMARKS/MANAGER'S STATEMENT: SUPPLEMENTAL EXAMINATION IN H.R. 1249

Mr. Speaker, this bill also contains a very important new administrative proceeding available to patent owners, to help improve the quality of issued patents. This new ''Supplemental Examination'' procedure encourages the voluntary and proactive disclosure of information that may be relevant to patent prosecution for the Office to consider, reconsider, or correct. The voluntary disclosure by patentees serves to strengthen valid patents, while narrowing or eliminating patents or claims that should not have been issued. Both of these outcomes promote investment in innovation by removing uncertainty about the scope, validity or enforceability of patents, and thus the use of this new proceeding by patent owners is to be encouraged.

Subparagraph (C) relating to Supplemental Examination is intended to address the circumstance where, during the course of a supplemental examination or reexamination proceeding ordered under this section, a court or administrative agency advises the PTO that it has made a determination that a fraud on the Office may have been committed in connection with the patent that is the subject of the supplemental examination. In such a circumstance, subparagraph (C) provides that, in addition to any other actions the Director is authorized to take, including the cancellation of any claims found to be invalid under section 307 as a result of the reexamination ordered under this section, the Director shall also refer the matter to the Attorney General. As such, this provision is not intended to impose any obligation on the PTO beyond those it already undertakes, or require it to investigate or prosecute any such potential fraud. Subparagraph (C) is neither an investigative nor an adjudicative provision, and, as such, is not intended to expand the authority or obligation of the PTO to investigate or adjudicate allegations of fraud lodged by private parties.

Further, any referral under this subjection is not meant to relieve the Director from his obligation to conclude the supplemental examination or reexamination proceeding ordered under this section. It is important for the process to proceed through conclusion of reexamination, so that any claims that are invalid can be properly cancelled.

The decision to make referrals under subsection (c) is not meant to be delegated to examiners or other agents of the PTO, but rather is a determination that should only be made by the Director himself or herself.

Supplemental Examination has the potential to play a powerful role in improving patent quality and boosting investment in innovation, economic growth, and job creation. The Director should implement this new authority in a way that maximizes this potential.

GENETIC TEST STUDY IN MANAGER'S AMENDMENT (DWS)

Mr. Speaker, Section 27 of H.R. 1249 requires the Director of the U.S. Patent and Trademark Office to conduct a study on the availability of confirmatory genetic diagnostic testing services in the domestic market, and whether changes to existing patent law are necessary to promote such availability more effectively. Consistent with current law, the genetic inventions that form the basis for such diagnostic tests are eligible for patenting, and may be exclusively licensed by such patent holders for genetic diagnostic purposes.

This study is intended to provide unbiased, reliable, and empirical information about the existing availability of independent confirmatory genetic diagnostic testing services, as well as patient demand for such testing services, in situations where genetic diagnostic tests are indeed patented and exclusively licensed. Nothing in this section shall be construed as undermining existing patent law in this regard.

This study is intended to include, but is not limited to, several specific aspects of this issue. Paragraph (1) of subsection (b) requires an assessment of whether the existing level of availability of confirmatory genetic diagnostic testing has an impact on the ability of medical professionals to provide the appropriate standard of medical care to recipients of genetic diagnostic testing, and includes an assessment of the role that patents play in innovation, quality of services, and investment in the genetic diagnostic marketplace. The assessment required by this paragraph also should include empirical information about the extent to which patents have actually been enforced or asserted against the unauthorized practice of confirmatory genetic diagnostic tests, and a comparison of the availability of and demand for confirmatory testing in situations where genetic tests are not patented or are non-exclusively licensed. Paragraph (2) requires the Director to assess the effects of independent, unauthorized confirmatory genetic testing on patent holders or exclusively licensed test providers. The Committee urges the Director to include in this assessment the possible effects of allowing confirmatory testing on authorized providers of non-exclusively licensed genetic diagnostic tests as well, given that such authorized providers may already provide confirmatory testing services. Paragraph (3) requires an evaluation of the impact of patents and exclusive licensing of genetic diagnostic tests on the practice of medicine, including, but not limited to, the ability of medical professionals to interpret test results, and the ability of licensed or unlicensed test providers to provide confirmatory genetic diagnostic tests. The Director's assessment should also include information on the frequency at which confirmatory genetic diagnostic testing currently is performed by medical professionals in instances where an absence of patent protection or non-exclusive licensing permits multiple independent test providers. Paragraph (4) requires an assessment of the role that cost and insurance coverage have on access to and provision of confirmatory genetic diagnostic tests today, whether patented or not or exclusively licensed or not, and should include an assessment of whether private and public payors cover such costs and are likely to cover the costs of any expansion of confirmatory testing.''

Additional Legislative History for the Second Opinion Confirmation Test Study in Managers (H.R. 1249): Additional Information for the Record:

''Section 27 requires USPTO to conduct a study on the impact that a lack of independent second opinion testing has on providing medical care to patients and recipients of genetic diagnostic testing, the effect that providing such tests would have on patent holders of exclusive genetic tests, the impact the current exclusive licensing and patents on genetic testing activity has on the practice of medicine, and the role that cost and insurance coverage have on access to genetic diagnostic tests. Nothing in Section 27 shall be construed to reflect any expression by the Congress with respect to the patentability or non-patentability of genetic material or with respect to the validity or invalidity of patents on genetic material.''

THE WELDON AMENDMENT

''None of the funds appropriated or otherwise made available by this act may be used to issue patents on claims directed to or encompassing a human organism.''

Legislative History:

The legislation prohibits the use of appropriated funds by the Patent and Trademark Office to issue certain types of claims presented in patent applications. The types of patent claims subject to the prohibition are limited precisely to those that the Patent and Trademark Office, pursuant to its policies, has indicated may not be granted (see M.P.E.P 1st rev. 2105). Specifically, this section operates to prohibit the use of appropriated funds to issue a patent containing claim that encompasses a human individual.

The Committee recognizes that the economic viability of the biotechnology industry requires that patents be available for the full spectrum of innovation that may be subject to commercialization. The legislation, accordingly does not limit patent eligibility for any type of biotechnology invention that may be commercialized in the United States. The Committee also recognizes that continued innovation in the biomedical and biotechnological fields will lead to new kinds of inventions, and it expects that the overwhelming majority of such inventions will not raise any of the concerns that the present legislation addresses. In particular, nothing in this section should be construed to limit the ability of the PTO to issue a patent containing claims directed to or encompassing:

1. any chemical compound or composition, whether obtained from animals or human beings or produced synthetically, and whether identical to or distinct from a chemical structure as found in an animal or human being, including but not limited to nucleic acids, polypeptides, proteins, antibodies and hormones;

2. cells, tissue, organs or other bodily components produced through human intervention, whether obtained from animals, human beings, or other sources; including but not limited to stem cells, stem cell derived tissues, stem cell lines, and viable synthetic organs;

3. methods for creating, modifying, or treating human organisms, including but not limited to methods for creating embryos through in vitro fertilization, methods of somatic cell nuclear transfer, medical or genetic therapies, methods for enhancing fertility, and methods for implanting embryos;

4. a nonhuman organism incorporating one or more genes taken from a human organism, including but not limited to a transgenic plant or animal, or animal models used for scientific research.

As the legislation addresses only the authority of the PTO to expend funds appropriated by this Act, it concerns patents that may issue on applications filed on or after the date of the legislation. The legislation does not create a claim or give rise to any cause of action to limit the rights associated with, or the enforceability of any patent duly granted by the PTO.

SECTION 18 (H.R. 1249)—BUSINESS METHOD PATENT TRANSITIONAL PROGRAM

The proceeding would create a cheap and speedy alternative to litigation—allowing parties to resolve these disputes rather than spend millions of dollars that litigation now costs. In the process, the proceeding would also prevent nuisance or extortion litigation settlements.

Business methods were generally not patentable in the United States before the late 1990s, and generally are not patentable elsewhere in the world, but the Federal Circuit (in what was an activist decision) created a new class of patents in its 1998 State Street decision.

In its 2010 decision in Bilski v. Kapoos, the U.S. Supreme Court clamped down on the patenting of business methods and other patents of poor quality.

It is likely that most if not all the business method patents that were issued after State Street are now invalid under Bilski. There is no sense in allowing expensive litigation over patents that are no longer valid.

This provision is strongly supported by community banks, credit unions and other institutions that are an important source of lending to homeowners and small businesses. Money spent litigating over invalid business-method patents, or paying nuisance settlements, cannot be loaned to Americans to purchase new homes and start new businesses.

Resolving the validity of these patents in civil litigation typically costs about $5-to-$10 million per patent. Resolving the validity of these patents through the bill's administrative proceeding costs much less.

Moreover, the proceeding allows business-method patents to be reviewed by the experts at the Patent Office under the correct (Bilski) standard.

To use this proceeding, a challenger must make an up-front showing to the PTO of evidence that the business-method patent is more likely than not invalid. This is a high standard. Only the worst patents, which probably never should have been issued, will be eligible for review in this proceeding.

Additionally any argument about this provision and Constitutionality is simply a red herring. Congress has the authority to create administrative proceedings to review the validity of existing patents. We have done it before and we will be doing it in the future.

This issue has been litigated and rejected by the courts, when Congress created ex parte reexam in 1980. Ex parte reexam was applied to all existing patents when that system was created. In Patlex Corp. v. Mossinghoff, the Federal Circuit rejected the argument that applying a new system of administrative review to existing patents is a taking. The same logic applies to this provision.

Never in the history of U.S. patent law has it been held, after a patent claim was determined to be invalid because it covered unprotectable subject matter, that the owner of the patent was nevertheless entitled to compensation on the basis of that invalid claim.

This section only creates a new mechanism for reviewing the validity of business-method patents. It does not alter the substantive law governing the validity of those patents. Under settled precedent, the transitional review program is absolutely constitutional.

It is wrong and offensive for this provision to be referred to as a bail-out. The program does not give one cent to any private party and the costs of the proceeding are required to be fully recouped through the fee charged

for initiating the proceeding. It is a necessary program to allow the PTO to fix mistakes that occurred in light of an activist judicial decision in the 1998 State Street decision that created this new patentable subject matter without Congress' approval.

This bill will provide the patent office with a fast, precise vehicle to review low quality business method patents, which the Supreme Court has acknowledged are often abstract and overly broad.

And it bears repeating that defendants cannot even start this program unless they can persuade a panel of judges at the outset of the proceeding that it is more likely than not that the patent is invalid. This is a high threshold, which requires the challenger to present his best evidence and arguments at the outset. Very few patents that undergo this review are likely to be valid patents.

Specifically, the bill's provision applies to patents that describe a series of steps used to conduct every day business applications in the financial products and retail service space. These are patents that can be and have been asserted against all types of businesses—from community banks and credit unions to retailers like Walmart, Bed Bath & Beyond, Best Buy, J.C. Penney, Staples and Office Max to other companies like Dr. Pepper Snapple Group, UPS, Hilton, AT&T, Facebook, Frito-Lay, Google, Marriott, Walt Disney, Delta Airlines and YouTube.

This provision is not tied to one industry or sector of the economy—it affects everyone. For example, this program would allow the Patent Office to decide whether to review patents for business methods related to:

Printing ads at the bottom of billing statements

Buying something online and picking it up in the store

Re-ordering checks online

Converting a IRA to a Roth IRA

Getting a text message when you use your credit card

Those who argue that this provision is a Wall Street bailout are just plain wrong. This is about questionable patents and the frivolous litigation that results from them. This provision is important legal reform, supported by the U.S. Chamber of Commerce and is important for American job creators.

PTO FEE DIVERSION COMPROMISE (H.R. 1249 MANAGERS)

By giving USPTO access to all its funds, the Manager's Amendment supports the USPTO's efforts to improve patent quality and reduce the backlog of patent applications. To carry out the new mandates of the legislation and reduce delays in the patent application process, the USPTO must be able to use all the fees it collects.

The language in the Manager's Amendment reflects the intent of the Judiciary Committee, the Appropriations Committee, and House leadership to end fee diversion. USPTO is 100% funded by fees paid by inventors and trademark filers who are entitled to receive the services they are paying for. The language makes clear the intention not only to appropriate to the USPTO at least the level requested for the fiscal year but also to appropriate to the USPTO any fees collected in excess of such appropriation.

Providing USPTO access to all fees collected means providing access at all points during that year, including in case of a continuing resolution. Access also means that reprogramming requests will be acted on within a reasonable time period and on a reasonable basis. It means that future appropriations will continue to use language that guarantees USPTO access to all of its fee collections.

UNITED STATES PATENT AND TRADEMARK OFFICE, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE,

Alexandria, VA.

Hon. TED STEVENS,

Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to present the Administration's position on the Weldon amendment adopted by the House during consideration of H.R. 2799, the Commerce-Justice-State Appropriations bill FY 2004, and the effect it would have on the United States Patent and Trademark Office (USPTO) policy on patenting living subject matter. For the reasons outlined below, we view the Weldon amendment as fully consistent with USPTO's policy on the non-patentability of human life-forms.

The Weldon Amendment would prohibit the U.S. Patent and Trademark Office from issuing any patent ''on claims directed to or encompassing a human organism.'' The USPTO understands the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the species Homo sapiens at any stage of development. It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living ''organisms'' are to be rejected unless they include the adjective ''nonhuman.''

The USPTO's policy of rejecting patent application claims that encompass human life-forms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, applies regardless of the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer. in vitro fertilization, parthenogenesis). If a patent examiner determines that a claim is directed to a human life-form at any stage of development, the claim is rejected as non-statutory subject matter and will not be issued in a patent as such.

As indicated in Representative Weldon's remarks in the Congressional Record of November 5, 2003, the referenced language precludes the patenting of human organisms, including human embryos. He further indicated that the amendment has ''exactly the same scope as the current USPTO policy.'' which assures that any claim that can be broadly construed as a human being, including a human embryo or fetus, is not patentable subject matter. Therefore, our understanding of the plain language of the Weldon Amendment is fully consistent with the detailed statements that the author of the amendment, Representative Weldon, has made in the Congressional Record regarding the meaning and intent of his amendment.

Given that the scope of Representative Weldon's amendment does not alter the USPTO policy on the non-patentability of human life-forms at any stage of development and is fully consistent with our policy, we support its enactment.

With best personal regards, I remain

Sincerely,

JAMES E. ROGAN,
Under Secretary and Director.

FRCACTION,
FAMILY RESEARCH COUNCIL.

CODIFY THE WELDON BAN ON PATENTING HUMANS

CURRENT WELDON PATENT BAN ON HUMANS

The Weldon Amendment is contained in the annual Commerce, Justice and Science Appropriations bills (CJS) and prevents the patenting of humans. Congress has passed it each year since 2004, and it was included most recently as part of the FY2010 Omnibus (Section 518, Title V, Division B, of the FY2010 Consolidated Appropriations Act, 2010 (H.R. 3288, P.L. 111–117)) and extended by the FY2011 Omnibus spending bill (Department of Defense and Full-Year Continuing Appropriations Act, 2011 (H.R. 1473, P.L. 112–10)).

Weldon Amendment, Section 518: ''None of the friends appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.''

CODIFY THE WELDON AMENDMENT—ADD IT TO PATENT REFORM LEGISLATION

Congress has each year since 2004 passed the Weldon Amendment to prevent any profiting from patents on humans. The Weldon Amendment restricts funds under the Commerce, Justice, Science Appropriations bill from being used by the U.S. Patent and Trademark Office (USPTO) to issue patents directed to ''human organisms.''

The America Invents Act (H.R. 1249) may authorize the USPTO to pay for the issuance of patents with ''user fees'' instead of with Congressionally appropriated funds. If this funding mechanism becomes law, the Weldon Amendment restriction would not apply since it only covers funds appropriated under the CJS bill. The USPTO could, thereby, issue patents directed to human beings with non-appropriated funds.

Patenting human beings at any stage of development would overturn the long-standing USPTO policy against issuing such patents. As the Quigg Memo stated in 1987 (see below) a grant of a property right in a human being is unconstitutional, and patents on humans are grounds for rejection.

The Weldon restriction can be codified by adding a provision to the America Invents Act to ensure that human beings are not patentable subject matter.

Codifying a ban on patenting of humans would not violate international obligations under the TRIPs agreement with the WTO. The European Union prevents patents on human embryos on the ground that doing so would violate the public order and morality, an exception the TRIPs agreement specifically allows under Article 27, Section 5.

WHAT THE WELDON PATENT AMENDMENT DOES AND DOES NOT AFFECT

The Weldon Amendment does prevent the USPTO from patenting humans at any stage of development, including embryos or fetuses, by preventing patents on claims directed to ''human organisms.''

The Weldon Amendment's use of the term ''human organism'' does include human embryos, human fetuses, human-animal chimeras, ''she-male'' human embryos, or human embryos created with genetic material from more than one embryo.

The Weldon Amendment's use of ''human organism'' does not include the process of creating human embryos, such as human cloning, nor does it include non-human organisms, e.g., animals.

Then Undersecretary James Rogan wrote to Senate Appropriators on November 20, 2003 stating that the Weldon Amendment gave congressional backing to long-standing USPTO policy against patenting humans stating:

''The Weldon Amendment would prohibit the U.S. Patent and Trademark Office from issuing any patent ''on claims directed to or encompassing a human organism.'' The USPTO understands the Weldon Amendment to provide unequivocal congressional backing for the long-standing USPTO policy of refusing to grant any patent containing a claim that encompasses any member of the

species Homo sapiens at any stage of development. It has long been USPTO practice to reject any claim in a patent application that encompasses a human life-form at any stage of development, including a human embryo or human fetus; hence claims directed to living ''organisms'' are to be rejected unless they include the adjective 'nonhuman.''

Secretary Rogan concluded: ''The USPTO's policy of rejecting patent application claims that encompass human life-forms, which the Weldon Amendment elevates to an unequivocal congressional prohibition, applies regardless of the manner and mechanism used to bring a human organism into existence (e.g., somatic cell nuclear transfer, in vitro fertilization, parthenogenesis). If a patent examiner determines that a claim is directed to a human life-form at any stage of development, the claim is rejected as non-statutory subject matter and will not be issued in a patent as such.''

The Weldon Amendment does not prevent patents on human cells, genes, or other tissues obtained from human embryos or human bodies.

Rep. Dave Weldon submitted a statement to the Congressional Record on December 8, 2003 clarifying that the Weldon Amendment would not prevent patents for non-human organisms even with some human genes. Nor would it affect patents for human cells, tissues or body parts, or for methods of creating human embryos.

Rep. Weldon stated: ''This amendment should not be construed to affect claims directed to or encompassing subject matter other than human organisms, including but not limited to claims directed to or encompassing the following: cells, tissues, organs, or other bodily components that are not themselves human organisms (including, but not limited to, stem cells, stem cell lines, genes, and living or synthetic organs); hormones, proteins or other substances produced by human organisms; methods for creating, modifying, or treating human organisms, including but not limited to methods for creating human embryos through in vitro fertilization, somatic cell nuclear transfer, or parthenogensis; drugs or devices (including prosthetic devices) which may be used in or on human organisms.''

The Weldon amendment does not ban human stem cell patents, including patents on human embryonic stem cells. ''Stem cells'' are not ''organisms.''

On December 2, 1998, several scientists supportive of federal funding of human embryonic stem cell research testified before the Senate Subcommittee on Labor, Health and Human Services, and Education Committee on Appropriations that ''stem cells'' are not ''human organisms.'' When asked, Dr. James Thomson who first obtained human embryonic stem cells, and has patents on those stem cell lines, responded: ''They am not organisms and they are not embryos.''

Despite claims in 2003 that the Weldon amendment in 2003 would ban stem cell patents, the USPTO has maintained several embryonic stem cell patents issued previously. The USPTO has also issued several new patents on human embryonic stem cells since 2003, and has issued roughly 300 new patents on pluripotent stout cells. The Weldon amendment only affects patents on human organisms. (Note, the EU recently reaffirmed its rejection of patents on embryonic stem cells, yet, the Weldon amendment does not follow suit).

HISTORY AND BACKGROUND

Longstanding United States Patent and Trademark Office (USPTO) policy states that human beings at any stage of development are not patentable subject matter under 35 U.S.C. Section 101. In 1980, the U.S. Supreme Court in Diamond v Chakrabarty expanded the scope of patentable subject matter claiming Congress intended statutory subject matter to ''include anything under the sun that is made by man.'' The USPTO eventually issued patents directed to nonhuman organisms, including animals. However, the USPTO rejected patents on humans (see below).

However, as early as 2003 U.S. researchers announced that they created human male-female embryos and reportedly wanted to patent this research (http://www.thenewatlantis.com/publications/my-mother-the-embryo). The researchers transplanted cells from male embryos into female embryos and allowed them to grow for six days.

Because of the possibility of court challenges to USPTO policy, Rep. Dave Weldon offered an amendment on July 22, 2003 to the CJS Appropriations bill to prevent funding for patents directed to ''human organisms.''

The Weldon amendment was adopted by voice vote, and was included as Section 634, Title VI of Division B, in the Consolidated Appropriations Act, 2004 (P.L. 108–199). The accompanying report language clarified its scope: ''The conferees have included a provision prohibiting funds to process patents of human organisms. The conferees concur with the intent of this provision as expressed in the colloquy between the provisions sponsor in the House and the ranking minority member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells.'' (Conference Report 108–401).

The Weldon amendment has been included each year in the CJS appropriations bill since 2004 and reflected the USPTO policy against patenting humans as outlined in 3 USPTO official documents.

First, the USPTO published the ''Quigg memo'' in its Official Gazette on January 5, 1993, which was written in 1917 stating: ''The Patent and Trademark Office now considers nonnaturally occurring non-human multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. . . . A claim directed to or including within its scope a human being will not be considered patentable subject matter under 35 U.S.C. 101.'' Furthermore, it ''suggests'' that that any claim directed to ''a non-plant multicellular organism which would include a human being within its scope include the limitation 'nonhuman' to avoid this ground of rejection.''

Second, the USPTO policy is also contained in an official media advisory issued on April 2, 1998 in response to news about s patent application directed to a human/nonhuman chimera. USPTO claimed that patents ''inventions directed to human/nonhuman chimera could, under certain circumstances, not be patentable because, among other things, they would fail to meet the public policy and morality aspects of the utility requirement.''

Third, the USPTO policy is contained in the Manual of Patent Examining Procedure (MPEP) section 2105 under ''Patentable Subject Matter.'' The MPEP states that the USPTO ''would now consider nonnaturally occurring, nonhuman multicellular living organisms, including animals, to be patentable subject matter within the scope of 35 U.S.C. 101. If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter.''

HONORING C. FREDERICK ROBINSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KILDEE. Mr. Speaker, it is with a profound sadness that I rise today to pay tribute to a dear friend, Attorney C. Frederick Robinson, who passed away on Saturday, June 18th in Flint Michigan.

C. Frederick Robinson moved to Flint after receiving his Doctorate of Jurisprudence from Howard University in 1956. He was admitted to the State Bar of Michigan and established his practice in an office at the corner of Saginaw and Baker Streets. He practiced law in the City of Flint continuously since that time. From the beginning of his career, C. Frederick was an outstanding advocate for justice. He was a passionate fighter for the poor, disenfranchised and minority communities and I have been his friend for over 50 years.

As a leader in the civil rights movement, C. Frederick's list of landmark cases is extensive. He initiated the complaint that ended the Flint Board of Education practice of separate screening committees for black and white teachers. He initiated the lawsuit that ended the Flint Memorial Park Cemetery practice of not allowing blacks to be buried at the cemetery. He participated in the lawsuit that declared the local loitering ordinance unconstitutional. He led the effort to have the first black to be elected to the Flint Board of Education and the fight to have the first black female elected to the same body. He was instrumental in the election of the first black Secretary of State in Michigan. He participated in the lawsuit to allow the NAACP to erect a platform at Flint City Hall to hold a rally. He also represented Clifford Scott in a lawsuit to enact Affirmative Action in the construction business.

In 1968 C. Frederick Robinson helped shape civil rights history in the United States. He and his partner, A. Glen Epps, wrote Flint's open housing ordinance. I remember numerous open housing strategy sessions at C. Frederick's office, the 50 Grand Club, the Vets Club, and the Golden Leaf. I also recall the picket lines which brought Governor George Romney to Flint for a unity rally that drew thousands. The ordinance was placed on the ballot and C. Frederick was determined it would pass. C. Frederick was tireless in his efforts to galvanize the community when working on the fair housing referendum. When the vote was taken on February 20, 1968, Flint became the first city in the nation to pass by popular vote an open housing referendum. C. Frederick said years later about the vote, ''We resolved to change the community, we narrowly won.'' He was a seeker of justice and a natural leader who was assertive when pushing for what he believed in.

For his lifetime of service, C. Frederick was inducted into the National Bar Association Hall of Fame. Other organizations that have honored him include the Mallory, Van Dyne and Scott Bar Association, the Genesee Bar Association, and the NAACP. He has served as an Executive Board Member of the NAACP, President of the Community Civil League, was a founder and President of the Urban Coalition of Flint. He was a member of Christ Fellowship Baptist Church, a life member of the Flint

NAACP, and a member of the Trade Leader Membership Council. Deeply committed to education, he prepared his three daughters, Dr. Debra Robinson, Attorney Rachel Robinson, and Yvette Robinson, a Social Worker, to work hard and achieve their dreams.

Mr. Speaker, I ask the House of Representatives to take a moment of silence to remember the life of C. Frederick Robinson. My condolences go out to his family and friends. I deeply mourn his passing and will miss his enthusiasm, his outspoken passion for justice, and his love of life. May his legacy of compassion for those less fortunate live on after him for many, many years.

PERSONAL EXPLANATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, on rollcall No. 472, final passage of H.R. 2021 ''to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities,'' I mistakenly voted ''nay'' when I intended to vote ''yea.'' I have always supported efforts to expand American oil production.

ASIAN AMERICAN HOTEL OWNERS ASSOCIATION APPRECIATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. WILSON of South Carolina. Mr. Speaker, Asians have a rich tradition of entrepreneurship, self-improvement, and family values. After India's independence in 1947, many of that country's young people immigrated to the United States to pursue their education and ''the American Dream.'' The hospitality industry was a popular career choice because it offered immediate housing and cash flow, as well as the opportunity to assimilate into society despite any cultural differences.

Soon, the name ''Patel'' became synonymous with the hotel business. In ancient India, rulers appointed a record keeper to keep track of annual crops on each parcel of land, or ''pat.'' That person became known as a ''Patel.'' At first, many of these hoteliers met with resistance, especially from bankers and insurance companies who discriminated against Indians, specifically those with the last name Patel.

To resolve this issue, a group of hoteliers formed a hospitality association in 1985 and grew its membership nationwide. Eventually the Asian American Hotel Owners Association (AAHOA) was born from the merger of similar groups. Last week, AAHOA held its annual national convention at The Sands Expo Center in Las Vegas, Nevada. I was hosted by the 2010–2011 AAHOA Board of Directors made up of Chairman Hemant (Henry) Patel, Vice Chairman Alkesh Patel, Treasurer Mukesh (Mike) Patel, Secretary Pratik (Prat) Patel, Ex-officio Chandrakant (C.K.) Patel, and President Fred Schwartz. I was accompanied by Second Congressional District Communications Director Neal Patel of Nichols, S.C. Representing over 40 percent of America's hotels and motels, AAHOA is the voice of owners in the hospitality industry. It is now one of the fastest-growing organizations in the industry, with more than 10,000 members owning more than 20,000 hotels that total $128 billion in property value. AAHOA is dedicated to promoting and protecting the interests of its members by inspiring excellence through programs and initiatives in advocacy, industry leadership, professional development, member benefits, and community involvement.

I am proud of AAHOA's growth and look forward to its continued success in the future creating jobs for the people of America.

PERSONAL EXPLANATION

HON. RICK BERG

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. BERG. Mr. Speaker, due to emergency flooding in my home state of North Dakota, I will be unavoidably detained for the remainder of the week (Beginning at 4 p.m. on Thursday, June 23). I ask that everyone please join me in keeping these residents who are fighting for their homes and their communities in your thoughts and prayers, and to stand with Minot and other communities up and down the Souris River to ensure a strong recovery.

HONORING ROBERT AND ELEANOR HOLMES FOR THEIR OUTSTANDING KINDNESS AND GENEROSITY IN THE ADOPTION AND PARENTING OF THEIR 5 GREAT GRANDSONS.

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize Robert and Eleanor Holmes, retired couple in their 70's who adopted and are raising their five great-grandchildren. On September 15, 2006, a Family Court judge declared the boys' home life unsuitable, yet despite their retirement, Robert and Eleanor volunteered to nurture and provide for these children. Mr. and Mrs. Holmes provide their great-grandchildren with an environment that includes love, support, direction and discipline.

Robert formerly worked as a drug educational counselor for the Utica and Syracuse schools systems. Much of his work involved motivational speeches encouraging students to make safe, healthy choices, establish strong self-esteem and model citizenship values—all of which he has now passed on to his great-grandchildren.

Thanks to Mr. and Mrs. Holmes, these brothers were able to transition together into a safe and happy family environment. It is truly exceptional for the boys to have two positive role models in their lives. Each of the five boys have become excellent students. They participate in athletics and are well-known for being polite and courteous. A true happy family, Robert and Eleanor can be seen cheering for the boys at almost every one of their sporting events.

Exemplary citizens such as Robert and Eleanor Holmes should be appreciated and acknowledged by our society. It is fitting that the Family Nurturing Center of CNY, Inc. has selected the Holmes as its Family of the Year. There is no greater gift than that of a stable and safe home, which is the gateway to a bright future. Robert and Eleanor Holmes are ideal Americans whose story should be celebrated. Mr. Speaker, I proudly ask you to join me in honoring Robert and Eleanor Holmes for their exceptional generosity and kindness.

RECOGNIZING COMMANDER ROB WARREN OF THE U.S. COAST GUARD

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. LoBIONDO. Mr. Speaker, I rise today to honor Commander Rob Warren of the U.S. Coast Guard for his exemplary service over the past two years as the Coast Guard's Liaison to the House of Representatives.

Commander Warren, a 1992 graduate of the Coast Guard Academy, has personified public service throughout his operationally distinguished nineteen year career. Having served on three Coast Guard Cutters, including a tour as the Commanding Officer of TYBEE, Commander Warren arrived here in Washington in the summer of 2009, having just completed a successful assignment as the Chief of Response Operations in Sector San Juan, Puerto Rico. He quickly learned to navigate the rocky shoals of Capitol Hill and has become a trusted voice on all things pertaining to both the Coast Guard and the maritime domain. His passion, candor, and intellect are second to none and earned him a coveted seat at the Army War College's Senior Service School, where he will spend the next year studying National Security Strategy and the principles of senior command.

I would like to thank him for his service to both the Congress and the nation and wish him and his family fair winds and following seas in their future endeavors.

HONORING THE TOWN OF CARMEL, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor the Town of Carmel, Maine as it celebrates its 200TH Anniversary.

First purchased in 1695 by Martin Kinsley of Hamden, Carmel was later founded by the Rev. Paul Ruggles, his wife Mercy and his brother Abel. The three first settlers named the town for the biblical prophet Elijah's experience on Mt. Carmel.

Located in the heart of Penobscot County, Carmel grew from 387 people at incorporation in 1811 to nearly 1,400 people by 1870. It is a town steeped in the history of Maine, growing from a small farming village into a mill town renowned for its textiles, boots and shoes.

Carmel's residents are still tied to their roots; descendents of the early settlers continue to live throughout the town. Today, Carmel continues to push ahead through new challenges. The town boasts nearly 2,800 residents, a far cry from its founding. While the two dozen school houses that were a fixture of the community have been replaced with homes, businesses and the Simpson Memorial Library, Carmel continues to look toward the future with a sense of possibility.

Mr. Speaker, please join me in recognizing the town of Carmel, Maine on its 200th birthday.

RECOGNIZING THE PEOPLE OF HUNGARY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the people of Hungary whose longstanding commitment to freedom is a testament to the world that freedom and democracy are attainable goals for all people. As Americans, we celebrate with the people of Hungary as they unveil a statue of Ronald Reagan to commemorate his centennial birthday. Hungary is one of America's greatest allies and it warms my heart to know that they rejoice with us in the memory of this hero of freedom.

The U.S.-Hungarian friendship is one of our oldest and most enduring. Throughout this relationship, many Hungarians have also stood for the cause of liberty and are worthy of our recognition here in the House of Representatives.

A Hungarian by the name of Michael Kovats de Fabriczy volunteered his services to Benjamin Franklin, then the American Ambassador in Paris, during the Revolutionary War. This Hungarian patriot, who was essential in creating America's first cavalry unit, was killed in battle near Charleston, South Carolina. Soon after Fabriczy's death Americans gained their independence; unfortunately, freedom for Hungary and her people would require a much longer fight.

A bust of Lajos Kossuth, a politician and journalist who fought for freedom in the 1848 Hungarian Revolution, sits in a vestibule just outside of the crypt of this building. Exiled from Hungary, Kossuth came to America and became just the second foreigner to address a joint session of the United States Congress. An inspiring speaker, Kossuth then traveled across the United States to promote the principle of democratic government.

Nearly two hundred years after our own revolution, in 1956, the people of Hungary rose up against communist rule and succeeded in toppling the government before being crushed by Soviet troops. In the face of that defeat, the courageous people of Hungary continued their fight. Victory came in 1989, when Hungary opened its border with the West. Hungary then became the first of the former Soviet bloc countries to transition to a Western-style parliamentary democracy, holding its first free parliamentary elections in 1990.

In the last twenty years Hungarians have embraced their freedom. The country privatized its economy, adopted free-market principles and joined both the International Monetary Fund and the World Bank. In 1999, Hungary acceded to the North Atlantic Treaty Organization and formally became a military ally of the United States. In 2004, Hungary acceded to the European Union and for the first six months of this year Hungary held the rotating presidency of the EU Council.

In the past three decades, the United States, home to more than 1.5 million Hungarian-Americans, offered Hungary assistance and expertise as the country established a constitutional, democratic political system, and a free market economy. The United States Government provided expert and financial assistance for the development of modern western institutions in Hungary, including those responsible for national security, law enforcement, free media, environmental regulations, education, and health care.

With the Iron Curtain lifted, the Support for East European Democracy Act provided more than $136 Million for economic restructuring while the Hungarian-American Enterprise Fund offered loans, equity capital, and technical assistance to promote private-sector development. Most importantly, direct investment from the United States has had a positive impact on the Hungarian economy.

The progress of freedom within Hungary has also allowed Hungary to support freedom around the globe. Hungary played a critical role in implementing the Dayton Peace Accords in the Balkans by allowing its airbase at Taszár to be used by coalition forces transiting the region. This support has continued, in 2008, the Hungarian military took command of a joint battalion in the Balkans that operates in support of NATO missions in the region.

In 2003, Hungary helped the coalition in Iraq by deploying a 300-strong battalion as part of the Multi-National Force, and by allowing the Taszár airbase again to be used in training the Free Iraqi Forces. In Afghanistan, Hungary leads a Provincial Reconstruction Team and has deployed an Operational Mentoring and Liaison Team, which works in partnership with the Ohio National Guard and other United States military personnel. Perhaps most importantly, Hungary's Pápa Airbase is the home to the C–17 operations of the Multinational Strategic Airlift Consortium which supports the International Security Assistance Force in Afghanistan, as well as various U.S., EU and NATO peacekeeping and humanitarian operations around the world.

The Hungarian people's longstanding commitment to freedom has allowed Hungary to become a key American ally and an important strategic partner in Europe. Our common commitment to freedom is based on our common belief in the values of democracy, rule of law, diversity, tolerance, and social mobility. I call on all Hungarians and Americans to continue to uphold these values as our countries continue to work closely to advance freedom across the globe.

HONORING REAR ADMIRAL KENNETH J. BRAITHWAITE, II

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MEEHAN. Mr. Speaker, On behalf of myself and my colleagues in the Pennsylvania delegation (Mrs. SCHWARTZ, Mr. KELLY, Mr. BRADY, Mr. MURPHY, Mr. SHUSTER, Mr. HOLDEN, Mr. MARINO, Mr. THOMPSON, Mr. PITTS, Mr. ALTMIRE, Mr. GERLACH, Mr. FITZPATRICK, Mr. BARLETTA, Mr. FATTAH, Mr. CRITZ, Mr. DOYLE, Mr. DENT, Mr. PLATTS), I would like the following statement submitted for the record. I rise today to honor Rear Admiral Kenneth J. Braithwaite, II.

On June 3, 2011, at the United States Naval Academy, the U.S. Navy celebrated the retirement of a long standing flag officer, Rear Admiral Kenneth J. Braithwaite, II. Rear Admiral Braithwaite served his country for over 25 years. Prior to his retirement, the Navy's Vice Chief of Information served as the principal Navy Reserve liaison and advisor to the Chief of Information having responsibility for formulating strategic communications counsel to the leadership of the Department of the Navy. Concurrently, he served as the head of the Navy Reserve (NR) Public Affairs program and as an adjunct advisor to the Commander, Navy Reserve Force.

A 1984 graduate of the United States Naval Academy, Braithwaite was designated a naval aviator in April 1986. His first operational assignment was to Patrol Squadron 17, NAS Barbers Point, Hawaii. He flew anti-submarine missions tracking adversary submarines throughout the Western Pacific and Indian Ocean regions.

In April 1988, Braithwaite was selected for redesignation as a public affairs officer (PAO) with his initial tour aboard the aircraft carrier *USS America* (CV–66). He had additional duty as a PAO to Commander Carrier Group 2 and Commander, Striking Force 6th Fleet. He made both a North Atlantic Treaty Organization (NATO) Force deployment to the North Atlantic operating above the Arctic Circle and a Mediterranean/Indian Ocean cruise where the battle group responded to tensions in the Persian Gulf. In 1990, he was assigned to the staff of the Commander, Naval Base Philadelphia as chief of Public Affairs.

Braithwaite left active duty in 1993 and immediately resumed naval service in the reserve where he served with numerous commands from Boston to Norfolk. Additionally during this time he earned a master's degree in Government Administration in April 1995 with honors from the University of Pennsylvania.

In October 2001, Braithwaite assumed command of NR Fleet Combat Camera Atlantic at Naval Air Station, Willow Grove, Pa. During this tour the command was tasked with providing support to the Joint Task Force (JTF) Commander, Guantanamo Bay, Cuba. In March 2003 Braithwaite deployed for Operation Iraqi Freedom with a portion of his command in support of naval operations to capture the port of Umm Qasr. Following this tour he served as commanding officer of Navy Office of Information New York 102.

Most recently Braithwaite served as Commander, Joint Public Affairs Support Element-Reserve (JPASE–R) from October of 2004 to October 2007. In this role he commanded a 50-person joint public affairs expeditionary unit that was forward deployed to support Joint Combatant Commanders in time of conflict. While in command and following the devastating earthquake in Pakistan in 2005, Braithwaite was deployed to Pakistan as part

of the Joint Task Force for Disaster Assistance serving as the director of Strategic Communications working for both the JTF Commander and the U.S. Ambassador in Islamabad.

His decorations include the Defense Meritorious Service Medal (with oak leaf cluster), Meritorious Service Medal, Navy Commendation Medal (5) with Combat ''V'', Navy Achievement Medal, Combat Action Ribbon and numerous campaign and service medals. In his civilian career, Braithwaite is senior vice president, Hospital and Healthsystem Association of Pennsylvania where he leads the Delaware Valley Healthcare Council in Philadelphia.

His commitment to the Navy and our Nation would not have been possible without the support and love of his family, especially his wife Melissa, his daughter, Grace and his son, Harrison.

We commend and thank Rear Admiral Braithwaite for his relentless and selfless dedication to serving our country with honor and distinction.

JOBS AND ENERGY PERMITTING ACT OF 2011

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activity:

Mr. VAN HOLLEN. Madam Chair, I rise in strong opposition to the Jobs and Permitting Act.

This legislation has nothing to do with lowering the price of gasoline—and even less to do with jobs. Instead, H.R. 2021 simply proposes to exempt significant offshore drilling activities from the Clean Air Act while eliminating or truncating appropriate permit review. Additionally, contrary to proponents' focus on Alaska, today's legislation threatens onshore air quality up and down the east and west coasts, including my home state of Maryland.

Madam Chair, the current majority is somehow under the impression that you can't have jobs unless you have dirty air. The forty year history of the Clean Air Act proves beyond a shadow of a doubt that this simply isn't true. Rather than rolling back the clock on our environmental laws, we should be accelerating the deployment of clean energy technologies that will create jobs, grow our economy and make our nation more secure.

UKRAINE'S DEMOCRATIC REVERSALS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. SMITH of New Jersey. Mr. Speaker, I rise to express my deep concern about the deterioration of democracy in Ukraine over the past 16 months, and the current Ukrainian leadership's use of politically motivated selective prosecution to harass high-ranking officials from the previous government. The country's once-promising democratic future is in jeopardy. While we face many serious challenges in every region of the world today, nonetheless it is imperative that Washington focus attention on what is happening in Ukraine—especially given that country's vital role in the region.

As a long-time member and current Chairman of the Helsinki Commission, I have followed and spoken out on developments in Ukraine since the early 1980's, when the rights of the Ukrainian people were completely denied and any brave soul who advocated for freedom was brutally persecuted.

Mr. Speaker, for nearly two decades, independent Ukraine has been moving away from its communist past while establishing itself as an important partner to the United States. Both the executive branch and Congress, on a bipartisan basis, have provided strong political support and concrete assistance for Ukraine's independence and facilitated Ukraine's post-Communist transition. In the wake of the 2004 Orange Revolution, Ukraine even became a beacon of hope for other post-Soviet countries, earning the designation of ''Free'' from Freedom House—the only country among the 12 non-Baltic former Soviet republics to earn such a ranking. And while many of the promises of that revolution have sadly gone unfulfilled, one of its successes had been Ukraine's rise from ''Partly Free'' to ''Free,'' reflecting genuine improvements in human rights and democratic practices.

Under President Viktor Yanukovych, elected in February 2010, this promising legacy may vanish. Today we see backsliding on many fronts, which threatens to return Ukraine to authoritarianism and jeopardizes its independence from Russia. Among the most worrisome of these trends are: consolidation of power in the presidency which has weakened checks and balances; backpedaling with respect to freedom of expression and assembly; various forms of pressure on the media and civil society groups; attempts to curtail academic freedom and that of institutions and activists who peacefully promote the Ukrainian national identity; and seriously flawed local elections. Meanwhile, endemic corruption—arguably the greatest and most persistent threat to Ukrainian democracy and sovereignty—as well as the weak rule of law and the lack of an independent judiciary, which were not seriously addressed by the Orange governments, have only become more pronounced under the current regime.

Moreover, in recent months, we have seen intensified pressure on opposition leaders, even selective prosecutions of high-ranking members of the previous government. The vast majority of observers both within and outside Ukraine see these cases, which have targeted former Prime Minister Yuliya Tymoshenko and former Interior Minister Yuriy Lutsenko among others, as politically motivated acts of revenge which aim to remove possible contenders from the political scene, especially in the run-up to next year's parliamentary elections.

Mr. Speaker, the Helsinki Commission has closely monitored these troubling trends as have the U.S., other Western governments, and the European Parliament and Council of Europe. Unfortunately, the Ukrainian authorities have largely downplayed concerns voiced by the European Union, which they aspire to join someday, and by the United States, with which Kyiv professes to seek better relations.

The U.S. also desires enhanced bilateral ties. Yet, moving in the wrong direction on human rights, democracy and the rule of law decidedly works against strengthening U.S.-Ukrainian relations. More importantly, the erosion of hard-won democratic freedoms weakens Ukraine's independence and harms the people of Ukraine, who have endured a painful history as a captive nation over the course of the last century. Indeed, as Ukraine this week marks the 70th anniversary of the brutal Nazi invasion, we mourn the loss of life and untold human suffering of that horrific war.

Against this backdrop of devastation wreaked by totalitarian regimes in the 20th century, Ukrainians deserve to have the promise of democracy made possible by their independence fully realized.

A few days ago, President Yanukovych said that he would take into account the criticisms in Freedom House's recent ''Sounding the Alarm: Protecting Democracy in Ukraine'' report. His promise is encouraging, but words alone are not enough. All friends of Ukraine should measure his words by actual and meaningful changes that improve the state of democracy and human rights for the Ukrainian people.

INTRODUCTION OF CENTER TO ADVANCE, MONITOR, AND PRESERVE UNIVERSITY SECURITY SAFETY ACT OF 2011

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. SCOTT of Virginia. Mr. Speaker, today I rise to introduce the Center to Advance, Monitor and Preserve University Security (''CAMPUS'') Safety Act of 2011. This legislation passed the House in both the 110th and 111th Congresses and I hope to get it signed into law in the 112th Congress. The purpose of the legislation is to enable our institutions of higher education to more easily obtain the best information available on how to keep our campuses safe and how to respond in the event of a campus emergency. The bill creates a National Center for Campus Public Safety (''Center''), which will be administered through the Department of Justice. The Center is designed to train campus public safety agencies in state of the art practices to assure campus safety, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. The Director of the Center will have authority to award grants to institutions of higher learning to help them meet their enhanced public safety goals.

Over the past few years we have seen numerous tragedies occur at colleges and universities, including the disastrous events that occurred at Virginia Tech and Northern Illinois University. Unfortunately, because these events were the first of their kind for the nation, our schools had not developed knowledge on how best to prevent such tragedies or on how to respond in their aftermath. While

there is growing awareness that such threats are possible anywhere, many schools still have not developed safety protocols that would prepare them to maximize the prospects of preventing such tragedies or to effectively respond to them should they occur despite sound prevention efforts. The recent shooting at Old Dominion University is an unfortunate reminder of the need for this legislation.

Our nation's colleges and universities play a large role in the development of our next generation of leaders and we should assist them in their efforts to keep our campuses and our students safe. The Clery Act already requires schools to have safety plans in order to participate in the Title IV deferral student aid programs, however, currently there is no one place for schools to obtain reliable and useful information. It makes little sense to require the thousands of institutions of higher education to individually go through the cost and effort to develop comprehensive plans. Instead, they ought to be able to obtain guidance and assistance, including best practices, from a ''one stop shop'' like the Center.

The CAMPUS Safety Act will help institutions of higher learning understand how to prevent such tragedies from occurring, and how to respond immediately and effectively in case they do.

I urge my colleagues to cosponsor and support this important legislation to ensure that our institutions of higher education have access to the information necessary to keep their schools safe.

HONORING THEODORE C. MAX, M.D., WITH THE PRESTIGIOUS ROSAMOND CHILDS AWARD FOR COMMUNITY PHILANTHROPY

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize Theodore C. Max, M.D. Theodore C. Max recently received the honor of the prestigious Rosamond Childs Award for Philanthropy, presented by the Community Foundation of Herkimer and Oneida Counties, Inc.

Theodore C. Max has held a strong presence as a leading surgeon in the Utica area for more than 30 years. The author of numerous publications, he has presented at conferences across the country, and has been acknowledged in Who's Who in Medicine and Healthcare, and Who's Who in the World. A University of Rochester graduate and celebrated local physician, Theodore C. Max has received numerous awards, both for his professional and personal contributions to our society.

The Rosamond Childs Award for Community Philanthropy is awarded to individuals displaying an inspirational spirit of generosity and compassion. Theodore C. Max, M.D., exemplifies these values and his legacy is sure to leave a positive impact on generations to come. Community figures such as Theodore C. Max, M.D., must be recognized for the dedication and selflessness they display for their communities.

Mr. Speaker, I proudly ask you to join me in honoring Theodore C. Max, M.D., for his generosity and commitment to our community and the world.

HONORING SHERIDAN LEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. KILDEE. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to Sheridan Lee of my district who died on June 9, 2011. We have lost a strong and vigorous supporter of human dignity and justice.

A lifelong resident of Genesee County, Sheridan spent 3 years in the Marine Corps. He returned to Flint and worked in the banking industry for 35 years, retiring from Bank One as Vice President of Commercial Loans. His first hand experience as the owner of the Hale Hat Shop helped him understand the struggles small businesses faced and he was very proud that he was able to help so many businesses in Flint.

For over 45 years, Sheridan was an uncompromising advocate for a better nation. While Sheridan was active in Michigan politics before 1968 his true leadership shined at the 1968 Congressional District Convention when as the Vice-Chair of the New Democratic Coalition he gathered a group that became known as the Kennedy-McCarthy Coalition and elected seven of the eight delegates to the National Democratic Convention, including myself. Sheridan was not satisfied with just saying or singing Kumbaya. He was not content with only sentimentalism. He was a persistent, tireless activist. Sheridan pursued justice unrelentingly. On October 14, 1969 Sheridan presided over the largest peace rally ever held in Flint, Michigan to protest the Vietnam war. Over 4000 citizens assembled at Wilson Park to express their anger over our nation's war policy. On that site today stands a statue of Gandhi, a monument to peace.

His political involvement was all encompassing. He was a great strategist and organizer but he contributed his physical labor to whatever was needed—from going door to door to assembling and distributing yard signs for the Kildee campaign and other Democrats. He helped drive dignitaries when they visited Flint including Secretary of Education Richard Riley during the 2000 campaign. As the former Treasurer of the Genesee County Democratic Party, Sheridan was recognized by the Michigan Democratic Party this year when they named him the Senior Citizen Volunteer of the Year at the annual Jeff-Jack Dinner. Indeed his telephone answering message gave no question as to his fervent political affiliation: ''Hello. You have reached the Lee residence, the home of good Democrats.''

In 2004, Sheridan and his wife, Maryion, formed the Progressive Caucus of the Genesee County Democratic Party. They started the Caucus to focus on educating the public about health care, the war, and other issues affecting the people of our country. They believe the public was getting a slanted view of issues and they decided to do something to correct it. They held numerous town hall meetings and seminars to give people an opportunity to express their views and hear a variety of opinions.

My wife, Gayle, and I appreciated their moral compass and enjoyed their warm friendship. We broke bread together and enjoyed visiting them at their farm home. Family was very important to Sheridan. His son, Lindsey, Lindsey's wife, Beth, and their 3 children Teddy, Marlin and Freya; son, Lynn, his husband, Steve, and their daughter Addison; and daughter, Megan, are all politically active. Sheridan was very proud that he inspired his children to carry on his work in their own communities.

All who have shared Sheridan's friendship are better people because of that. I know that I am a better congressman but more significantly a better human being because of Sheridan Lee and his talented wife, Maryion.

TRIBUTE TO PAUL M. DOWD AND THE NAMING OF THE BASEBALL FIELD AT WAHCONAH PARK IN PITTSFIELD, MASSACHUSETTS IN HIS HONOR

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. OLVER. Mr. Speaker, today I rise to pay tribute to Paul M. Dowd for his longtime service to the City of Pittsfield, Massachusetts, and whose name will hereinafter be associated with the historic baseball field at Wahconah Park in Pittsfield.

Mr. Dowd first came to Pittsfield in 1966 as a pitcher for the Pittsfield Red Sox—having been signed by that organization in 1964—from his home state of Michigan, where he also attended Ferris State College. He has been a full-time resident of Pittsfield for the past 35 years. During that time, he has generously dedicated his time to the community.

Thirty years ago, Mr. Dowd founded the Berkshire County Chapter of the Jimmy Fund and remains active as its president. He was elected to the Pittsfield City Council for six years, served in the United States Marine Reserves, coached Little League baseball, and is a member of the Knights of Columbus, Elks Lodge, and American Legion. Mr. Dowd is well known in the community for his selfless and thoughtful commitment to improving the quality of life for children afflicted with cancer.

In recognition of his magnanimous service to the community and its children, the Pittsfield City Council and the Pittsfield Park Commission voted unanimously to name the baseball field at Wahconah Park as the Paul M. Dowd Field. Because of his outstanding commitment to the welfare of Pittsfield's citizenry, Mr. Dowd is most deserving of this high honor.

AMERICA INVENTS ACT

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. MORAN. Madam Chair, I rise today to express my concerns about the Manager's

Amendment to the America Invents Act, H.R. 1249.

Specifically, I am troubled by language in the amendment that would weaken the ability of the U.S. Patent and Trademark Office to retain the fees it collects from inventors for use in improving the patent application process.

As reported by the Judiciary Committee, Section 22 of the underlying bill would establish a revolving fund at Treasury to collect all user fees from USPTO and restrict their use to only funding USPTO activities.

This section was necessary because Congress has habitually underfunded the Patent Office, siphoning more than $875 million over the past two decades from fees collected from inventors to fund other discretionary programs.

This fee diversion has severely hampered the ability of USPTO to promptly process patent applications, leading to a current backlog of 1.2 million applications and an average pendency time of 3 years.

This is entirely unacceptable and a direct result of our decision not to provide full funding to the USPTO. Delays in processing patent applications drive up the costs and risks for inventors, harm our nation's global competitiveness, and literally stall the creation of jobs.

While I appreciate the efforts of Director Kappos over the past two years to reduce this backlog, USPTO will not be fully successful in this goal unless they are provided with the proper resources...resources, remember, they collect from the users of Patent Office services.

That is why I have concerns about a provision in the manager's amendment that would undermine this dedicated funding source, instead leaving USPTO funding up to annual appropriations.

While the amendment creates a specific fund for USPTO fees and contains promises that this funding will be made available only for activities at the patent office, there is no guarantee this pledge will be honored in subsequent Congresses.

I am concerned this modified language does not give USPTO the predictability in funding and access to fees that are necessary to ensure it best serves the innovation community.

Now, I understand USPTO has reluctantly agreed to support this compromise language, and I therefore plan to support the Manager's Amendment.

But we cannot let jurisdictional concerns here in Congress undermine the efficient functioning of the patent process.

I encourage my colleagues to support the Manager's Amendment as a necessary compromise to move this legislation forward, but I plan to remain vigilant on this matter to ensure the promises made in this Manager's Amendment are kept and that USPTO has ready access to the fees it collects.

SHENANDOAH NATIONAL PARK RESOLUTION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution celebrating the 75th anniversary of the Shenandoah National Park.

The Shenandoah National Park is the crown jewel of Virginia's natural resources. Through the Shenandoah National Park, I believe that we have preserved a vast, beautiful piece of land for the enjoyment of American families. Additionally, Shenandoah National Park is an exemplary example of the efforts of the United States Government and the Commonwealth of Virginia in preserving our country's natural resources.

Shenandoah National Park has a rich history and showcases the conservation work of the Civilian Conservation Corps (CCC). The park has been committed to adhering to these principles of stewardship and conservation, and thus allowing the legacy of the CCC to inspire many generations of Americans.

Additionally, Shenandoah National Park is the home of Skyline Drive, one of America's treasured byways. Skyline Drive winds along the crest of the Blue Ridge Mountains for 105 miles in the Shenandoah National Park. The 75 overlooks along the route afford travelers extraordinary vistas of the Shenandoah Valley and the Piedmont region in Virginia. No other road in the northeast provides access to 80,000 acres of wilderness.

What the Park's visitors take away from their visit to Shenandoah National Park and their drive along Skyline Drive is that the hills and valleys are directly connected to the character and aesthetics of the Park and its neighboring cities, towns, and counties. By conservative estimates, Shenandoah National Park has a $70 million impact on the counties surrounding the park. The health of the Shenandoah's resources and the health of its neighbors will forever be entwined.

The 75th anniversary of the Shenandoah National Park is an important milestone. For 75 years the Shenandoah National Park has been a treasure for all Americans, but there are many stories waiting to be told. We must all be diligent to make sure that the Park's views and natural areas are around for tomorrow's visitors and for future generations to enjoy. I hope that we can continue to preserve the beauty of the Park, a world of beauty that can renew and bring peace to the spirit.

CONGRATULATIONS TO THE FULSHEAR GIRL SCOUTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. PAUL. Mr. Speaker, on July 2, the Girl Scouts of Fulshear, Texas, in my congressional district, will gather for the Fulshear Freedom Feast, where they will commemorate the upcoming centennial of the founding of the Girl Scouts of America. It is with great pleasure that I join the Fulshear Girl Scouts in celebrating the 100th anniversary of the Girl Scouts of America.

The Girl Scouts of America were established in Savannah, Georgia on March 16, 1912 in order to provide young woman with an organization that would help them reach their full potential. From the very start, Girls Scouts' programs emphasized community service, personal and spiritual growth, positive values, leadership, and teamwork. Today, over 23 million American girls participate in Girl Scout programs such as field trips, sports clinics, community service projects, cultural exchanges, and environmental initiatives. Perhaps the Girl Scouts' best-known project is the annual cookie sale, which not only raises funds for the Girl Scout's many projects, it helps girls across the national get practical business experience.

Participating in Girl Scouts helps young woman build confidence, develop new skills, learn about and explore career opportunities, help their communities, and make friendships that can last a lifetime. Therefore, Mr. Speaker, I encourage all my collages to join me in celebrating the Girls Scouts of America's centennial and in sending best wishes to the Fulshear Girl Scouts as they prepare for the Fulshear Freedom Feast.

AMERICA INVENTS ACT

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Ms. HIRONO. Madam Chair, I rise today in reluctant opposition to H.R. 1249, the America Invents Act.

In Hawaii, independent inventors and small businesses are at the forefront of the innovation that we need to strengthen our state's economic future. Year after year, small businesses have been responsible for the majority of net job growth nationwide. Congress must modernize and fully fund the U.S. Patent and Trademark Office (PTO) to address the massive application backlog that stifles innovation and job creation.

However, I have heard from independent inventors and small businesses in Hawaii who express grave concerns about H.R. 1249. This bill's shift to a ''first inventor to file'' system could create a ''race to file,'' allowing large corporations to use early and repeat filings to threaten independent inventors' and small businesses' rights.

Further, to speed up patent processing and job creation, the PTO must be able to use inventors' application fees for their intended use: processing patents. The PTO receives no taxpayer money, and is funded entirely by fees. I voted against the manager's amendment that diverts these user fees to the vagaries of the annual congressional budget process.

I also have concerns about Section 18 of the bill. This section establishes an administrative review process for financially related business method patents whose validity has been questioned. This review process is retroactive, and even previously awarded patents whose validity had been upheld by federal courts would be subject to challenge. This is unfair to inventors, who would have to defend themselves again for patents they have already been awarded and already defended in court.

Innovation and technology development is essential to growing Hawaii's economy of the future. For this reason, I support patent reform but cannot support the bill before us today.

PERSONAL EXPLANATION

HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. PALAZZO. Mr. Speaker, on rollcall No. 454 I inadvertently voted "no" on an amendment where I meant to vote "yes" in support of the Flake amendment.

PERSONAL EXPLANATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 478 on final passage of H.R. 2021, the Jobs and Energy Permitting Act of 2011, I am not recorded because I was absent due to a death in my family which required me to immediately return to Georgia. Had I been present, I would have voted, "aye."

AMERICA INVENTS ACT

SPEECH OF

HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. WEST. Madam Chair, the most sweeping patent reform legislation that has come before the House of Representatives in over half a century, the America Invents Act, H.R. 1249, makes significant substantive, procedural, and technical changes to current United States patent law.

Article I, Section 8 gives the United States Congress the power to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Congress passed the first patent law just one year after ratifying the Constitution when it enacted the Patent Act of 1790. The law granted patent applicants the "sole and exclusive right and liberty of making, constructing, using and vending to others to be used" of his or her invention, clearly maintaining the intentions of patent protections the Framers had when they drafted Article I, Section 8, Clause 8 of the Constitution, commonly referred to as the Intellectual Property Clause.

Before discussing the ramifications of the America Invents Act, it is important for the American people to understand the reasoning behind the Intellectual Property Clause of the Constitution. The Framers recognized that a crucial component for success of the newly formed United States was economic strength and security, and they knew that American ingenuity and innovation was key to economic success.

Thus, for more than 200 years, American patent law has used a first to invent system that addresses the circumstances when two or more persons independently develop identical or similar inventions at approximately the same time. When more than one patent application is filed at the Patent and Trademark Office (PTO) claiming the same invention, the patent is awarded to the applicant who was the first inventor, even if the inventor was not the first person to file a patent application at the PTO.

Section 3 of H.R. 1249 would change this established system for determining which inventor obtains patent protection to a "first inventor to file" system. Under this new "first inventor to file" system, the law would not recognize the patent of an individual who did not file an invention first even if he or she was the first to complete an invention.

Proponents of Section 3 will argue that the United States is the only patent-issuing nation that does not employ a "first inventor to file" system, and that making this change will simplify the process for acquiring patent rights.

However, I believe that Section 3 on its face is unconstitutional. Over 200 years of evidenced-based, legal determination as to who is the true inventor of an invention should not be overturned because the rest of the world does it, or to make it easier for government bureaucrats to resolve patent disputes.

The United States is the greatest Nation on the face of the earth not because we conform our ways to the rest of the world, but instead because we operate in a way that makes the rest of the world want to follow our example.

Finally, and most importantly, I believe that awarding a patent to an individual who simply files before the inventor, violates the Framers' intent laid out in the Intellectual Property Clause. There can be no such thing as a "first inventor to file" since there can only be one inventor. Small inventors—the backbone of the American spirit of innovation—who do not have the funding or the legal staff to race to the PTO to file a patent will without question lose inventions to well-funded and well-staffed corporations.

I also have constitutional concerns with Section 18 of H.R. 1249. Section 18 of the America Invents Act would create a new Transitional Review proceeding at the Patent and Trademark Office that would only apply to "business method patents" dealing with data processing in the financial services industry. The Transitional Review would be available only to banks sued for patent infringement—even if the patent has already been upheld as valid by the PTO in a reexamination, or upheld by a federal court jury and/or judge in a trial. This new review process would ultimately lead to a delay, via a stay, of court proceedings that would interrupt inventors from capitalizing on their patents.

Constitutional scholars Richard Epstein and Jonathan Massey have concluded that Section 18 language constitutes a government taking by allowing banks to challenge all business method patents—even those that have been reexamined and affirmed by the PTO and upheld by a jury in federal court.

The House Judiciary Committee's consideration of H.R. 1249 proceeded rapidly. The committee held a hearing focused primarily on the broader patent provisions of the bill, and only the banking industry was invited to testify with regard to Section 18. Furthermore, there have been no hearings specifically relating to the implications of Section 18.

I have met with and spoken to a number of individuals representing both sides of this issue in order to fully understand the intent of H.R. 1249, as well as both its intended and unintended consequences. I have spoken to Director Kappos of the Patent and Trademark Office, and more importantly I have spoken with constituents in the 22nd Congressional District of Florida who are inventors that have received patents who would be adversely affected by certain provisions of this bill.

Madam Chair, I voted against H.R. 1249 because I believe that the major sections I have outlined raise serious Constitutional questions. Section 3 clearly violates the intent of our Framers when they drafted the Intellectual Property Clause. Section 18 opens the door for the Executive Branch to overturn the Judicial Branch, a clear violation of the separation of powers laid out by the United States Constitution.

As a 22-year Army combat veteran, and now as a Member of the House of Representatives, I swore an oath to protect and defend the Constitution. Voting in favor of passage of H.R. 1249 I believe goes against this very sacred oath I took, both as a young Second Lieutenant over 25 years ago, and as a Congressman in this body earlier this year.

INTRODUCTION OF THE COMPREHENSIVE PROBLEM GAMBLING ACT OF 2011

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

Mr. MORAN. Mr. Speaker, I rise today to introduce, along with Representatives FRANK WOLF, SHELLEY BERKLEY, and ALCEE HASTINGS, the Comprehensive Problem Gambling Act of 2011. This legislation would, for the first time, authorize federal support for the prevention and treatment of problem and pathological gambling.

According to the National Council on Problem Gambling, approximately 6–9 million American adults meet the criteria for a gambling problem, which includes gambling behavior patterns that compromise, disrupt or damage personal, family or vocational pursuits. Over the past decade, gaming and gambling has grown in the United States and many states have expanded legalized gaming, including regulated casino-style games and lotteries. The recent economic downturn only compounds this situation as many states consider relaxing gaming laws in an effort to raise state revenues.

At the same time, the federal government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. Problem gambling can destroy a person's career and financial standing, disrupt marriages and personal relationships, and encourage participation in criminal activity. Currently, no federal agency has responsibility for coordinating efforts to treat problem gambling.

The Comprehensive Problem Gambling Act of 2011 would begin to address this deficiency by designating the Substance Abuse and Mental Health Services Administration (SAMHSA) as the lead agency on problem gambling, allowing them to coordinate Federal

action: The legislation would allow SAMHSA to conduct research, develop guidelines for effective prevention and treatment programs, and provide assistance for community-based services.

While there may be disagreement over the degree to which gambling should be regulated, we should all be able to support efforts to minimize the negative effects of problem gambling on our constituents. I look forward to working with my colleagues to enact this important legislation.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4037–S4106

Measures Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 1262–1278, S. Res. 214–216, and S. Con. Res. 24.

Pages S4075–76

Measures Reported:

S. 1145, to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, with an amendment in the nature of a substitute. **Page S4075**

Measures Passed:

National Cytomegalovirus Awareness Month: Senate agreed to S. Res. 215, designating the month of June 2011 as "National Cytomegalovirus Awareness Month". **Page S4106**

Measures Considered:

Presidential Appointment Efficiency and Streamlining Act—Agreement: Senate continued consideration of S. 679, to reduce the number of executive positions subject to Senate confirmation, and taking action on the following amendments proposed thereto: **Pages S4046–66**

Rejected:

By 47 yeas to 51 nays (Vote No. 95), Vitter Amendment No. 499, to end the appointments of presidential Czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed Czars. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S4046, S4047–48, S4049**

By 41 yeas to 57 nays (Vote No. 96), DeMint Amendment No. 510, to strike the provision relating to the Director, Bureau of Justice Statistics. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S4046–47, S4048–49, S4055**

Withdrawn:

Coburn Amendment No. 500, to prevent the creation of duplicative and overlapping Federal programs. **Pages S4046, S4058**

Pending:

DeMint Amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts. **Page S4046**

DeMint Amendment No. 511, to enhance accountability and transparency among various Executive agencies. **Page S4046**

Portman Amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect. **Page S4046**

Cornyn Amendment No. 504, to strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force. **Page S4046**

Toomey/Vitter Amendment No. 514, to strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development. **Pages S4049–54**

Carper Amendment No. 517, to provide that the Government Accountability Office shall conduct a study and submit a report on presidentially appointed positions to Congress and the President. **Pages S4055–57**

Kirk (for McCain) Amendment No. 493, to preserve congressional oversight into the budget overruns of the Office of Navajo and Hopi Relocation. **Pages S4059–61**

Sanders (for Akaka) Amendment No. 512, to preserve Senate confirmation of the Commissioner of the Administration for Native Americans. **Pages S4061–65**

Sessions (for Paul) Amendment No. 502, to strike the provision relating to the Treasurer of the United States. **Pages S4065–66**

Sessions (for Paul) Amendment No. 503, to strike the provision relating to the Director of the Mint. **Pages S4065–66**

A unanimous-consent-time agreement was reached providing that when the Senate considers S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent, it be in order for Senator Coburn to offer his duplication amendment to the resolution; that there be up to one hour of debate on the amendment, equally divided between Senator Coburn and the Majority Leader, or their designees; that the amendment be subject to a two-thirds threshold; that the amendment not be divisible; that no amendments, motions or points of order be in order prior to any vote in relation to the Coburn amendment other than budget points of order and the applicable motions to waive; and all other provisions of the previous order with respect to the resolution remain in effect. **Page S4058**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13466 of June 26, 2008, with respect to the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–12) **Page S4073**

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13219 of June 26, 2001, with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–13) **Page S4073**

Nominations—Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Tuesday, June 28, 2011, Senate begin consideration of the nominations of James Michael Cole, of the District of Columbia, to be Deputy Attorney General, Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General, and Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General, with all other provisions of the previous unanimous-consent agreement remaining in effect. **Page S4106**

Nominations Received: Senate received the following nominations:

Jennifer Guerin Zipps, of Arizona, to be United States District Judge for the District of Arizona.

Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

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. **Page S4106**

Messages from the House: **Page S4073**

Measures Read the First Time: **Pages S4073, S4106**

Enrolled Bills Presented: **Page S4073**

Executive Communications: **Pages S4073–75**

Petitions and Memorials: **Page S4075**

Executive Reports of Committees: **Page S4075**

Additional Cosponsors: **Pages S4076–77**

Statements on Introduced Bills/Resolutions: **Pages S4077–S4104**

Additional Statements: **Pages S4070–72**

Amendments Submitted: **Pages S4104–05**

Authorities for Committees to Meet: **Pages S4105–06**

Privileges of the Floor: **Page S4106**

Record Votes: Two record votes were taken today. (Total—96) **Pages S4049, S4055**

Adjournment: Senate convened at 10 a.m. and adjourned at 5:55 p.m., until 2 p.m. on Monday, June 27, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4106.)

Committee Meetings

(Committees not listed did not meet)

FARM BILL ACCOUNTABILITY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine farm bill accountability, focusing on the importance of measuring performance, while eliminating duplication and waste, after receiving testimony from Dallas Tonsager, Under Secretary for Rural Development, Michael T. Scuse, Acting Under Secretary for Farm and Foreign Agricultural Services, Harris Sherman, Under Secretary for Natural Resources and Environment, Kevin W. Concannon, Under Secretary for Food, Nutrition, and Consumer Services, Joe Leonard, Jr., Assistant Secretary for Civil Rights, and Phyllis K. Fong, Inspector General, Office of Inspector General, all of the Department of Agriculture;

Masouda Omar, Colorado Housing and Finance Authority, Denver; and Brett Blankenship, Washtucna, Washington.

NATIONAL FLOOD INSURANCE PROGRAM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine reauthorization of the National Flood Insurance Program, after receiving testimony from Orice Williams Brown, Managing Director, Financial Markets and Community Investment, Government Accountability Office; Chad Berginnis, Association of State Floodplain Managers, Inc., Madison, Wisconsin; Adam Kolton, National Wildlife Federation, on behalf of the Smarter Safer Coalition, and Travis Plunkett, Consumer Federation of America, both of Washington, D.C.; Barry Rutenberg, National Association of Home Builders, Gainesville, Florida; and Scott Richardson, Heartland Institute, Columbia, South Carolina.

U.S. COAST GUARD BUDGET AND OVERSIGHT

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine U.S. Coast Guard budget and oversight, after receiving testimony from Robert J. Papp, Jr., Commandant, U.S. Coast Guard, Department of Homeland Security.

WATER AND POWER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 500, to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, S. 715, to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, S. 802, to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, S. 997, to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District, S. 1033, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, S. 1047, to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, S. 1224, to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery program through fiscal year 2023, and S. 1225, to transfer certain facilities, easements, and rights-of-way to Fort Sumner Irrigation District, New Mexico, after receiving testimony from Senator Blumenthal; Grayford F. Payne, Deputy Commissioner for Policy, Administration and Budget, Bureau of Reclamation, Department of the Interior; John Katz, Deputy Associate General Counsel, Federal Energy Regulatory Commission; and Richard J. Barlow, Town of Canton First Selectman, Collinsville, Connecticut.

HEALTH CARE ENTITLEMENTS

Committee on Finance: Committee concluded a hearing to examine health care entitlements, focusing on the road forward, after receiving testimony from Massachusetts Governor Deval L. Patrick, Boston; former Kentucky Governor Ernest Lee Fletcher, Alton Healthcare, Lexington, Kentucky; Bruce C. Vladeck, Nexera, New York, New York; and Douglas Holtz-Eakin, former Director of the Congressional Budget Office, Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of William J. Burns, of Maryland, to be Deputy Secretary, Gary Locke, of Washington, to be Ambassador to the People's Republic of China, and Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, all of the Department of State.

PROGRESS IN AFGHANISTAN AND PAKISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine evaluating goals and progress in Afghanistan and Pakistan, after receiving testimony from Hillary R. Clinton, Secretary of State.

REBUILDING HAITI IN THE MARTELLY ERA

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs with the Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection concluded a joint hearing to examine rebuilding Haiti in the Martelly era, after receiving testimony from Major Joseph M. Bernadel, U.S. Army (Ret.), Interim Haiti Reconstruction Commission (IHRC), Boynton Beach, Florida; Regine Barjon, BioTek Solutions/BioTek Haiti SA, Tampa, Florida; and Georges Barau Sassine, Association Des Industries D'Haiti (ADIH), and Gary Shaye, Save the Children, both of Port-Au-Prince, Haiti.

FEDERAL REGULATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine Federal regulation, focusing on S. 128, to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns, S. 299, to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, S. 358, to codify and modify regulatory requirements of Federal agencies, S. 602, to require regulatory reform, S. 1030, to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and S. 1189, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, after receiving testimony from Senators Snowe, Roberts, Vitter, and Warner; and Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

MIDDLE CLASS FAMILIES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine middle class families, after receiving testimony from Jared Bernstein, Center on Budget and Policy Priorities, Washington, D.C.; Amanda Greubel, Central Community Schools Family Resource Center, DeWitt, Iowa; Thomas Clements, Oilfield CNC Machining LLC, Broussard, Louisiana; and Susan M. Sipprelle, Englewood, New Jersey.

INDIAN REORGANIZATION ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the "Indian Reorganization Act" 75 years later, focusing on restoring tribal homelands and promote self-determination, after receiving testimony from Frederick E. Hoxie, University of Illinois, Champaign; G. William Rice, University of Tulsa College of Law Native American Law Center, Tulsa, Oklahoma; Carole Goldberg, University of California Los Angeles School of Law; Steven J.W. Heeley, Akin, Gump, Strauss, Hauer and Feld LLP, and Jefferson Keel, National Congress of American Indians, both of Washington, D.C.; Richard Monette, University of Wisconsin Law School, Madison; John Echohawk, Native American Rights Fund, Boulder, Colorado; and Michael Finley, Confederated Tribes of the Colville Reservation, Nespelem, Washington.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S.1145, to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, with an amendment in the nature of a substitute; and

The nominations of Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, Executive Office of the President, and Alfred Cooper Lomax, to be United States Marshal for the Western District of Missouri, and David L. McNulty, to be United States Marshal for the Northern District of New York, both of the Department of Justice.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency, after the nominee, who was introduced by Senator Lieberman, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 43 public bills, H.R. 2305–2347; and 4 resolutions, H. Con. Res. 62; and H. Res. 327, 329–330 were introduced. **Pages H4525–28**

Additional Cosponsors: **Pages H4529–30**

Reports Filed: Reports were filed today as follows:

H. Res. 328, providing for consideration of the joint resolution (H.J. Res. 68) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; and providing for consideration of the bill (H.R. 2278) to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of

North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law (H. Rept. 112–114);

H.R. 828, to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, with an amendment (Rept. 112–115);

H.R. 1470, to amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes, with an amendment (Rept. 112–116); and

H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, with an amendment (Rept. 112–117). **Page H4525**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H4463**

Recess: The House recessed at 11:12 a.m. and reconvened at 12 noon. **Page H4471**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H4472, H4505–06**

Member Resignation: Read a letter from Cesar A. Perales, Secretary of State, State of New York, wherein he notified the House that he received the resignation of Anthony D. Weiner as New York's Ninth Congressional District Representative in the United States House of Representatives. **Page H4472**

Whole Number of the House: The Speaker announced to the House that, in light of the resignation of the gentleman from New York, Mr. Weiner, the whole number of the House is 432. **Page H4472**

America Invents Act: The House passed H.R. 1249, to amend title 35, United States Code, to provide for patent reform, by a recorded vote of 304 ayes to 117 noes, Roll No. 491. Consideration of the measure began yesterday, June 22nd. **Pages H4480–H4505**

Rejected the Miller (NC) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 172 ayes to 251 noes, Roll No. 490. **Pages H4503–05**

Agreed to:

Smith (TX) Managera's amendment (No. 1 printed in part B of H. Rept. 112–111) that was debated on June 22nd that makes technical edits and necessary changes to more substantive issues, such as prior user rights and an additional oversight requirement for the PTO (by a recorded vote of 283 ayes to 140 noes, Roll No. 481); **Pages H4480–81**

Moore amendment (No. 4 printed in part B of H. Rept. 112–111) that directs the USPTO to develop methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans. Any results of the study shall not be used for preferential treatment in the patent process; **Page H4484**

Jackson Lee (TX) amendment (No. 5 printed in part B of H. Rept. 112–111) that adds a sense of Congress that it is important to protect the rights of small businesses and inventors from predatory behavior that could result in cutting off innovation and may provide an undue advantage to large financial institutions and high-tech firms; **Pages H4484–86**

Luján amendment (No. 6 printed in part B of H. Rept. 112–111) that adds requirements to the satellite office location selection process to ensure that (1) the purposes, as described in the bill, of establishing satellite offices are achieved, (2) recruitment costs are minimized by considering the availability of knowledgeable personnel in the region, and (3) the economic impact to the region is considered; **Page H4486**

Peters amendment (No. 7 printed in part B of H. Rept. 112–111) that mandates a USPTO-led study on what USPTO, SBA, and other agencies can do to help small businesses obtain, maintain, and enforce foreign patents; **Pages H4486–87**

Speier amendment (No. 10 printed in part B of H. Rept. 112–111) that directs the PTO to prescribe a requirement that parties provide sufficient evidence to prove and rebut a claim of derivation; and **Pages H4490–91**

Conyers amendment (No. 9 printed in part B of H. Rept. 112–111) that restores language for calculation of 60-day period for application of patent term extension that the manager's amendment strikes (by a recorded vote of 223 ayes 198 noes, Roll No. 485. Agreed by unanimous consent that the earlier roll call vote taken on the Conyers amendment No. 9 be vacated). **Pages H4489–90, H4500**

Rejected:

Polis amendment (No. 8 printed in part B of H. Rept. 112–111) that sought to clarify that the new legislation would apply only to new tax planning patents, not already filed patents which would disclose patent information leaving the applicants vulnerable; **Pages H4487–89**

Conyers amendment (No. 2 printed in part B of H. Rept. 112–111) that sought to insert language to move the United States to a first to file system only upon a Presidential finding that other major patent authorities have adopted a similar one-year grace period (by a recorded vote of 105 ayes to 316 noes, Roll No. 482); **Pages H4481–82, H4498–99**

Baldwin amendment (No. 3 printed in part B of H. Rept. 112–111) that sought to strike Section 5, the ''prior user rights'' language, and conform H.R. 1249 to H.R. 1908, as passed by the U.S. House of Representatives on September 7, 2007, and S. 23, as

passed by the U.S. Senate on March 8, 2011 (by a recorded vote of 81 ayes to 342 noes, Roll No. 483); **Pages H4482–84, H4499–H4500**

Sensenbrenner amendment (No. 12 printed in part B of H. Rept. 112–111) that sought to strike Section 3 of the legislation, which would convert the U.S. patent system from ''first-to-invent'' to ''first-to-file'' (by a recorded vote of 129 ayes to 295 noes, Roll No. 486); **Pages H4491–93, H4501**

Manzullo amendment (No. 13 printed in part B of H. Rept. 112–111) that sought to eliminate the ability of the Director of the U.S. Patent and Trademark Office (USPTO) to set fees, retaining that authority for Congress (by a recorded vote of 92 ayes to 329 noes, Roll No. 487); **Pages H4493–94, H4501–02**

Rohrabacher amendment (No. 14 printed in part B of H. Rept. 112–111) that sought to eliminate the burden of post-grant reviews and reexaminations on individual inventors and small businesses with 100 or fewer employees (by a recorded vote of 81 ayes to 342 noes, Roll No. 488); and **Pages H4494–95, H4502**

Schock amendment (No. 15 printed in part B of H. Rept. 112–111) that sought to strike section 18 of the bill, the Transitional program for covered business method patents (by a recorded vote of 158 ayes to 262 noes with 1 voting ''present'', Roll No. 489). **Pages H4495–98, H4503**

Withdrawn:

Watt amendment (No. 11 printed in part B of H. Rept. 112–111) that was offered and subsequently withdrawn that would have added a severability clause protecting the remainder of the bill if the Supreme Court determines that certain sections or provisions are unconstitutional. **Page H4491**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4505**

H. Res. 316, the rule providing for consideration of the bills (H.R. 2021) and (H.R. 1249), was agreed to yesterday, June 22nd.

Department of Defense Appropriations Act, 2012: The House began consideration of H.R. 2219, making appropriations for the Department of Defense for the fiscal year ending September 30, 2012. Further consideration was postponed. **Pages H4476–80, H4506–11**

H. Res. 320, the rule providing for consideration of the bill, was agreed to by a recorded vote of 251 ayes to 173 noes, Roll No. 480, after the previous question was ordered by a yea-and-nay vote of 247 yeas to 168 nays, Roll No. 479. **Pages H4479–80**

Presidential Messages: Read a message from the President wherein he notified Congress that the national emergency declared with respect to North Korea is to continue in effect beyond June 26, 2011—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 112–40). **Page H4475**

Read a message from the President wherein he notified Congress that the national emergency declared with respect to the Western Balkans is to continue in effect beyond June 26, 2011—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 112–41). **Pages H4475–76**

Quorum Calls—Votes: One yea-and-nay vote and eleven recorded votes developed during the proceedings of today and appear on pages H4479, H4479–80, H4480–81, H4498, H4499, H4500, H4501, H4501–02, H4502, H4503, H4504–05, H4505. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:44 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Full Committee held a markup to approve the Activity Report of the Committee on Agriculture for the 1st Quarter of the 112th Congress as required by House Rule XI, clause d(1). The report was agreed to as amended.

OPPORTUNITIES AND BENEFITS OF AGRICULTURAL BIOTECHNOLOGY

Committee on Agriculture: Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture held a hearing to review opportunities and benefits of agricultural biotechnology. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Appropriations: Full Committee held a markup of the FY 2012 Financial Services Bill. The bill was ordered reported, as amended.

AFGHANISTAN AND THE PROPOSED DRAWDOWN OF U.S. FORCES

Committee on Armed Services: Full Committee held a hearing on Recent Developments in Afghanistan and the Proposed Drawdown of U.S. Forces. Testimony was heard from Michéle Flournoy, Undersecretary of Defense for Policy, Department of Defense; and ADM Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff.

CONGRESSIONAL BUDGET OFFICE'S LONG-TERM BUDGET OUTLOOK

Committee on the Budget: Full Committee held a hearing entitled ''The Congressional Budget Office's Long-Term Budget Outlook.'' Testimony was heard from Douglas W. Elmendorf, Director, CBO.

ACCOUNTABILITY IN NATIONAL SERVICE PROGRAMS

Committee on Education and the Workforce: Subcommittee on Higher Education and Workforce Training held a hearing entitled "Demanding Accountability in National Service Programs." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee held a markup of the following: the Semi-Annual Committee Activity Report; and H.R. 1938, the "North American-Made Energy Security Act." The Semi-Annual Committee Activity Report was agreed to as amended. H.R. 1938 was ordered reported, as amended.

LEGISLATIVE PROPOSALS TO REFORM THE HOUSING CHOICE VOUCHER PROGRAM

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled "Legislative Proposals to Reform the Housing Choice Voucher Program." Testimony was heard from Sandra B. Henriquez, Assistant Secretary, Office of Public and Indian Housing, Department of Housing and Urban Development; and public witnesses.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled "Investigating the Gold: H.R. 1495, the Gold Reserve Transparency Act of 2011 and the Oversight of United States Gold Holdings." Testimony was heard from Eric M. Thorson, Inspector General, Department of the Treasury; Gary T. Engel, Director, Financial Management and Assurance, GAO; and public witnesses.

IRAN AND SYRIA: NEXT STEPS

Committee on Foreign Affairs: Full Committee held a hearing on Iran and Syria: Next Steps. Testimony was heard from John Bolton, former U.S. permanent representative to the United Nations and former Under Secretary of State for Arms Control and International Security; and public witnesses.

Prior to the hearing the Committee held a markup of the Semiannual Committee Report on Legislative Review and Oversight Activities. The report was agreed to without amendment.

ALZHEIMER'S DISEASE

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing on Global Strategies to Combat the Devastating Health and Economic Impacts of Alzheimer's Disease. Testimony was heard from Richard Hodes, Director, National Institute on Aging, National Institutes of Health; and public witnesses.

TRANSITIONING AUTHORITY AND IMPLEMENTING THE STRATEGIC FRAMEWORK IN IRAQ

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on Preserving Progress: Transitioning Authority and Implementing the Strategic Framework in Iraq. Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies and the Subcommittee on Emergency Preparedness, Response and Communications held a joint hearing entitled "H.R.__, the 'WMD Prevention and Preparedness Act of 2011.'" Testimony was heard from Rep. Pascrell; Jim Talent; former Senator and Vice Chairman, WMD Center; Robert P. Kadlec, former Special Assistant to the President for Biodefense; and Richard H. Berdnik, Sheriff, Passaic County, New Jersey.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of the following: H.R. 1741, the "Secure Visas Act"; H.R. 1933, to amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage areas; and the Committee Activities Report. Both H.R. 1741 and H.R. 1933 were ordered reported, as amended. The Committee Activities report was agreed to without amendment.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 461, the South Utah Valley Electric Conveyance Act; H.R. 795, the Small-Scale Hydropower Enhancement Act of 2011; and H.R. 2060, the Central Oregon Jobs and Water Security Act. Testimony was heard from Robert Quint, Senior Advisor and Chief of Staff to the Commissioner, Bureau of Reclamation; Steve Forrester, City Manager, City of Prineville, Oregon; Richard Moore, Mayor, Payson, Utah; and public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following bills: H.R. 2170, the Cutting Federal Red Tape to Facilitate Renewable Energy Act; H.R. 2171, the Exploring for Geothermal Energy on Federal Lands Act; H.R. 2172, the Utilizing America's Federal Lands for Wind Energy Act; and H.R. 2173,

the Advancing Offshore Wind Production Act. Testimony was heard from Mike Pool, Deputy Director, Bureau of Land Management; Joel Holtrop, Deputy Chief, U.S. Forest Service; and public witnesses.

OVERSIGHT AND ACCOUNTABILITY IN FEDERAL GRANT PROGRAMS

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled "Improving Oversight and Accountability in Federal Grant Programs." Testimony was heard from Sen. Coburn; Jeanette Franzel, Managing Director of Financial Management, Assurance Team, GAO; Cynthia Schnedar, Acting Inspector General, Department of Justice; Natalie Keegan, Analyst in American Federalism and Emergency, Management Policy, Congressional Research Service; and Danny Werfel, Controller, Office of Federal Financial Management, Office of Management and Budget.

AUTHORIZING THE LIMITED USE OF THE UNITED STATES ARMED FORCES IN SUPPORT OF THE NATO MISSION IN LIBYA; AND TO LIMIT THE USE OF FUNDS APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR UNITED STATES ARMED FORCES IN SUPPORT OF NORTH ATLANTIC TREATY ORGANIZATION OPERATION UNIFIED PROTECTOR WITH RESPECT TO LIBYA, UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY LAW

Committee on Rules: The Committee granted, by record vote of 7 to 3, a closed rule for H.J. Res. 68. The rule provides one hour of debate on H.J. Res. 68 with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of H.J. Res. 68. The rule provides that H.J. Res. 68 shall be considered as read. The rule waives all points of order against provisions in H.J. Res. 68. The rule provides one motion to recommit H.J. Res. 68.

The resolution further provides a closed rule for H.R. 2278. The rule provides one hour of debate on H.R. 2278 equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of H.R. 2278. The rule provides that H.R. 2278 shall be considered as read. The rule waives all points of order against provisions in H.R. 2278. Finally, the rule provides one motion to recommit H.R. 2278.

No testimony was given.

INSOURCING GONE AWRY: OUTSOURCING SMALL BUSINESS JOBS

Committee on Small Business: Subcommittee on Contracting and Workforce held a hearing entitled "Insourcing Gone Awry: Outsourcing Small Business Jobs." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Full Committee held a markup of the Semiannual Report on the Activity of the Committee on Small Business. The report was agreed to without amendment.

GPS RELIABILITY: A REVIEW OF AVIATION INDUSTRY PERFORMANCE, SAFETY ISSUES, AND AVOIDING POTENTIAL NEW AND COSTLY GOVERNMENT BURDENS

Committee on Transportation and Infrastructure: Subcommittee on Aviation and the Subcommittee on Coast Guard and Maritime Transportation held a joint hearing entitled "GPS Reliability: A Review of Aviation Industry Performance, Safety Issues, and Avoiding Potential New and Costly Government Burdens." Testimony was heard from Roy Kienitz, Under Secretary for Policy, Department of Transportation; Teri Takai, Acting Assistant Secretary for Networks and Information Integration, Chief Information Officer, Department of Defense; Rear Admiral Robert E. Day, Jr., Assistant Commandant for Command, Control, Communications, Computers and Information, Technology and Chief Information Officer, United States Coast Guard; Department of Homeland Security; and public witnesses.

ARLINGTON NATIONAL CEMETERY

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing entitled "Arlington National Cemetery: An Update from the New Administration." Testimony was heard from Kathryn A. Condon, Executive Director, Army National Cemeteries Program, Office of the Secretary of the Army, Department of the Army, Department of Defense; Patrick K. Hallinan, Superintendant, Arlington National Cemetery, Office of the Secretary of the Army, Department of the Army, Department of Defense; and public witnesses.

IMPORTANCE OF FOREIGN DIRECT INVESTMENT (FDI) TO THE U.S. ECONOMY

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on the importance of foreign direct investment (FDI) to the U.S. economy and how tax reform might affect foreign-headquartered businesses that invest and create jobs

in the United States. Testimony was heard from public witnesses.

SOCIAL SECURITY'S CURRENT REVENUE STREAMS

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security's current revenue streams, proposed changes to those structures and the impact they would have on the program, beneficiaries, workers and the economy. Testimony was heard from Thomas A. Barthold, Chief of Staff, Joint Committee on Taxation; Stephen C. Goss, Chief Actuary, Office of the Chief Actuary, Social Security Administration; Mark J. Warshawsky, former Assistant Secretary for Economic Policy, Department of the Treasury; and public witnesses.

USD(I) QUARTERLY UPDATE; AND MISCELLANEOUS MEASURES

House Permanent Select Committee on Intelligence: Full Committee held a briefing on USD(I) Quarterly Update.

Prior to the hearing the full Committee met to markup the Semiannual Committee Activity Report. The report was agreed to without amendment.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 24, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on Agricultural Program Audit: Examination of Crop Insurance Programs, 10 a.m., 1300 Longworth.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled "OMB's Role in the DOE Loan Guarantee Process." 9:30 a.m., 2123 Rayburn.

Subcommittee on Environment and the Economy, hearing entitled "NRC Repository Safety Division—Staff Perspective on Yucca License Review." 9 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capitol Markets and Government Sponsored Enterprises, hearing entitled "Oversight of the Mutual Fund Industry: Ensuring Market Stability and Investor Confidence." 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, Subcommittee on the Middle East and South Asia, and Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense and Foreign Operations, joint hearing on Venezuela's Sanctionable Activity, 9 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, hearing entitled "Examining the Homeland Security Impact of the Obama Administration's Cybersecurity Proposal." 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 963, the "See Something, Say Something Act of 2011." 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, markup of the semi-annual 112th Congress Report on Legislative and Oversight Activities, 9 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, hearing entitled "Why We Should Care About Bats: Devastating Impact White-Nose Syndrome is Having on One of Nature's Best Pest Controllers." 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on District of Columbia, Census and National Archives, hearing entitled "Washington Metropolitan Area Transit Authority: Is There a Security Gap?" 9:30 a.m., 2247 Rayburn.

Subcommittee on National Security, Homeland Defense and Foreign Operations; and the Committee on Foreign Affairs' Subcommittees on the Western Hemisphere and the Middle East and South Asia, joint hearing entitled, "Venezuela's Sanctionable Activity." 9 a.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled "Running Roughshod Over States and Stakeholders: EPA's Nutrients Policies." 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, markup of the Activities Report for the Committee on Veterans' Affairs, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup of the "Report on the Legislative and Oversight Activities of the Committee on Ways and Means during the 112th Congress as of May 31, 2011." 9 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

2:00 p.m., Monday, June 27

Senate Chamber

Program for Monday: Senate will be in a period of morning business until 6 p.m., with Senator Sanders being recognized at 4 p.m. for up to 90 minutes.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, June 24

House Chamber

Program for Friday: Consideration of H.J. Res. 68—Authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya and H.R. 2278—To limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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