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No. 186

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
December 6, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

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

### MORNING-HOUR DEBATE

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

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

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

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

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

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

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

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

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

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

### FRUITS AND VEGETABLES FOR SCHOOL CHILDREN

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### CHRISTMAS AND THE EMPTY CHAIR

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

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

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

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

□ 1010

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

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

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

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

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

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

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

ning and getting these cards from throughout southeast Texas.

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

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

And that's just the way it is.

#### COMPUTER SCIENCE EDUCATION WEEK

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

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

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

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

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

Computing and information technology is transforming our world—

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1020

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

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

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

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

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

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

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

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

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

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

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

human moments in the booth, including a burning hairpiece.

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

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

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

ARMY PRIVATE FIRST CLASS  
CODY R. NORRIS

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### MAKING A DIFFERENCE BY FIXING THE ECONOMY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1040

#### THE CONSUMER FINANCIAL PROTECTION BUREAU

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

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

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

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

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

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

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

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

#### HONORING MARTINA CORREIA

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

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

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

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

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

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

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

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

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

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

□ 1050

#### TAKING ON CURRENCY MANIPULATORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### RECESS

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

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

#### AFTER RECESS

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

#### PRAYER

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

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

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

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

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

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

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

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

#### WELCOMING REVEREND BRYAN THIESSEN

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

There was no objection.

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

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

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

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### THE REINS ACT

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

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

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

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

#### FACTS ARE STUBBORN THINGS

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

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

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

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

□ 1210

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

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

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

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

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

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

And that's just the way it is.

#### VOTER SUPPRESSION

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

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

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

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

#### SAFEGUARD MISSILE DEFENSE TECHNOLOGIES

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

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

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

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

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

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

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

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

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

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

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

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

#### PROTECT THE MEDICARE PROGRAM

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

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

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

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

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

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

#### HONORING LARIMER COUNTY

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

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

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

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

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

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

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

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

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

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

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

□ 1220

#### THE BENEFITS OF HEALTH SAVINGS ACCOUNTS

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

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

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

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

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

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

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

#### MEDICARE BENEFICIARIES AND ACCESS TO CARE

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

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

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

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

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

#### HEALTH CARE REFORM

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

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

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

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

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

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

### AMERICANS DISTRUST THE NATIONAL MEDIA

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

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

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

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

### CONGRATS TO THE NIU HUSKIES

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

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

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

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

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

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

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

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

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

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

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

### LOOMING CRISIS FOR OUR SENIORS

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

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

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

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

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

### MEDICARE

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

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

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

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

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

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

□ 1230

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

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

The Clerk read the resolution, as follows:

H. RES. 479

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules.

Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1240

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1250

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

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

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

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

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

votes if we defeat the previous question.

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1300

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

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

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

something for the American people today.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1310

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

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

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

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

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

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

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

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

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

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

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

Mr. DUFFY. I appreciate the gentleman yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

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

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2405

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

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

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

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

Sec. 1. Short title; table of contents.

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

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

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

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

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

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

Sec. 8. Products held for emergency use.

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

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

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

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

(1) in subsection (b)(2)(A)—

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

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

(C) by adding at the end the following:

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

(2) in subsection (f)—

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

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

(C) by striking paragraph (4);

(3) by striking subsection (h); and

(4) in subsection (i)—

(A) in paragraph (1)—

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

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

(ii) by striking subparagraph (B); and

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

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

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

(2) in subsection (i)—

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

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

(B) by adding at the end the following:

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

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

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

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

(1) by striking subsection (c); and

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

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

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

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

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

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

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

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

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

“(aa) may specify—

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

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

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

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

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

(A) in subsection (c)—

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

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

(B) by adding at the end the following:

“(g) **SPECIAL RESERVE FUND.**—

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

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

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

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

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

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

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

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

“(B) any administrative expenses, including salaries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in paragraph (3)—

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

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

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

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

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

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

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

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

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

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

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

“(A) any program under this Act; or

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

“(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

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

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

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

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

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

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

“(C) TERMINATION AND EXTENSION.—

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

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

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

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

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

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

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

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

(1) in subsection (b)(3)—

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

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

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

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

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

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

“(i) to inform prioritization of resources; and

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

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

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

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

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

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

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

“(2) have authority over and responsibility for—

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

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

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

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

“(3) provide policy coordination and oversight of—

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

“(B) the Cities Readiness Initiative; and

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in subsection (a)—

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

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

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

(2) in subsection (b)—

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

(B) in paragraph (1)—

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

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

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

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

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

(C) in paragraph (2)—

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

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

(ii) by striking subparagraph (B); and

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

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

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

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

(5) in subsection (e)—

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

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

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

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

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

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

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

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

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

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

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

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

(D) by adding at the end the following:

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

(6) in subsection (g)—

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

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

(C) by adding at the end the following:

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

cluding information obtained during an emergency.”.

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

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

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

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

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

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

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

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

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

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

“(b) *EXPIRATION DATING.*—

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

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

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

“(i) the public health; or

“(ii) military preparedness and effectiveness; and

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

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

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

“(B) the duration of the extension; and

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

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

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

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

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

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

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

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

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

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

“(e) EMERGENCY USE INSTRUCTIONS.—

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

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

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b) IN GENERAL.—

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

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

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

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

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

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

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

“(2) REGULATORY MANAGEMENT PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

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

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

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

There was no objection.

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I strongly urge my colleagues to vote "yes."

□ 1340

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion to reconsider was laid on the table.

#### SOAR TECHNICAL CORRECTIONS ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3237

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

#### SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

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

#### SEC. 4. EVALUATIONS.

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

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

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

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

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

We are here today because there are several small and technical modifications that need to be made in order for the scholarship program to achieve its goal. This legislation would clarify three provisions: first, the education requirements for teachers of scholarship students; second, how the nationally norm-referenced test would be administered in order to properly collect data to study the effectiveness of the program; and, third, which students participate in the study.

On November 3, the House Committee on Oversight and Government Reform approved H.R. 3237, the SOAR Technical Corrections Act, by a voice vote.

Mr. Speaker, I would also like to thank my colleague, Ms. NORTON, and my colleague, Ranking Member CUMMINGS, for working with us to ensure we had the appropriate language to modify the legislation that is before us today.

With that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I appreciate Speaker BOEHNER, Senate Homeland Security and Government Affairs Committee Chair LIEBERMAN, and Oversight and Government Reform Chair ISSA, as well as my good colleague on the other side of the aisle, the subcommittee chairman, Mr. GOWDY, I appreciate that all of them have worked with us and have consulted with us on these technical changes, and I do not oppose this bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would again thank our colleagues Ms. NORTON and Mr. CUMMINGS, and I urge Members to support the passage of H.R. 3237.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 3237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2297

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROMOTING DEVELOPMENT OF SOUTHWEST WATERFRONT.**

(a) **UPDATED DESCRIPTION OF PROPERTY.**—Section 1 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District”, approved September 8, 1960 (sec. 6-321.01, D.C. Official Code), is amended by striking all that follows the colon and inserting the following: “The property located within the bounds of the site the legal description of which is the Southwest Waterfront Project Site (dated October 8, 2009) under Exhibit A of the document titled ‘Intent to Clarify the Legal Description in Furtherance of Land Disposition Agreement’, as filed with the Recorder of Deeds on October 27, 2009 as Instrument Number 2009116776.”.

(b) **CLARIFICATION OF METHOD OF TRANSFER.**—Section 1 of such Act (sec. 6-321.01, D.C. Official Code) is amended by inserting “by one or more quitclaim deeds” immediately after “to transfer”.

(c) **CLARIFICATION OF RELATION TO MASTER DEVELOPMENT PLAN.**—Section 2 of such Act (sec. 6-321.02, D.C. Official Code) is amended—

(1) by striking “an urban renewal plan” and inserting “a master plan”; and

(2) by striking “such urban renewal plan” and inserting “such master plan”.

(d) **EXPANDING PERMITTED DISPOSITIONS AND USES OF CERTAIN PROPERTY.**—Section 4 of such Act (sec. 6-321.04, D.C. Official Code) is amended to read as follows:

“SEC. 4. The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945 and section 1, to lease or sell to a redevelopment company or other lessee or purchaser such real property as may be transferred to the Agency under the authority of this Act.”.

(e) **REPEAL OF REVERSION.**—

(1) **REPEAL.**—Section 5 of such Act (sec. 6-321.05, D.C. Official Code) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 3 of such Act (sec. 6-321.03, D.C. Official Code) is amended by striking “Subject to the provisions

of section 5 of this Act, the” and inserting “The”.

(f) **CLARIFICATION OF ROLE OF DISTRICT OF COLUMBIA AS SUCCESSOR IN INTEREST.**—Section 8 of such Act (sec. 6-321.08, D.C. Official Code) is amended by striking “the terms” and all that follows and inserting “any reference to the ‘Agency’ shall be deemed to be a reference to the District of Columbia as the successor in interest to the Agency.”.

**SEC. 2. CLARIFICATION OF PERMITTED ACTIVITIES AT MUNICIPAL FISH MARKET.**

The Act entitled “An Act Authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf”, approved March 19, 1906 (sec. 37-205.01, D.C. Official Code), is amended—

(1) by striking “operate as a municipal fish wharf and market” and inserting “operate as a market and for such other uses as the Mayor determines to be appropriate”;

(2) by striking “, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia”; and

(3) by striking “operation of said municipal fish wharf and market” and inserting “operation of said market”.

**SEC. 3. MAINE LOBSTERMAN MEMORIAL.**

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in this Act or any amendment made by this Act authorizes the removal, destruction, or obstruction of the Maine Lobsterman Memorial which is located near Maine Avenue in the District of Columbia as of the date of enactment of this Act.

(b) **MOVEMENT OF MEMORIAL.**—The Maine Lobsterman Memorial referred to in subsection (a) may be moved from its location as of the date of the enactment of this Act to another location on the Southwest waterfront near Maine Avenue in the District of Columbia if at that location there would be a clear, unimpeded pedestrian pathway and line of sight from the Memorial to the water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOWDY. Mr. Speaker, I yield myself such time as I may consume.

Although the United States Constitution gives Congress exclusive legislative authority over the Federal District, in 1973 we granted the District of Columbia some significant autonomy by approving the Home Rule Act. Congress still must act, however, before the city can pursue certain activities. This brings us to the legislation before us today.

Mr. Speaker, H.R. 2297 is needed to update zoning laws to allow the District the flexibility to lease or sell real property on the Southwest waterfront to a private-sector developer. There is

currently a \$2 billion redevelopment plan pending to renovate this area, which is only a short distance from the United States Capitol building.

We hope this redevelopment plan will accomplish its goal of spurring economic development and bringing jobs to the city of Washington, D.C.

This legislation was approved by the Committee on Oversight and Government Reform by a voice vote. I again would like to thank my colleague, Ms. HOLMES NORTON from the District of Columbia, and Ranking Member CUMMINGS for working with us on this legislation.

I reserve the balance of my time.

□ 1350

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the full committee, Mr. ISSA and my good friend on the other side who is managing the bill for the committee, the chair of the subcommittee, Mr. GOWDY, for working closely with us on this bill so that we could get it to the floor today. I also thank the ranking member of the full committee and Mr. DAVIS, the subcommittee ranking member, for their very important consultation.

H.R. 2297 will allow development of the waterfront area in Southwest Washington, D.C., by making technical changes concerning land owned by the District of Columbia. The District has owned the Southwest waterfront since the early 1960s, but the legislation that transferred the land to the District contained restraints typical of the pre-home-rule period.

H.R. 2297 updates that outdated legislation to allow for the highest and best use of the land. The limitations serve no Federal purpose, but the unintended effect was to make a wasted asset of land that could be productive and revenue- and jobs-producing. Federal agencies have been consulted on H.R. 2297 and raised no objections.

The bill will allow mixed-use development on the waterfront for the first time and will create jobs and raise local and Federal revenue at a time when they are needed most. The Federal Government has no interest in the Southwest waterfront other than the Maine Lobsterman Memorial and the Titanic Memorial, which the District and the National Park Service have worked together to preserve.

The bill also expands the types of goods that can be sold at the fish market on the waterfront—a market well known in the region. The bill includes language that we developed with Senator SUSAN COLLINS of Maine to ensure the protection of the Maine Lobsterman Memorial, which is located at the Southwest waterfront near Maine Avenue.

Mr. Speaker, this is a noncontroversial bill that passed committee by voice vote that removes out-of-date restrictions. It involves no cost to the Federal Government.

I urge passage of the bill.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I would once again thank our colleague Ms. HOLMES NORTON and Ranking Member CUMMINGS. Mr. DAVIS, the ranking member of the subcommittee, as my colleague so aptly pointed out, also deserves credit.

With that, I would urge all of our fellow Members to support the passage of H.R. 2297, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 1 o'clock and 54 minutes p.m.), the House stood in recess until approximately 2:45 p.m.

□ 1451

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 2 o'clock and 51 minutes p.m.

#### ONLINE CONSENT FOR SHARING VIDEO SERVICE USE

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2471

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENT.

*Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:*

*“(B) to any person with the informed, written consent (including through an electronic means using the Internet) in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer given at one or both of the following times—*

*“(i) the time the disclosure is sought; and*

*“(ii) in advance for a set period of time or until consent is withdrawn by such consumer;”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gen-

tleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2471, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering a bipartisan bill to update the Video Privacy Protection Act of 1988. This bill will ensure that a law related to the handling of videotape rental information is updated to reflect the realities of the 21st century.

The VPPA was passed by Congress in the wake of Judge Robert Bork's 1987 Supreme Court nomination battle, during which a local Washington, D.C., newspaper obtained a list of videotapes the Bork family rented from its neighborhood videotape rental store. This disclosure caused bipartisan outrage, which resulted in the enactment of the VPPA.

The commercial video distribution landscape has changed dramatically since 1988. Back then, the primary consumer consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes. This required users to travel to their local video rental store to pick a movie. Afterward, consumers had to travel back to the store to return the rented movie. Movies that consumers rented and enjoyed were recommended to friends primarily through face-to-face conversations. With today's technology, consumers can quickly and efficiently access video programming through a variety of platforms, including through Internet protocol-based video services, all without leaving their homes.

This bill updates the VPPA to allow videotape service providers to facilitate the sharing on social media networks of the movies watched or recommended by users. Specifically, it is narrowly crafted to preserve the VPPA's protections for consumers' privacy while modernizing the law to empower consumers to do more with their video consumption preferences, including sharing names of new or favorite TV shows or movies on social media in a simple way. However, it protects the consumer's control over the information by requiring consumer consent before any of this occurs, and it makes clear that a consumer can opt-in to the ongoing sharing of his or her favorite movies or TV shows without having to provide consent each and every time a movie is rented.

It also makes clear that written, affirmative consent can be provided

through the Internet and can be withdrawn at any time.

Finally, thanks to an amendment from the gentleman from New York, the ranking member of the Constitution Subcommittee, Mr. NADLER, the amended bill we are considering today requires that the consent be distinct and separate from any other form setting forth other legal and financial obligations.

This bill is truly pro-consumer and places the decision of whether or not to share video rentals with one's friends squarely in the hands of the consumer. In fact, the cochairs of the Future of Privacy Forum correctly pointed out, in an opinion piece in Roll Call on November 29, that "the antiquated law on the books is a hindrance to consumers."

This legislation does not change the scope of who is covered by the VPPA or the definition of "personally identifiable information." In addition, it preserves the requirement that the user provide affirmative, written consent.

It is time that Congress updates the VPPA to keep up with today's technology and the consumer marketplace. This bill does just that. I hope my colleagues will join me in supporting this important piece of bipartisan legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Virginia (Mr. GOODLATTE) for his excellent presentation. I agree with him that what probably triggered this bill in 1988 was Supreme Court nominee Robert Bork's video rental history in which his privacy was violated in a very major way. And so I join him and the members of the House Judiciary Committee in supporting the Video Privacy Protection Act, which provides continued consumer protection. H.R. 2471 is very important in this respect because, over the course of the 23 years since this measure has become law, there have been significant changes in the ways and the means by which people view technological content.

Movies can now be downloaded to mobile phones; live events can be streamed in real-time to laptops using mobile Internet services. There were so many other things happening in the transformation that go on at all times that could not have been contemplated in 1988. So there was ambiguity about whether the statute applies only to physical goods, such as videocassettes and DVDs.

Under this bill, a videotape service provider means anybody engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery or prerecorded videocassette tapes or similar audiovisual materials. It's the phrase "similar audiovisual materials" that has created some ambiguity. So what we've done is specified the requirement of informed written consent for disclosure may include consent through electronic means using the Internet.

As the bill moved through committee markup, I wanted to make sure that the bill provided the greatest protections for consumer privacy. Accordingly, like the subcommittee chair, I supported the Nadler amendments that required such consent requests be clearly and prominently presented to the consumer.

□ 1500

Fortunately, those amendments were accepted. And though I feel that the bill could have gone further—I believe, for example, that the consumer should be asked periodically if their consent should be renewed—it is a good bill. Accordingly, I join in supporting its passage.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Michigan, the distinguished ranking member of the committee, for his support for the legislation.

I continue to reserve the balance of my time.

Mr. CONYERS. I am pleased to yield such time as he may consume to the gentleman from North Carolina, my friend MEL WATT of the Judiciary Committee. He is the ranking subcommittee member of this part of the Judiciary Committee.

Mr. WATT. I thank the gentleman from Michigan for yielding time. I regret that I have to be the skunk at the party today in opposition to this bill.

While I support innovation on the Web, I do not support it at the expense of consumer privacy. I believe we've rushed this bill to the floor without sufficient development and, consequently, without giving any thought to its implications for consumer privacy.

The bill would amend what is widely considered to be one of the strongest protections of consumer privacy records in the United States, the Video Privacy Protection Act, without receiving testimony from a single privacy expert. It also ignores the impact this bill may have on State laws providing similar or greater protections. At a time when we know that technology that's pervasive and invasive has become almost commonplace, our responsibility as policymakers is not to surrender to technology and to sacrifice the values that we have held dear since the founding of this Nation.

Technology and privacy are not incompatible. We can and should promote technological innovation while simultaneously preventing the unwarranted, uninformed dissemination of personal information. This bill falls short of that objective. The supporters of this bill point to the widespread sharing already taking place over the Internet, but they neglect to publicize the privacy lawsuits, some of which are still pending, against those video and music sites that permit their users to share their playlist.

The Video Privacy Protection Act was not only a reaction to the publica-

tion of Judge Robert Bork's rental records during his nomination proceeding to the United States Supreme Court. The committee report also noted where an attorney obtained video records in a custody dispute to demonstrate that the father was unfit to have custody of his children based largely on his video rental records. Many of the lawsuits today reflect consumer concerns with precisely this type of abuse and misuse of rental records and other equally private information.

The stated purpose of the bill is to respond to the new commercial video distribution landscape by empowering consumers to do more with their video consumption preference, including sharing names of new or favorite TV shows or movies on social media in a simple way. But when you really peel away the layers, you have to ask yourself one question: Who does this bill benefit? It really doesn't benefit the consumer. The consumer already has the capacity to share his or her video preferences online however she pleases.

The bill instead benefits companies by relieving them of the burden of protecting consumer records by getting a one-time universal consent to disclose users' viewing history in order to share them on social media sites. But because social media sites are often dynamic, with users' rosters of friends ever changing, a consumer's consent today to allow access to their viewing history is clearly not informed by who will be their friend tomorrow.

Today, when online bullying of teens or young adults is increasing and leading to depression or suicide, we should have greater care to ensure that their interests are not cavalierly disregarded. Allowing video service providers to release information as private as a person's viewing history, which clearly shows to the world their loves, likes, and dislikes, should not be done without careful contemplation and consideration.

In closing, I would just emphasize that I believe that technological advance and innovation are both extremely important. It is the future of America's economy. I don't question that. However, allowing the release of truly private consumer information in the name of innovation without careful consideration is reckless on our part, and I urge my colleagues to vote "no" on this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to respond to my good friend from North Carolina. He and I have attempted to work together to resolve his differences. In fact, I believe that the amendment offered by the gentleman from New York (Mr. NADLER) does resolve some of the concerns the gentleman had. But obviously, as he has just expressed, not all of them. So I would like to respond to what he has indicated.

Content providers, the Internet community, and consumer advocacy groups

support the bipartisan effort to enact a commonsense modernization of the Video Privacy Protection Act. Hulu, Google, Facebook, IAC, Apple, the Center for Democracy and Technology, and the Future of Privacy Forum are among those who see H.R. 2471 for the simple modernizing amendment that it is.

The VPPA contains a strict standard of privacy: Opt-in consent. The proposed amendment to the VPPA, H.R. 2471, keeps the opt-in standard fully intact. H.R. 2471 enhances the protection provided by the VPPA by ensuring that the opt-in consent required must be separate and distinct from any other end-user agreement. This measure further empowers consumers to make decisions about their information in a manner that is fully informed.

None of the examples provided by Mr. WATT illustrated disagreement between the commenters he highlighted with the consumer empowerment measures that H.R. 2471 provides. H.R. 2471 simply gives consumers the freedom to share what they've watched with their friends if they would like to. It grants consumers the same right to share movies and television shows that they've enjoyed, as is already possible for music, news, and books. He correctly notes that someone can right now go on Facebook or some other social media and say, I watched this movie or that television show, and I like it or don't like it. The difference, however, is that consumers do not understand why they can have an arrangement for the music they listen to to immediately go up online so that their friends can listen to the same music simultaneously, but with regard to movies they have to take additional steps that can, under circumstances, be inconvenient to them. That's why they like this convenience, and that's why consumers should have it. And that's why this bill empowers consumers in ways that they are not empowered today, and why it is a real consumer bill.

H.R. 2471 ensures that the VPPA's high standard of privacy protection remains untouched. Consumers must affirmatively opt in to share with friends the movies and television shows they've watched. A consumer can withdraw his or her consent at any time. And H.R. 2471 is narrowly tailored to update the VPPA, a 1980s law, to make it compatible with consumers' desires, with consumers' communication, with consumers' socializing on the Internet in the 21st century.

□ 1510

The committee has indicated in its report language that there is no intention for this clarification to negate in any way existing laws, regulations, and practices designed to protect and provide the privacy of children on the Internet. As always, however, the first line of defense to protecting a child's privacy while online is the parents.

Social networking Web sites allow users to share personal information

about themselves with their friends; but used inappropriately, personal information can be shared beyond a user's friends. Just as parents are responsible for teaching their children not to talk to strangers, the committee expects parents to play an active role in ensuring their children's proper use of social networking or any other Web sites on the Internet.

This legislation in no way changes the privacy protection for children on the Internet. And that law, as the VPPA itself, with regard to its privacy protections and its opt-in requirements, is not changed. This is simply a modern way for people to be able to communicate with their friends in ways that are convenient to them and that they already use and do not understand why, if they can use it with music, with news, with books, with other forms of communication and speech, that they can't do it with regard to their movie and television shows.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield my colleague from North Carolina (Mr. WATT) as much time as he may consume.

Mr. WATT. I thank the gentleman for yielding once again.

And in response to my colleague from Virginia (Mr. GOODLATTE), we have in fact been trying to work out our differences. The problem is that his definition of protecting privacy is not as extensive as my definition of protecting privacy. And I think my definition of protecting privacy is more consistent with consumers, because consumers keep filing these lawsuits to try to protect themselves from the disclosure of their personal information.

The Electronic Privacy Information Center, which has been at the forefront of ensuring privacy protections for consumers in the information age, just last week secured a victory for Facebook users when its complaint to the Federal Trade Commission resulted in a settlement requiring Facebook to establish an extensive privacy program. Analytics Company and Web video Hulu.com have been hit with another privacy lawsuit over their alleged use of supercookies to track people.

There is case after case after case of consumers' information being used, abused, and misused, and here we are making it easier for that to occur by saying you can give one time—they already have the authority to release the information when they download a movie now, but this will give one-time, universal coverage to release everything that I view on video. And that's inconsistent with what I think is necessary to protect the privacy of people in this electronic age.

Now, I understand that there are people who have an interest in this; I mean, there are people who profit from mining this kind of information. But our interest should be in protecting the rights of consumers, protecting them

from having this kind of private information—I would think since the original Video Protection Act was about protecting the privacy of Judge Robert Bork and people going into his records to review his video viewing privacy, that my colleagues on the opposite side of the aisle would be the most vigorous in trying to protect this. But here we are giving in to the interests that will make money out of this and exposing our children and our own viewing habits to this kind of intrusive action on our part, and we are doing it without the benefit of any testimony at a hearing to talk about this. We should simply not be doing this.

I would like to submit for the RECORD a letter dated December 5, 2012, from the Electronic Privacy Information Center in which they aggressively oppose this legislation. They say they are a nonpartisan public interest research organization.

The Video Privacy Protection Act was passed in 1988, following disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage, and the act was signed by President Ronald Reagan. This act is considered a model privacy act in many respects. It is technology neutral.

And this bill undermines this Video Privacy Act that was the model act that was designed to protect a Republican nominee to the Supreme Court and was signed into law by a Republican President. And here we are in this Congress getting ready to send a bill over to the Senate—which hopefully they won't act on; they will save us from our own ineptitude—which would undermine the key provision of the Video Protection Act, which is the right of users to give meaningful consent to the disclosure of their personal information.

This blanket consent, according to the Electronic Privacy Information Center—and I agree with them wholeheartedly. The blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information.

“While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this. The history of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for.”

In fact, Facebook, as we just indicated, just entered into a settlement of a privacy lawsuit. And here we are on the floor of the House saying that we value the business interests more than we value the personal privacy interests of individual citizens.

This is a bad idea. It shouldn't be here on the suspension calendar as if it's a noncontroversial clarification of

the law. This is a dramatic undermining of the Video Privacy Protection Act. We are doing a disservice to our constituents by giving this authority. They already have the authority to do it on a case-by-case-by-case basis. It may be inconvenient to the companies to get the authority given to them that way, but that's the way it should be given to them, not in some blanket authority that just allows the companies to go in and use this information willy-nilly and without regard to the privacy.

I thank the gentleman for yielding again. And I may ask him to yield again depending on what happens—oh, he says he's not going to yield to me anymore.

I just think my colleagues should vote against this bill, defeat it on suspension, and let's at least debate it under regular order on the floor of the House or send it back to the committee so we can have some hearings about the privacy implications so we can get this done.

ELECTRONIC PRIVACY  
INFORMATION CENTER,

Washington, DC, December 5, 2011.

Congressman MEL WATT,  
Rayburn HOB,  
Washington, DC.

DEAR CONGRESSMAN WATT: Thank you for your request for comments from the Electronic Privacy Information Center ("EPIC") regarding H.R. 2471, which would amend the Video Privacy Protection Act ("VPPA"). EPIC had hoped to provide comments at a hearing on the bill, but as the sponsors of the legislation chose to push through the legislation without the opportunity for public discussion, we appreciate the opportunity to share our views in response to your request.

EPIC is nonpartisan, public interest research organization, established in 1994 to focus public attention on emerging privacy and civil liberties issues. We maintain two of the most popular privacy sites on the Internet—EPIC.ORG and PRIVACY.ORG—and testify frequently in Congress. We have also represented the interests of Facebook users over the years in a wide range of privacy matters.

The Video Privacy Protection Act was passed in 1988 following the disclosure of the private video rental records of a Supreme Court nominee by a video rental store to a news organization. There was broad-based support for passage and the Act was signed into law by President Reagan. The VPPA is considered a model privacy law in many respects—it is technology neutral, focusing on the obligations of businesses and the rights of customers in the collection and use of personal information. It makes clear the circumstances when personal information may be disclosed and it provides a private right of action when violations occur.

The VPPA makes no specific references to particular technologies. First Amendment concerns are addressed in the Act by recognizing that when the press seeks to publish information, Congress may not limit the rights of the press. However, businesses that collect information from their customers have an obligation to safeguard that information and to ensure it is used only for appropriate purposes. As with most privacy laws, the VPPA contains a consent provision that allows individuals to disclose their personal information to others if they wish. There is nothing in the Act that prevents individuals from so doing.

H.R. 2471 would undermine the key provision in the VPPA, which is the right of users to give meaningful consent to the disclosure of their personal information. Such blanket consent provisions transfer control from the individual user to the company in possession of the data and diminish the control that Netflix customers would have in the use and disclosure of their personal information. While we recognize that other companies routinely report on the activities of their customers, we note that Facebook users have never been particularly happy about this—the history of Beacon is well known—and also that the routine disclosure of video viewing activities is not something that most Facebook users are clamoring for. If anything, most Netflix users seem to be unhappy about the company's disregard for its customers.

The proposal is particularly surprising in light of the recent decision by the Federal Trade Commission concerning Facebook and privacy, which found that when companies seek to change the privacy defaults of their users, they are essentially engaging in an unfair and deceptive trade practice. That would be the practical impact of this amendment—to take away control of the user's information after the user had subscribed to the service. There is nothing in the proposal that would "modernize" the Act; it simply allows Netflix to post more information about the activity of its customers, whether or not the customers would choose to post such information themselves.

EPIC would therefore recommend that members of Congress vote NO on H.R. 2471. Users remain free to disclose their video viewing habits if they wish; there is no reason to change the default. EPIC would also recommend a hearing on the legislation so that all views, both for and against, can be presented, and Members are provided an opportunity to fully assess the proposal.

Privacy is the number one concern of Internet users today. It would be foolish to adopt an amendment that weakens privacy legislation already in place.

Please feel free to contact me if you have any further questions.

Sincerely,

MARC ROTENBERG,  
President, *Electronic Privacy  
Information Center (EPIC)*.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

In no way does this legislation in any way undercut the principal purpose of the Video Privacy Protection Act because the power rests with the consumer.

□ 1520

Basically, what this legislation does is it empowers consumers to do things in the 21st century with regard to their movie and television viewing, communications with their friends that they already have with music, they already have with news, they already have with books or magazine articles that they read; and we should have that kind of consistency in the law.

The Video Protection Privacy Act remains strong, and its principal purposes remain there intact; and it has an opt-in requirement, an opt-in requirement that anyone who wants to avail themselves of this convenience has to give informed consent to do so.

I urge my colleagues to support this very bipartisan legislation. It has

strong support on both sides of the aisle.

I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield the remainder of my time to a distinguished magistrate from Georgia (Mr. JOHNSON), now a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. JOHNSON of Georgia. Thank you, mister ranking member.

Mr. Speaker, I rise today in opposition to passage of H.R. 2471. This bill will make it easy for video producers to be able to sell to others information that consumers may feel is private.

Now, I, myself, don't want folks to know that I have ordered up "Debbie Does Dallas." I may not mind if they know that I ordered up "J. Edgar," but I don't want them to know that I ordered "Good Girls Gone Bad." And on behalf of Judge Robert Bork, I certainly wouldn't want anyone to be able to uncover the fact that he's been ordering up relentlessly the film "Bad Boys of Summer."

We have a right to privacy, and that right should not just be given away without adequate knowledge on behalf of the consumer what they're giving away.

This bill has proceeded to the suspension calendar without any kind of hearing before the Judiciary Committee on whether or not the bill should be marked up or not. We have not heard from experts. We don't know what kind of waiver by Internet, we don't know the mechanics of that waiver. We don't know how easy it will be to waive your right. It could be as easy as waiving your right to a jury trial in a cell phone contract. For those reasons, I ask that this bill be denied.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume just to say to the gentleman from Georgia that I have good news for him. There is absolutely no way that anyone can, under this legislation, find out any of his video-viewing habits unless he consents, with informed consent, with a separate consent to allowing that information to be made known to anybody.

Again, this legislation makes good sense. It's what consumers want in the 21st century. It's how they share their information online. And those who don't want to share their information this way do not have to give this consent. Therefore, this legislation, I think, strikes the right balance.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2471. This bill would update the Video Privacy Protection Act by giving consumers the ability to use social media to discuss movies they have been watching. When it was passed in 1988, internet social media did not exist, and the law needs an update for the digital age.

This legislation explicitly prevents businesses from using an "opt out" mechanism

which businesses might abuse to consumers' detriment. Instead, it requires that consumers proactively choose to share their movie preferences with their friends. For this reason, the Future of Privacy Forum, a consumer advocacy group, supports this legislation.

This update ensures that consumers can use existing social media outlets to discuss movies they have watched. It may also contribute to the health of the movie industry by integrating it more fully into new modes of internet communications used by consumers.

I applaud my colleague from Virginia, Mr. GOODLATTE, for his work on this legislation and urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 2471, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### TEMPORARY BANKRUPTCY JUDGESHIP EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1021

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Bankruptcy Judgeships Extension Act of 2011".

#### SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

- (A) The central district of California.
- (B) The eastern district of California.
- (C) The district of Delaware.
- (D) The southern district of Florida.
- (E) The southern district of Georgia.
- (F) The district of Maryland.
- (G) The eastern district of Michigan.
- (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York.
- (K) The eastern district of North Carolina.
- (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.

(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the central district of California—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109-8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102-361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

#### SEC. 3. BANKRUPTCY FILING FEE.

(a) BANKRUPTCY FILING FEE.—Section 1930(a)(3) of title 28, United States Code, is amended by striking "\$1,000" and inserting "\$1,042".

(b) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1021, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

One of the results of a slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past 3 years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our Federal bankruptcy courts. The important bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse; and large, complex chapter 11 cases, like the recently filed mega-case of American Airline, are time intensive for our bankruptcy judges.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status, and extended temporary judgeships. The House passed that bill, but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the ranking member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN, the chairman of that subcommittee, HOWARD COBLE, and the ranking member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next 5 years as a result of a judge's death, removal, retirement, or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession; but Congress should also conserve Federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I want to thank the bill's cosponsors for their bipartisan support.

One of the results of the slack economy is that more individuals and businesses have filed for bankruptcy. In fact, over the past three years, the number of bankruptcy petitions filed in bankruptcy courts has doubled. While recent data show that the volume of cases is beginning to subside, our bankruptcy judges remain hard at work.

Bankruptcy judges are critical to the operation of our federal bankruptcy courts. The im-

portant bankruptcy reforms Congress passed in 2005, for example, called on judges to do more to help prevent bankruptcy abuse. And large, complex chapter 11 cases, like the recently filed mega-case of American Airlines, are time-intensive for our bankruptcy judges.

However, no new bankruptcy judgeships have been created since 2005. At that time, Congress created temporary judgeships so that it could periodically review the caseloads in each district and assess whether the temporary judgeship was still needed. Permanent judgeships have not been authorized since 1992.

Every two years, the Judicial Conference of the United States publishes a report to Congress that details the judicial needs of each district. The Conference evaluates need based on a "weighted caseload" analysis. The 2011 weighted caseload statistics demonstrate that judges are desperately needed in many districts.

In the last Congress, the Judiciary Committee reported a bankruptcy judgeships bill that would have created new permanent judgeships, converted temporary judgeships to permanent status and extended temporary judgeships. The House passed that bill but it did not pass the Senate.

As a result, several temporary judgeships are in danger of being unable to be refilled if there is a vacancy. But the need for bankruptcy judges remains high.

I introduced the legislation under consideration with the Ranking Member of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee, STEVE COHEN; the Chairman of that subcommittee, HOWARD COBLE; and the Ranking Member of the full Judiciary Committee, JOHN CONYERS.

This bill permits 23 temporary bankruptcy judgeships in judicial districts throughout the country to be filled if there is a judgeship vacancy in those districts during the next five years as a result of a judge's death, removal, retirement or resignation.

Congress should ensure there are enough bankruptcy judges to handle the increased caseloads as a result of the recession. But Congress should also conserve federal resources and conduct periodic oversight of judicial caseloads. H.R. 1021 authorizes a 5-year extension, which preserves Congress's ability to reassess the need for bankruptcy judges in a few years.

The relief a debtor receives from the bankruptcy system is extraordinary; they either reorganize their debts on more favorable terms or they get a complete discharge of all their prepetition debts. All except the poorest of debtors pay a fee to file a bankruptcy case and receive these benefits.

I believe it is fair to use debtors' filing fees to pay for the costs associated with our bankruptcy judges. This legislation, as amended, raises the filing fee on chapter 11 reorganization cases from \$1000 to \$1042—a modest 4 percent increase. As a result, this bill does not increase direct spending by the federal government.

Time is of the essence. I urge the Senate also to act quickly on this measure so that our bankruptcy system may continue to operate with speed and efficiency.

I thank the bill's cosponsors for their bipartisan support.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 5, 2011.

Hon. LAMAR SMITH,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 1021, as amended, the "Temporary Bankruptcy Judgeships Extension Act of 2011," which is scheduled for Floor consideration the week of December 5, 2011.

As you know, the Committee on Ways and Means maintains jurisdiction over revenue measures generally. H.R. 1021, as amended, contains a provision that raises revenue by increasing the Chapter 11 filing fees for the operation and maintenance of the courts of the United States, which falls within the jurisdiction of the Committee on Ways and Means. In order to expedite this bill for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1021, as amended, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 1021, the "Temporary Bankruptcy Judgeships Extension Act of 2011," as amended, which is scheduled for consideration by the House during the week of December 5.

I am most appreciative of your decision to forego consideration of H.R. 1021, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Ways and Means is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that Ways and Means be represented therein.

Finally, I shall be pleased to include this letter and your letter of the same date in the Congressional Record during floor consideration of H.R. 1021.

Sincerely,

LAMAR SMITH,  
Chairman.

I reserve the balance of my time.  
Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the excellent description of the chairman, LAMAR SMITH, on H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act. This is a very bipartisan piece of legislation, extending by 5 years the authorizations for 30 temporary bankruptcy judges in more than 20 judicial districts around the country.

I might point out that we're not adding bankruptcy judges; and, Members of the House, that's what we ought to be doing, really, instead of just continuing the same number. We need

more. Why? Because bankruptcy judges are needed more than ever.

The bankruptcy filings have increased during the worst economic downturn the Nation has experienced since the Great Depression because long-term high unemployment rates and reduced incomes have sent more people into the bankruptcy court, because of the continuing mortgage foreclosure crisis which has affected so many people, and the increasingly onerous credit card obligations, and the sky-high student loans that are being collected on, and the uninsured medical debt.

□ 1530

Last year 1.6 million bankruptcy cases were filed, representing a more than 8 percent increase over the prior years. Two of the Nation's largest automobile manufacturers in Detroit, General Motors and Chrysler, filed for bankruptcy relief under chapter 11. These two cases alone involved billions of dollars, tens of thousands of workers, thousands of auto dealers, and thousands of creditors located in all parts of our Nation. Just last month, American Airlines filed for chapter 11 bankruptcy relief, and the national bookstore chain Borders filed last month.

A third factor must be kept in mind: that while we maintain the status quo, more needs to be done. Bankruptcy courts have been performing admirably but under critical strain. So while the bankruptcy courts' workload increases, judicial resources are, in fact, diminishing. And that's why we're authorizing new judicial membership in the bankruptcy courts in the coming year, if everything works out as we anticipate.

Right now, though, we merely ask the House of Representatives to support the bill that I and Chairman SMITH have cosponsored which would maintain the new judges that are on the bench but will not add any more.

I urge your support for the additional judgeships.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. I yield such time as he may consume to the distinguished gentleman from Georgia, Mr. HANK JOHNSON, a member of the committee.

Mr. JOHNSON of Georgia. I thank the ranking member.

Mr. Speaker, I rise in support of H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act of 2011, sponsored by my good friend Representative SMITH of Texas, who is also the chair of the Judiciary Committee, which I am pleased to serve on.

I would point out how ironic it is because we are now in the 336th day of this reign of the Tea Party Republican Party, which is unalterably linked with the notorious Grover Norquist and his tax pledge, his pledge to not raise taxes. We're getting ready, Mr. Speaker, to get to the end of this year, and

we still have 160 million Americans at risk of suffering a tax increase, \$1,000 a person on average. I don't know how many millions of dollars that would take out of consumers' pockets. And I don't hear Grover Norquist or the Tea Party Republicans crying about that. If it's the middle class, the working people tax increase, it's okay. If it is the top 1 percent making over a million bucks a year, then "you can't touch this." Well, I think the American people know that it's "hammer time" out here. It's time for there to be justice and fairness for all under the law. And it's ironic we need these bankruptcy court judges' tenures to be extended, as this Act would allow, because there's going to be more bankruptcies filed.

Just \$1,000 can push a person over the edge in terms of their solvency. People are now just living paycheck to paycheck, hand-to-mouth, trying to determine whether or not we're going to pay the light bill or whether or not we're going to get the medication that we need in order to be healthy. People are deciding whether or not to pay the gas bill or whether or not they're going to be able to eat more than ramen noodles every night for the month. So \$1,000 means a lot. It may not mean a lot to a millionaire, one of those top 1 percent that my Tea Party Republican friends so heartily support, but it will hurt the little man and woman and their families, especially at Christmas time.

At a time when the corporate chieftains are getting their bonuses, multi-million-dollar bonuses based on increased profits, we're still left on December 6 with people being worried about whether or not they're going to suffer a tax increase on January 1. So let's not impose an average \$1,000—actually, \$1,500; let's not impose the threat of a \$1,500 tax increase on the middle class and working people by failing to do what we should have done much earlier. There's no reason why we have not done this, why we have not expanded the payroll tax cut that was enacted last year. Let's keep that \$1,500 in the pockets of the average middle class family. Let's try to keep down the need for people to go into bankruptcy court. Let's at some point let it expire, the number of bankruptcy court judges temporarily serving.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1021, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 479; adopting House Resolution 479, if ordered; and suspending the rules and passing H.R. 2471.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 13, as follows:

[Roll No. 889]

YEAS—236

Adams	Coffman (CO)	Gosar
Aderholt	Cole	Gowdy
Amash	Conaway	Granger
Amodei	Cravaack	Graves (GA)
Austria	Crawford	Graves (MO)
Bachus	Crenshaw	Griffin (AR)
Barletta	Culberson	Griffith (VA)
Bartlett	Davis (KY)	Grimm
Barton (TX)	Denham	Guinta
Bass (NH)	Dent	Guthrie
Benishke	DesJarlais	Hall
Berg	Diaz-Balart	Hanna
Biggert	Dold	Harper
Bilbray	Dreier	Harris
Bilirakis	Duffy	Hartzler
Bishop (UT)	Duncan (SC)	Hastings (WA)
Black	Duncan (TN)	Hayworth
Blackburn	Ellmers	Heck
Bonner	Emerson	Hensarling
Bono Mack	Farenthold	Herger
Boustany	Fincher	Herrera Beutler
Brady (TX)	Fitzpatrick	Huelskamp
Brooks	Flake	Hultgren (MI)
Broun (GA)	Fleischmann	Hultgren
Buchanan	Fleming	Hunter
Bucshon	Flores	Hurt
Buerkle	Forbes	Issa
Burgess	Fortenberry	Jenkins
Burton (IN)	Fox	Johnson (IL)
Calvert	Franks (AZ)	Johnson (OH)
Camp	Frelinghuysen	Johnson, Sam
Campbell	Galleghy	Jones
Canseco	Gardner	Jordan
Cantor	Garrett	Kelly
Capito	Gerlach	King (IA)
Carter	Gibbs	King (NY)
Cassidy	Gibson	Kingston
Chabot	Gingrey (GA)	Kinzing (IL)
Chaffetz	Gohmert	Kline
Coble	Goodlatte	Labrador

Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luettkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

## NAYS—184

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel

Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)

Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky

## NOT VOTING—13

Akin  
Alexander  
Bachmann  
Cardoza  
Castor (FL)

Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman

Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Giffords  
Hinchev  
Inslee  
Lowey  
Marino

Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns

## □ 1607

Mr. COURTNEY and Ms. LORETTA SANCHEZ of California changed their vote from “yea” to “nay.”

Ms. BUERKLE changed her vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 180, not voting 18, as follows:

[Roll No. 890]

## YEAS—235

Adams  
Aderholt  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier

Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gratch  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goollatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huitzenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins

Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
LoBiondo  
Long  
Lucas  
Luettkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Cardoza  
Olson  
Palazzo

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)

## NAYS—180

Fudge  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
McIntyre  
Doyle  
Edwards  
Ellison  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Napolitano  
Neal  
Oliver

## NOT VOTING—18

Cravaack  
Franks (AZ)  
Garamendi  
Myrick  
Hinchev  
Inslee

Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Royal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

□ 1613

So the resolution was agreed to.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

**ONLINE CONSENT FOR SHARING VIDEO SERVICE USE**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2471) to amend section 2710 of title 18, United States Code, to clarify that a videotape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.  
This will be a 5-minute vote.  
The vote was taken by electronic device, and there were—yeas 303, nays 116, not voting 14, as follows:

[Roll No. 891]

**YEAS—303**

Adams	Connolly (VA)	Green, Gene
Aderholt	Conyers	Griffin (AR)
Altmire	Cooper	Griffith (VA)
Amash	Costa	Grimm
Amodei	Courtney	Guinta
Andrews	Crawaack	Guthrie
Austria	Crawford	Hall
Bachus	Crenshaw	Hanna
Barletta	Critz	Harper
Barrow	Cuellar	Harris
Bartlett	Davis (CA)	Hartzler
Bass (NH)	Davis (KY)	Hastings (WA)
Benishek	Denham	Hayworth
Berg	Dent	Heck
Berkley	DesJarlais	Heinrich
Berman	Deutch	Hensarling
Biggert	Diaz-Balart	Heger
Bilbray	Doggett	Higgins
Bilirakis	Dold	Hochul
Bishop (UT)	Donnelly (IN)	Holden
Black	Doyle	Honda
Blackburn	Dreier	Hoyer
Blumenauer	Duffy	Huelskamp
Bonner	Duncan (SC)	Huizenga (MI)
Bono Mack	Duncan (TN)	Hultgren
Boren	Ellmers	Hunter
Boswell	Emerson	Hurt
Boustany	Eshoo	Israel
Brady (PA)	Farr	Issa
Brady (TX)	Filner	Jenkins
Braley (IA)	Fincher	Johnson (OH)
Brooks	Fitzpatrick	Johnson, Sam
Broun (GA)	Flake	Jordan
Buchanan	Fleischmann	Kelly
Buchson	Fleming	King (IA)
Buerkle	Flores	King (NY)
Burgess	Forbes	Kingston
Burton (IN)	Fortenberry	Kinzinger (IL)
Calvert	Fox	Kline
Camp	Franks (AZ)	Labrador
Campbell	Frelinghuysen	Lamborn
Canseco	Galleghy	Lance
Cantor	Gardner	Landry
Capito	Garrett	Langevin
Capps	Gerlach	Lankford
Carney	Gibbs	Larsen (WA)
Carter	Gibson	Latham
Cassidy	Gingrey (GA)	LaTourette
Chabot	Gonzalez	Latta
Chaffetz	Goodlatte	Lewis (CA)
Chu	Gosar	Lipinski
Coble	Govdy	LoBiondo
Coffman (CO)	Granger	Lofgren, Zoe
Cole	Graves (GA)	Long
Conaway	Graves (MO)	Lucas

Luetkemeyer	Pence
Lujan	Perlmutter
Lummis	Peters
Lungren, Daniel E.	Petri
Lynch	Pitts
Mack	Platts
Manzullo	Poe (TX)
Marchant	Polis
Matheson	Pompeo
Matsui	Posey
McCarthy (CA)	Price (GA)
McCarthy (NY)	Quayle
McCaul	Qigley
McClintock	Rahall
McCollum	Reed
McCotter	Rehberg
McHenry	Reichert
McIntyre	Renacci
McKeon	Ribble
McKinley	Rigell
McMorris	Rivera
Rodgers	Roby
McNerney	Roe (TN)
Meehan	Rogers (AL)
Mica	Rogers (KY)
Michaud	Rogers (MI)
Miller (FL)	Rohrabacher
Miller (MI)	Rokita
Miller, Gary	Rooney
Mulvaney	Ros-Lehtinen
Murphy (CT)	Roskam
Murphy (PA)	Ross (AR)
Neugebauer	Ross (FL)
Noem	Rothman (NJ)
Nugent	Royce
Nunes	Runyan
Nunnelee	Ruppersberger
Olson	Ryan (WI)
Owens	Sánchez, Linda T.
Palazzo	Sanchez, Loretta
Pallone	Sarbanes
Pascrell	Scalise
Paul	Schilling
Paulsen	Schmidt
Pearce	Schock
Pelosi	Schrader

**NAYS—116**

Ackerman	Gutierrez
Baca	Hahn
Baldwin	Hanabusa
Barton (TX)	Hastings (FL)
Bass (CA)	Herrera Beutler
Becerra	Hinojosa
Bishop (GA)	Hirono
Bishop (NY)	Holt
Brown (FL)	Jackson (IL)
Butterfield	Jackson Lee
Capuano	(TX)
Carnahan	Johnson (GA)
Carson (IN)	Johnson (IL)
Chandler	Johnson, E. B.
Ciilline	Jones
Clarke (MI)	Kaptur
Clarke (NY)	Keating
Clay	Kildee
Cleaver	Kind
Clyburn	Kissell
Cohen	Kucinich
Costello	Larson (CT)
Crowley	Lee (CA)
Culberson	Levin
Cummings	Lewis (GA)
Davis (IL)	Loeb
DeFazio	Loeb
DeGette	Lowey
DeLauro	Maloney
Dingell	Markey
Edwards	McDermott
Ellison	McGovern
Engel	Meeke
Farenthold	Miller (NC)
Fattah	Miller, George
Frank (MA)	Moore
Fudge	Moran
Garamendi	Napolitano
Green, Al	Neal
Grijalva	Oliver

**NOT VOTING—14**

Akin	Dicks
Alexander	Giffords
Bachmann	Gohmert
Cardoza	Hinche
Castor (FL)	Inslee

□ 1621

Mr. RUSH changed his vote from "yea" to "nay."  
So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Mr. AKIN. Mr. Speaker, on rollcall No. 889, 890 and 891, I was delayed and unable to vote. Had I been present I would have voted "yea" on all three.

□ 1620

**GIVING CONGRESSIONAL CONSENT TO MISSOURI AND ILLINOIS BI-STATE DEVELOPMENT AGENCY**

Mr. GOHMERT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 22) to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

**S.J. RES. 22**

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONSENT.**

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

**SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.**

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

**SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is expressly reserved.

Schwartz	Thompson (CA)
Schweikert	Thompson (PA)
Scott (SC)	Thornberry
Scott, Austin	Tiberi
Sensenbrenner	Tipton
Sessions	Tonko
Shimkus	Turner (NY)
Shuler	Turner (OH)
Shuster	Upton
Simpson	Walberg
Sires	Walden
Smith (NE)	Walsh (IL)
Smith (NJ)	Walz (MN)
Smith (TX)	Waters
Smith (WA)	Waxman
Southerland	Webster
Stivers	West
Stutzman	Westmoreland
Sullivan	Whitfield
Terry	Wilson (SC)
Thompson (CA)	Wittman
Thompson (PA)	Wolf
Thornberry	Womack
Tiberi	Woodall
Tipton	Yoder
Tonko	Young (AK)
Turner (NY)	Young (IN)
Turner (OH)	
Upton	
Walberg	
Walden	
Walsh (IL)	
Walz (MN)	
Waters	
Waxman	
Webster	
West	
Westmoreland	
Whitfield	
Wilson (SC)	
Wittman	
Wolf	
Womack	
Woodall	
Yoder	
Young (AK)	
Young (IN)	

**SEC. 4. RESERVATION OF RIGHTS.**

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The text of the amendment is as follows:

Amendment:

Strike out all after the resolving clause and insert:

**SECTION 1. CONSENT.**

(a) *IN GENERAL.*—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96-1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) *EFFECTIVE DATE.*—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on the date of enactment of this Act.

**SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.**

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

**SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is expressly reserved.

**SEC. 4. RESERVATION OF RIGHTS.**

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S.J. Res. 22, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

The Founding Fathers did not believe that the Federal Government should try to solve every problem in the country. Instead, they believed that local problems should have local solutions. This system of federalism became the bedrock of the Constitution.

One particular aspect of our federalist system is found in the Compact Clause of the Constitution. The clause recognizes agreements or contracts that States make among themselves, with congressional approval when necessary. Today, there are approximately 200 active interstate compacts addressing a variety of issues that range from environmental and energy policy to natural resources to traffic and transportation. Rather than wait for a one-size-fits-all program from Washington, D.C., the Constitution allows States to solve these kinds of problems for themselves.

In 1949, Missouri and Illinois formed a compact to create the Bi-State Development Agency. The agency's mission is to facilitate and coordinate economic and infrastructure development in the St. Louis metropolitan area. Among other projects, the agency runs the public transportation system in St. Louis. The agency does not have taxing authority, but it may issue bonds. For example, in the 1960s, the agency sold bonds to finance construction of the tram to the top of the Gateway Arch, which it operates today. The compact allows the agency to sell 30-year bonds. Last year, most States adopted legislation to amend the compact and allow the agency to issue 40-year bonds.

In addition to other capital improvements, the agency could use revenue from these 40-year bonds to support the CityArchRiver 2015 initiative. The purpose of the CityArchRiver 2015 is to better connect downtown St. Louis with the Gateway Arch and the Jefferson National Expansion Memorial national park. The project also involves building elevated walkways across the river to Illinois.

Senate Joint Resolution 22 gives congressional approval to this amendment, the Missouri-Illinois Interstate Compact. The Judiciary Committee marked up its companion, House Joint Resolution 70, on September 21. The suspension version of Senate Joint Resolution 22 contains one amendment, to correct a minor drafting error regarding the effective date. With this amendment, Senate Joint Resolution 22 will be effective upon the date of enactment.

In conclusion, I'm pleased to see this feature of our federalist system at work. I urge my colleagues to join me in supporting this resolution and look forward to its swift passage.

With that, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, under the Constitution, article I, section 10, clause 3, these kinds of interstate compacts must be ratified by the House of Representatives. Senate Joint Resolution 22 gives congressional approval to an agreement between Missouri and Illinois to amend the interstate compact establishing the Bi-State Development Agency.

My colleague on the Judiciary, Judge Gohmert, has expertly described what it is that brings us here, but I would merely add that the congressionally approved interstate compact establishing the Bi-State Development Agency in 1950 serves as the primary provider of the public transportation for the St. Louis metropolitan area. It also develops, maintains, owns, and operates bridges, airports, wharves, docks, grain elevators, industrial parks, parking facilities, refuse and waste handling facilities, as well as fuel, energy, air, water, rail, or commodity storage areas. Also, there is a 40-year maximum maturity period for

bonds and other financial instruments which will allow the agency to finance projects for longer periods of time.

I congratulate my colleague from St. Louis, WILLIAM LACY CLAY, a distinguished Member from Missouri whose father was in on the first interstate compact, and now we're proud that he and other of his colleagues from both Missouri and Illinois are supporting this Senate Joint Resolution 22. I urge its favorable consideration.

I would like to yield the distinguished gentleman as much time as he may consume.

□ 1630

Mr. CLAY. Madam Speaker, I want to thank the chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee for their leadership and for moving this critical resolution.

I'm proud to have introduced the House version of this joint resolution, and it accomplishes two very good things: S.J. Res. 22 approves an important amendment to a compact between two States.

As was mentioned before, in 1949, Missouri and Illinois entered into an agreement to foster "regional economic development through excellence in transportation." The compact created the Bi-State Development Agency. Congress approved it, and has approved several amendments over the last 6 decades.

The agency, now known as "Metro," operates the St. Louis Metropolitan region's public transportation system. It has more than 2,400 employees and carries over 55 million passengers each year.

This resolution approves a small but crucial change to the Bi-State Compact. Both State legislatures have passed it, and both Governors have signed it. This is a necessary and good amendment, and there is no negative impact to the Nation or to States. As such, Congress should approve it.

This resolution also enables the Congress to fulfill one of its constitutional duties. And I agree with my good friend, Mr. GOHMERT, that Congress should not overstep its authority. While we do not always agree on the limits of that power, we agree on this resolution and on the constitutional authority for it.

Article I, section 10, clause 3 of the Constitution says that "No State shall, without the consent of Congress . . . enter into an agreement or compact with another State."

The Framers of the Constitution required that Congress would have to approve these agreements to protect the interests and rights of the other States. This also protects the rights of the citizens within the States that are party to the compact by providing Federal oversight.

This clause was a compromise. There were those who wanted to give the Federal Government greater power over the States, including the authority to

regulate to negate State laws. Others felt very strongly that this would be overly nationalist and broad.

The Constitutional Convention, rather than giving the Federal Government complete control over everything, or nothing, compromised. They compromised for the good of the Nation. They granted the Federal Government blanket authority over some areas. They also limited the Federal Government's authority in others. And they required congressional approval for agreements between the States.

This compromise, one of many that formed our great country, demonstrates that two opposing sides, who each feel passionately about their point of view, can come together and compromise for the good of the Nation. They each put aside their well-intentioned and strongly held belief that they were completely correct, and that the other side was completely wrong, and found a way to work out the differences. Each gave up something they held dear in order to achieve a higher good: That was the creation of a strong Nation, a Nation that would endure.

Madam Speaker, there is a lesson here, a 224-year old lesson for us who serve in Congress today.

Once again, I thank the chairman and ranking member.

Mr. GOHMERT. I have no requests for time, and I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield as much time as she may consume to the distinguished gentlelady from Houston, Texas (Ms. JACKSON LEE), a senior member of the committee.

Ms. JACKSON LEE of Texas. Madam Speaker, I want to applaud the gentleman from Texas (Mr. GOHMERT), the ranking member, and my colleague from Missouri, and to echo the comments of Mr. CONYERS on his father, but also the stellar work that he is doing. As a member of the delegation, we can always count on Missouri to test the Constitution and to ask the United States to do what is right.

I am rising to support this compact. Frankly, I want to really embrace it because it is maybe one aspect of legislation, Madam Speaker, that we are actually bipartisan and supporting it without hesitation.

I, frankly, believe that the Federal Government should not overreach as it relates to compacts that have been between States. But I do think that regulation is key and crucial to give States extra leverage.

So let me congratulate Mr. CLAY. And I look forward to supporting this legislation.

I will add, as well, that when I think of bonds, I think of opportunities for building, using resources to restore. And by the very nature of that, Madam Speaker, we're talking about creating jobs.

So I add another applause to this particular legislation coming out of the Judiciary Committee because, for once,

among many bills that we have been debating from the Judiciary Committee, this bill might enhance opportunities for jobs. I think of bonds. I think of jobs. I think of utilization of funds from bonds as they mature. And this is a good thing.

I'm sad to say that in the course of the time that we've spent, maybe over the last 3 weeks, when we could have actually engaged in reasonable debate on how we raise the payroll tax, how do we extend the payroll tax cut, and how do we extend the unemployment benefits, we have not been able to do that.

So let me just share my assessment of the folk who are needing unemployment benefits. Personal savings have gone. Family savings have gone. They've exhausted the 401(k)s and they have tapped every other fungible amount of dollars that they might have, maybe even to the kiddie's saving account that started with 25 cents, leaving many individuals in this harmonious, humble holiday time, desperate, desperate for a job, desperate for assistance, desperate for being able to pay their mortgage, desperate for paying their rent.

Madam Speaker, maybe we should also say, desperate in getting one more allotment of food stamps. Maybe we're not aware that there are 46 million families on food stamps, and most of them wait all the way to the exhaustion of those food stamps; find themselves, before the next opportunity for food stamps, literally drinking water, making tea, and eating crackers. There was an expose on this just recently on one of our cable stations, families waiting until 12 midnight to watch and see if their account has in it the amount of money they needed to enter a grocery store to feed their children.

I don't believe that we can leave this sacred and august institution without, one, providing relief on extending the payroll tax cut, giving \$1,000 and \$1,500 to the American working class. And clearly, I don't believe that we can leave without providing for unemployment. Every dollar invested in unemployment insurance yields \$1.52 in economic growth, and at least 200,000 jobs will be lost if Republicans block extension of the unemployment insurance.

In fact, frankly, I know that Scrooge would not find a place of comfort in this House.

□ 1640

We have always risen to the occasion of helping the most desperate. Whether it has been under Franklin Delano Roosevelt in World War II, where he had to put the apple sellers back to work, or whether it was when our President had to stop the bleeding with the \$800 billion stimulus, we have always risen to be able to find a way to move our economy. And if we would tell the truth, we would see that our economy is percolating along.

So in the tribute of President Obama, who speaks today in Kansas in the same place that President Teddy Roo-

sevelt spoke about opportunity for Americans, I'm asking for the Members of Congress to come to the floor and give opportunity for Americans.

I will close by saying to my friends, there are many good friends who are running for President. Many of us have worked with them. And anytime an American wants to offer themselves to serve this country, I have no angst with them, no matter how much I disagree with their policy. But let me be very clear, as a child that grew up poor, lived with neighbors who were poor—not in our minds, but certainly by our economics—I want to make the record very clear: poor children have role models because poor families get up every day and go to work. And the solution to poor children being the best that they can be is not a Donald Trump apprenticeship, and it sure isn't to get rid of the working janitors who are supporting their families and put the poor children to work.

I hope that we can do better than that, Madam Speaker, and get back to work and make sure we extend the payroll tax for working families. And let's extend the unemployment insurance for the 99ers.

Mr. CONYERS. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the Representative from Michigan for the opportunity to speak to this measure and to really express concern about the inordinate time that we are spending on measures that allow us to harm the air that we breathe and the water that we drink.

The American people are asking us to set priorities here that focus on job creation. They're demanding that this body focus on jobs and helping rebuild our economy. Instead, we seek to be spending hours debating regulatory and bureaucratic measures that are flawed and would dramatically undermine the ability of our government to protect the air that we breathe and the water that we drink. Instead, I would suggest that our time be better spent focusing on putting more money in the pockets of American workers, empowering our middle class.

Mr. GOHMERT. Will the gentleman yield?

Mr. TONKO. I yield to the gentleman from Texas.

Mr. GOHMERT. I thank the gentleman.

If our time would be better spent on those things, we would be glad to withdraw the suspension on your suggestion and just drop it right now. We will be glad to do that. I will make that offer.

Mr. TONKO. Madam Speaker, might I suggest that during this holiday season, as the American public struggles to pay bills that range from gas bills to groceries that are required for their mortgages, again, the focus should be on job creation. And the payroll tax holiday is nearing its expiration. This body should act to extend that tax cut for hardworking middle class American

families. A failure to do so would result in job losses, a reduction in economic activity, and higher taxes for many families when they can least afford it.

So my suggestion here is to stop wasting time on less important priorities and start focusing on creating jobs and standing up for our middle class, enabling them to strengthen their purchasing power and to enable our economic recovery to be as vital and strong as possible.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. As a closing comment, I have come to know the gentleman from Missouri (Mr. CLAY), my friend across the aisle, and hold him in very high regard. I appreciate very much his comments earlier about what this compact means to Illinois and to Missouri. I know Mr. CLAY has been a leading proponent of this happening, and I really very much appreciate his comments. This will not provide jobs across the country, but it solves a problem. It will ease things for those two States so that jobs should be easier.

And I was totally serious when I offered my colleague who was saying that we were wasting our time on this—I know Mr. CLAY and many others have spent a great deal of time on this, and I didn't think the Democrats that were pushing this bill so hard were wasting our time. I think it's a very legitimate use of our time.

Some people like to confuse the term "interstate," as used in the Constitution; and they want the term "interstate" to be expanded, as it has sometimes, to apply to nothing but activity wholly within one State. The Supreme Court has even given some regard to those kinds of arguments, but this is not one of those cases. This is a matter that's been taken up and passed by the Senate, and we should pass it today. It takes up a matter clearly between two States that makes it interstate.

And then it is not the State of Illinois or Missouri coming and begging for the Federal Government to take over a State responsibility. It is two States with different opinions, different concerns, but wanting things to work together for good, coming to a solution; and then the Federal Government, since it is interstate, must recognize that compact. I think it is an appropriate thing to do. I don't think the Democrats who are pushing this bill were wasting our time. I think it's an appropriate use of Federal time.

With that, I would urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. NOEM). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the joint resolution, S.J. Res. 22, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING AMERICAN LEGION GUIDANCE TO INDIVIDUAL POSTS

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1639

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL POWER OF AMERICAN LEGION UNDER FEDERAL CHARTER.

Section 21704 of title 36, United States Code, is amended—

(1) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1639, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

The American Legion received its Federal charter in 1919 as a patriotic veterans organization. Today, the Legion is America's largest Veterans Service Organization with 2.5 million members. Membership is available to persons who have served in the United States Armed Forces during wartime, including the current war on terrorism, and were honorably discharged or are continuing their service.

□ 1650

The Legion's goals are to uphold and defend the U.S. Constitution, promote worldwide peace and goodwill, and preserve the memories of the two world wars and the other conflicts fought to uphold democracy. The Legion also aims to cement the ties and comradeship born of service and to commit the

efforts of its members to service to the United States.

The American Legion has over 14,000 local posts. The national organization is not designed to have control over all the independent posts. As the Supreme Court of Minnesota has found, local "posts and State chapters are separately incorporated . . . and the posts all have their own constitutions and bylaws." The court found that there was a very limited relationship between the posts and national headquarters.

The national organization's "Officer's Guide and Manual of Ceremonies" states "the post is a separate and distinct unit which can and often does function independently."

The American Legion has asked Congress to amend its Federal charter to specify that the national organization may provide guidance and leadership to the individual departments and posts but that it may not control or otherwise influence the specific activities and conduct of the departments and posts.

The director of the Legion's National Legislative Commission explained the request by stating the following:

"The Legion wants to allow members to renew their memberships and pay their dues to the national organization through the use of a credit card over the Internet . . . Currently, these dues payments flow to the national organization from our posts through our departments. We are concerned that plaintiffs' lawyers would argue this would indicate that the national organization has control over those departments and posts . . . Appearance of control may . . . support a claim of liability against the national organization when a legal dispute against a post arises."

S. 1639 amends the Legion's Federal charter as requested. Our colleague, the gentleman from Pennsylvania (Mr. ALTMIRE), introduced the House version of the bill, H.R. 2369, which the Judiciary Committee approved by voice vote.

I thank the gentleman from Pennsylvania for his work on this legislation and am pleased to see that his bill has a remarkable 432 cosponsors. It's almost unheard of.

So there are things that this Congress needs to be doing, and there are many things that are very important that this Congress does; but this is something that only the Congress can do. So if we hear from other speakers who want to talk about a jobs bill, I would encourage them to go talk to the Senate about the 15 to 20 jobs bills that they are down there sitting on.

I look forward to the day when the President says that this is a do-nothing Congress that he's no longer half right in making that statement. The House is certainly not a do-nothing House. The Senate is sitting on many bills. This is a bill for which the gentleman from Pennsylvania saw a need, so he stepped up and filled that need, and I appreciate his efforts in doing this.

The American Legion has performed a great service in bringing together veterans. I've spent a great deal of time with American Legion posts, and I'm grateful they exist. I think this is a good bill, and I would urge my colleagues to support it.

With that, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume and am glad to be the Hoyt Wilhelm of the Judiciary Committee and to relieve the gentleman from Michigan, Chairman CONYERS.

S. 1639, the Senate version of H.R. 2369, is a bipartisan bill which makes a minor change to the Federal charter of the American Legion. The American Legion, as we all know, is the Nation's largest veterans service organization, which was chartered after World War I, by Congress in 1919.

S. 1639, introduced by Senator TESTER of Montana, a distinguished Member of the Senate, is the Senate companion of the bill introduced by the distinguished Representative and former defensive back from the Florida State Seminoles, Representative ALTMIRE of Pennsylvania, who introduced H.R. 2369. He did a phenomenal job of getting 432 cosponsors—433 if including himself in the sponsorship. He can't be a cosponsor because he is "the" sponsor, which might make this the easiest suspension vote we've ever taken.

The change made by this bill simply reaffirms the organization's structure, which grants broad autonomy to the departments and posts throughout the country. While this is not a major change to the existing charter, it will help the American Legion carry out changes to the membership renewal process that were adopted by resolution at its national convention last year.

Senator TESTER and Representative ALTMIRE are responding to a call from the American Legion. I am proud to join with them, as just about everybody else is in this House; and I support the bill.

I reserve the balance of my time.

Mr. GOHMERT. I continue to reserve the balance of my time.

Mr. COHEN. I now yield 3 minutes and 7 seconds to the gentleman who represents the State of Pennsylvania (Mr. ALTMIRE), an alumnus of Florida State University, who lost to the University of Tennessee in the national championship football game that I attended in Phoenix.

Mr. ALTMIRE. I thank the gentleman, my friend from Tennessee, and I especially thank the gentleman from Texas for his kind words.

There are other things that are more important than this—our friends in the American Legion would be the first to agree—that we are working on in this Congress; but as the gentleman from Texas pointed out, this is something only the Congress can do.

This is an important issue for the American Legion. It modernizes the

charter of the American Legion, and it clarifies the local autonomy of the local posts throughout the country. This needs to be done. It is important, and it is something that we in this Chamber have come together to do. It is long overdue.

When I first introduced this bill in June, I started to talk with folks in this Chamber, and I found out that there really are things we can agree on. We've spent a lot of time over the course of the year—in fact, a lot of time today—pointing fingers at each other and casting blame and talking about all the things that we don't agree on. Yet, for our men and women in uniform, the people who are honorably and bravely serving this country, and our American veterans, we agree that they need this change and that we support them.

As the gentleman from Texas pointed out, according to the Congressional Research Service, this bill that we introduced in the House, which is the companion bill to the Senate bill on which we will vote tomorrow, has received the most cosponsors of any bill ever introduced in the history of the Congress—432 cosponsors. It's more than any bill that has ever been introduced in history. It passed unanimously in the Senate after it was introduced in October, which shows there really are things we can work together on.

Maybe this isn't the most important thing we could be doing, but it's something we need to do; and it's something we're going to do. Hopefully, it will send a message on both sides of this Capitol that we should come together and that we should put our differences aside. That doesn't mean we have to always agree, but at least let's work together, because this bill proves we can do it.

So I am proud to stand here as the author of the House companion of this bill, and I am a proud supporter of the Senate bill that we will be voting on. I'm grateful that Senator TESTER took the leadership role in the Senate to get this done.

I thank the gentleman from Texas, and I thank the gentleman from Tennessee. I support this bill and urge my colleagues to vote for it.

Mr. COHEN. I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, again, Mr. ALTMIRE is owed a great debt of thanks. When my friend from Tennessee said this was a bipartisan bill, apparently it's the most bipartisan bill ever brought before the House. It's wonderful that a group like the American Legion could bring us together, and I appreciate Mr. ALTMIRE's efforts in doing that.

I would urge my colleagues to support its passage. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1639.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CHANGES IN MEMBERSHIP REQUIREMENTS FOR BLUE STAR MOTHERS OF AMERICA, INC.

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the text preceding subparagraph (A) and inserting "she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, step-mother, foster-mother, grandmother, or legal guardian) of a person who—"; and

(B) in subparagraph (B), by striking "in World War II or the Korean hostilities"; and (2) in paragraph (2), by inserting "or is a citizen of the United States living outside the United States" before the period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1541, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1700

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

The Blue Star Mothers of America was established during World War II and federally chartered in 1960. The organization's 5,000 members and 225 chapters provide support for our men and women in uniform and assist veterans' organizations. According to their charter, the Blue Star Mothers also care for unsupported mothers.

Membership in the Blue Star Mothers is open to a mother, an adoptive mother or stepmother who lives in the U.S. of a child who serves in the Armed Forces or has served in the Armed Forces during World War II or the Korean War.

Wendy Hoffman, the national president of the Blue Star Mothers, has sent a letter to the committee and requests that their charter be amended consistent with the resolution passed at their national convention. She stated the following:

“As mothers of American servicemen and veterans, we recognize changing family dynamics and have found it extremely important to include other ‘mothers’ who have played a part in raising military heroes and also those mothers who are not residents of the U.S.”

The Blue Star Mothers have also opened membership to mothers of children who have served in the military at any time. This bill makes the changes to the charter requested by the Blue Star Mothers. Our colleague SCOTT TIPTON introduced the House version of the bill, H.R. 2815, and the Judiciary Committee approved Mr. TIPTON’s bill by voice vote.

This commonsense bill opens eligibility to “a woman who filled the role of birth mother, adoptive mother, stepmother, foster-mother, grandmother, or legal guardian” to a current member of the Armed Forces or to a child who has served at any time. To be eligible, the mother will not have to reside in the United States as long as she is a U.S. citizen.

I urge my colleagues to support this bill to help enable the Blue Star Mothers to continue their wonderful work.

With that, I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

S. 1541, the Senate version of H.R. 2815, is another bipartisan bill to revise the Federal charter of the Blue Star Mothers of America. The revisions implemented by the legislation once again reflect minor changes recently made to the organization’s membership eligibility requirements.

The Blue Star Mothers of America, representing the mothers of military servicemen and -women, has been a federally chartered organization since 1960. The existing charter restricts member in three ways:

A, members must be birth mothers, adoptive mothers, or certain stepmothers;

B, members must be U.S. citizens currently living in the country; and

C, the corresponding serviceman or -woman must be currently serving in the Armed Forces or must have served in World War II or the Korean War.

Last year, at the organization’s national convention, the group adopted a resolution expanding these eligibility criteria. A conforming amendment to the Federal charter is needed in order make these changes operable.

S. 1541, the Senate bill, was introduced by Senator MICHAEL BENNET of Colorado. Its House companion was introduced by Representative SCOTT TIPTON, also of Colorado.

The legislation makes three minor revisions to the organization’s charter:

First, to expand the membership eligibility requirements to include foster mothers, grandmothers, female legal guardians, and all stepmothers;

Second, it expands membership to U.S. citizens living abroad;

Third, it expands eligibility to servicemen and -women who served in prior conflicts other than World War II and the Korean War.

Our men and women in the military need all the support we can offer, so I applaud this effort by the Blue Star Mothers to provide the circle of support that the organization can provide. They do much to remember our servicepeople, and I appreciate their efforts. I support these changes, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, this is also another very bipartisan bill.

The Blue Star Mothers is a wonderful group. I have met with them and I have wept with them. I’ve prayed for them and am grateful to them for their work. I’m grateful for my mother, who passed away in 1991, as the mother of a servicemember and my stepmother as well, now.

What they’re asking for makes perfect sense, and I would encourage my colleagues to support this resolution as the Blue Star Mothers have requested.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, S. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SAVE THE POST OFFICE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, the other day the Postmaster General said that first class mail wasn’t going to be first class anymore; it wasn’t going to be overnight; it might be 2 or 3 days.

Because of the problems we have with making the post office financially sufficient, there are ways they could accomplish this, and I’ve got a bill that allows them to go into other services to expand their revenue base, and there’s also about \$5 billion that’s an issue concerning payments into a health fund that could be resolved.

The post office is almost as American as apple pie. A lot of people will switch to using the Internet to pay their bills and they’ll never go back to the post office. I’m afraid that what’s been recommended is penny-wise and pound-foolish, and a great American institution that serves many rural people and others without a lot of connectivity and fortune will suffer.

I wish the Postmaster General will reconsider his action. I have a “Dear

Colleague” being circulated. I hope people will sign on and that we will save the U.S. Postal Service.

#### AMERICA AT A CROSSROADS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Madam Speaker, there are an awful lot of people hurting across America now.

We take up a few suspension bills here that only the Congress could deal with, so it’s something we have to do, we’re proud to do, important to those organizations in two States. It’s important to them; it’s important to us.

We have people on the other side of the aisle who come forward and try to make it into a jobs debate when it would seem that some of the best debate would be if all of us, en masse, walked down to the other end of the hall of this building and began to seek to debate the Senate—the Senate leadership, that is—and Democratic Party on why they are so intent on stopping legislation that could put people back to work.

There are many besides the President, in addition to the President, who say this is a do-nothing Congress; and because the Senate does so very little, they give credence to that argument. One need only look to all the bills we have been passing here in the House that could help the economy, would help the economy, would put people back to work, would bring down dramatically the cost of energy, which would bring down inflation and the stagnation and stagflation that’s been put in place by this President and, actually, the 2 years prior to this President when our Democratic friends across the aisle controlled Congress and jumped up spending like we could not have anticipated.

Our friends across the aisle correctly pointed out that Republicans in 2006 were spending too much money. They were right in pointing out that we should never be spending \$160 billion more than we were taking in. They were right.

As a result of their being right on that and their promises that they would rein in that runaway spending, our friends across the aisle were given the majority in November of 2006.

□ 1710

What followed in 2007, 2008, 2009, and 2010 under the Democratic majority was runaway spending at a level never even dreamed of, at least on our side of the aisle.

Who would have ever dreamed that the same party that condemned Republicans—correctly—for overspending the amount of money coming into the Federal Treasury by \$160 billion would up that ante and overspend by 10 times that much? Over a \$1.5 trillion deficit in just 1 year. It is just unfathomable.

One of the things that so concerned me about TARP, not only the bill when I read it, but the fact that it desensitized Americans to just how much \$700 billion is and how much it was in late 2008.

It's my belief that if we had not passed TARP and people being so desensitized as to how much \$700 billion was, President Obama could never have gotten through what was said to be around an \$800 billion porkulus, stimulus, whatever you want to call it, which turned out, by some accounts, to be more like a trillion dollar giveaway program—only if you consider giving away amounts like \$500 million to \$600 million to Solyndra, that goes bankrupt, as throwing away money.

We have set this country on a course toward ruin. And now the Secretary of the Treasury, Mr. Geithner, who we recall had time with the International Monetary Fund, as came to light during his unfortunate confirmation hearings, 4 years in a row he was paid by the International Monetary Fund and was said to be an independent contractor, although he manifested control and some level of governance within the International Monetary Fund. He had a job with the International Monetary Fund, but they paid him as an independent contractor, and, therefore, when he signed a document swearing that he would pay all of the taxes due on those amounts that were listed on those four documents, then he was allowed to receive all of the money that should have been paid to the Federal Government in taxes in return for his sworn agreement to pay that tax independently on his own. As we found out during those confirmation hearings, he did not fulfill his oath. He broke his oath. He didn't pay those taxes, and now he's in charge of the Treasury. How amazing.

I've privately had Internal Revenue Service employees tell me how grieved they were to have had someone who did not pay his taxes when he was required to do so by law, went even further and he signed a sworn document that he would take care of it, and didn't, because, despite all the jokes about the IRS and despite there being some people with the IRS who can be a bit brutal at times, there are some wonderful people who work for the Internal Revenue Service who are abundantly fair, want to do the right thing, and have incredibly clean backgrounds.

In fact, the rule as I was given to understand by IRS employees is, if you ever have underpaid your taxes or failed to pay taxes, you're out. You cannot work for the IRS. There have been incidents where an IRS agent has overpaid taxes and then recalled someone giving them cash, and without anyone ever being able to hold them accountable, no one would have ever reported it, but to keep a clean conscience because an IRS agent was so clean and had a conscience and wanted so to abide by honesty and truth and the U.S. law, filed an amended tax re-

turn which still allowed a refund coming back. And as a result, their em-  
ployment was in jeopardy.

Imagine the feeling of Internal Revenue Service employees who have had to throughout their stellar careers at the Internal Revenue Service, had to keep all of their affairs clean and in order, open, honest, to find out they are going to be ruled and governed by someone who misrepresented on signing a sworn document that they would pay taxes that they didn't until someone called it to their attention prior to being appointed to that role. It has to be tough for IRS agents who have had such stellar, honorable careers to have dealt with that.

So what's wrong with having somebody who plays so fast and loose with signing documents, not paying taxes, playing with other people's money in the International Monetary Fund? I would submit to you that we get things, as we have here recently, with our Secretary of the Treasury, who enjoyed spending hundreds of billions of dollars from TARP, who has enjoyed the power of giving away money, paying money. Under TARP, in fact, a provision allowed the Secretary of Treasury to pay more than fair market value if anything—and this is my interpretation—if anything in his opinion, his sole opinion, would somehow, some way, some day help our economy somehow, even if it was helping a foreign economy. That's the mentality at the IMF and apparently the mentality currently at the Treasury Department.

I did not think we could get a worse Treasury Secretary than Hank Paulson until we got our current Treasury Secretary, making the mistakes he has and taking the position he has, and now wanting Americans to come in and bail out foreign countries who are slightly ahead of us on the road to socialism.

If you go back to the Roman Empire, the Romans found that over time when you continue to give people bread and circuses, they come to rely on those. They come to believe that they shouldn't have to work, that the government will give them entertainment and will give them money to use, food that they need, and it materially affects work.

Socialism of a sort was tried in the New Testament church. And on this Earth, on this planet with fallible individuals, it resulted, as it always has and always will, in the Apostle Paul ultimately having to come to the conclusion and issue the order, okay, new rule: if you don't work, you don't eat.

The Pilgrims had a beautiful compact. They were going to bring together all into a common storehouse and share and share alike. That brutal first winter caused them to lose so many. Eventually, they got to a new thing that we now call private property where people would own their own property, produce from it as they wished with full freedom to do so. They could eat what they raised. They could

trade what they raised. They could use it as they saw fit. That kind of mentality and that kind of structure that affords private property to people to own and use on their own, or rental property that they can use to produce income, those kind of freedoms have allowed the entrepreneurship that has brought us to the point in history where we are the greatest Nation in the history of mankind, with more freedoms than any in the history of mankind.

□ 1720

But over time we've seen those who fled Europe and England to come to America to start a new life, so many of them fleeing persecution as Christians, coming to a new land where they would not be persecuted as Christians. They came to America. And with private property engendering the kind of thought processes that led our Founders through the guidance—divinely, I believe—that they got, as pointed to by so many of the Founders, we got our Constitution. We have a structure of government from Founders who did not trust government; who wanted to make it as difficult as possible to pass laws. Even once they were passed, they could be vetoed. Struck down. They wanted it difficult. They saw gridlock as being a good thing. The more difficult it was to pass laws, the less chance the government would interfere in personal property rights and personal freedoms of the individual.

Europe after World War II seemed to move into this socialist type of thinking where the government will take care of people. Some in this country after World War II for 60 years, going on 70 years now, have been pushing an agenda to get us to a socialist state, where we take on the attributes of those systems that have repeatedly failed over and over in time.

I was recently in Israel. I went to a former kibbutz. Those were truly communes. They had real communism there. Share and share alike. But socialism, communism, it can sound so nice. Everyone bring in to the common storehouse. Share and share alike. It sounds nice, but it never works.

And I saw that so clearly in an exchange program to the Soviet Union back in 1973, when it really was the Soviet Union. And on visiting a collective farm, a socialist farm, you look out, the fields did not look very good. I have worked on farms and ranches, and those did not look productive. But I was surprised to see in the middle of the morning the farmers were sitting in the shade in the center of the village. I spoke some Russian back then and asked as nicely as I could without meaning to insult because I really was curious, When do you work out in the fields? And they laughed. And one of them that seemed to be the most boisterous of the group said, I make the same number of rubles if I'm out there or I'm here in the shade. So I'm here in the shade.

That's socialism. That's why it fails.

And we've seen the riots in Greece as the government tried to be responsible and say, Look, we're going broke. We're out of business. We have got to stop spending money we don't have. We've got to rein it in. And people have rioted and say, No, no, no, don't cut back what I'm getting from the government, not understanding if it's not there, your government will eventually be taken over by some type of radical form—at least historically that's what often happens—and some dictator, which they would hope would be a benevolent dictator, would take over, get the rioting under control, and set the government on a course.

We saw a government after World War I in Germany trying to work toward a process. Economic times were tough. So a little guy with a mustache ends up actually getting elected to office and then eventually taking over the country. We know the results of that—at least most of us do. There are some, like Ahmadinejad, that thought the Holocaust never happened. But it did.

So why in the world, when we see how that works out and we see that a country will not accept its own responsibility, as incredible as the people can be of a country like Greece—you meet people from Greece, you love them. They're just great folks. As beautiful as a country can be, as rich a history as a country can have like Greece, you want to embrace them. Understandable.

But when a people such as those in Greece want to continue down a bankrupt course and you see them heading for the edge of a cliff and they say, Come join hands with us, it doesn't make me feel any better to hear people like Secretary Geithner say, figuratively speaking, Let's join hands as they jump off the cliff and take us with them. But we're told, Well, gee, some of the European countries, they'll feel better about trying to bail out Greece if they know that the United States will come in if things don't work out and bail them out.

We have had such radicalized spending that's been out of control. And until we get that under control, we're of very little use to most of the world economically. The best thing we could do for Greece, for all of Europe, is get our spending under control, come back from a point of strength financially, show them by example how you get out of your problems, and then the world will be better off financially because you see repeatedly in history when a country gets in trouble financially, it opens the door to dictators or a radical form of a government such as we see in Iran today. That wasn't entirely economic.

We do recall—I was in the Army at the time—when President Carter failed to support our ally, the Shah. I never met the man, but apparently historically not a warm fuzzy fellow. Was not fine with the folks in Iran. But using

very poor judgment, President Carter hailed the Ayatollah Khomeini in his return to Iran as a man of peace; and as a result that man of peace, as President Carter hailed him, thousands and thousands and thousands of Americans have given their lives or had their lives taken from them.

There are prices that are paid by bad judgment; and this country has paid a price for bad judgment, and now we have more efforts at bad judgment. That would include telling the world that as we've overspent more than a trillion dollars more than what we have coming in, Don't worry, we'll come bail you out. I was surprised to find out this summer that we're not printing money to get us out of our problem. No, we're not printing money. I was surprised to find out—because I've said that before. I think we're just printing money to try to pay off our debt. That causes runaway inflation. I was corrected. And I stand corrected.

We're not printing money to get out of our financial dilemma. No, I was told we're not printing this money. We're just adding ones and zeroes in a computer to say that we've got more money. We're not even printing it anymore. How irresponsible is that? There is a price that will be paid for that kind of irresponsibility, and it is very tragic that it may well be paid by our children and grandchildren. It is the height of irresponsibility to leave that to future generations.

And then to have our Treasury Secretary say, Let's go bail these folks out. Well, it's not really us. It's the International Monetary Fund.

□ 1730

It is kind of reminiscent of President Obama saying, We're going to go get Qadhafi, we're going to help these so-called "rebels," but we're not actually going to do it. No, we're not going to do it; NATO will do it. We started a little bit out there, but now it's not the United States at all; it's NATO.

So we checked, and we find out 65 percent of NATO's military is United States Armed Services. Oh, no, it wasn't NATO—much. Sixty-five percent was the United States. It was the United States. And now the Secretary of the Treasury wants us to do this with countries that are failing and yet still unwilling to embrace the problem they've created.

And then we're told there's such great news, that unemployment has now dropped from 9.1 percent to 8.6 percent, or 9.0 to 8.6 percent, and we're supposed to feel like that is such a wonderful thing. I'm not a huge fan of The New York Times, but there was an article in December 2's New York Times, an editorial entitled, "Been Down So Long." I think it's worth entering into the CONGRESSIONAL RECORD by its reading.

The unemployment rate dropped to 8.6 percent in November from 9 percent in October in the jobs report released Friday. The economy added 120,000 jobs and job growth was revised upward in September and October.

That's better than rising unemployment and falling payrolls. Yet, properly understood, the new figures reveal more about the depth of distress in the job market than about real improvement in job prospects.

Most of the decline in November's unemployment rate was not because jobless people found new work. Rather, it is because 315,000 people dropped out of the work force, a reflection of extraordinarily weak demand by employers for new workers. It is also a sign of socioeconomic decline, of wasted resources and untapped potential, the human equivalent of boarded-up Main Streets and shuttered factories.

The job growth numbers also come with caveats. More jobs were created than economists expected, but with the job market so weak for so long, that is a low bar. It would take nearly 11 million new jobs to replace the ones that were lost during the recession and to keep up with the growth in the working-age population in the last four years. To fill that gap would require 275,000 new jobs a month for the next five years. That's not in the cards. Even with the better-than-expected job growth in the past three months, the economy added only 143,000 jobs on average.

And most of those new jobs are low-end ones. In November, for example, big job-growth areas included retail sales, bartending and temporary services. Teachers and other public employees continued to lose jobs, and job growth in construction and manufacturing were basically flat. Indeed, work—once the pathway to a rising standard of living—has become for many a route to downward mobility. Motoko Rich reported in The Times recently on new research showing that most people who lost their jobs in recent years now make less and have not maintained their lifestyles, with many experiencing what they describe as drastic—and probably irreversible—declines in income.

Against that backdrop, the modest improvement in the jobs report, even if sustained in the months to come, would not be enough to repair the damage from the recession and its slow-growth aftermath. Help is needed, yet Congress is tied in knots over even basic recovery measures, like extending federal unemployment benefits and the temporary payroll tax cut.

Meanwhile, the increasing likelihood of a recession in Europe, or any other setback, could easily derail the weak American economy, sending unemployment back up to double-digit recession levels.

Now, we've been hearing a great deal lately from the President and from Members of Congress on the Democratic side about how we just needed to extend this wonderful payroll tax holiday. Well, as the person who came up with the idea of a payroll tax holiday 3 years ago, I'm offended at the use of the term "payroll tax holiday" to cut 6.2 percent Social Security tax down to 4.2 Social Security tax when it has not increased jobs, it has not helped jobs.

We're talking \$30, \$40, \$50, \$60, when the payroll tax holiday I was proposing was a true holiday. It would have allowed every worker in America not to pay any Social Security tax, any Medicare tax, any income tax for at least 2 months. It would not have hurt Social Security, the trust fund, and it would not have hurt the Medicare system because it was totally paid for.

My bill said that money that was leftover—which was available at the time before our Secretary of the Treasury just started giving it away—that

money would be moved over and would cover the Social Security trust fund monies that were necessary so the tax would not be missed. It would cover the monies that were supposed to go in to cover Medicare. And so the only way that money would be missed is that Secretary Geithner would not have been able to give it away and support those four-to-one Democrats or Republicans that are executives on Wall Street and who reside in controlling our investment banks.

And that's a shock to some people when they actually do their research and find out Wall Street is four-to-one Democrat over Republican because they've been listening to Democratic leaders for years talk about those sorry fat-cat Republicans on Wall Street. Well, they hadn't done their research either; or if they had, they would have been very disingenuous in so saying.

That money—as I and many others contended—that was in TARP and was in the slush fund of the Secretary of the Treasury would have been far better used by those people who earned it, by just saying you get every dime back that you were paying in this month and next month. And I also knew privately in my heart that if we could have that payroll tax holiday, a true payroll tax holiday for 2 months—and initially I said a year.

But if we could have had that for even 2 months, then I knew taxpayers across the country would see—many, most for the first time—just how much money they were sending for the Federal Government to use, and they would demand better from their Congress, from their President. They would demand better from the bureaucrats in Washington that get to the end of the year and see they've got money left and rush out and throw it away, spend it on whatever they can. They would have demanded better government, and they would have gotten it or they would have fired everybody at the next election and gotten better. But we didn't get a true payroll tax holiday.

I was very honored to have a chance to explain the concept of a payroll tax holiday when President Obama came to our Republican Conference back the first of the year in 2009. As I explained to him, this is immediate; it immediately helps the economy. Moody's said the tax holiday idea—a true tax holiday, not this bastardization of one—the true tax holiday would have increased the 1-year GDP more than any other proposal, more than any other Democratic proposal or any other Republican proposal. And as I explained to the President, we pass this and you sign it—and if you just say you are willing to sign it, we would get it passed. If you sign it on a Thursday, then on Friday all of that money, all of the income tax, Social Security, Medicare tax, all of that will be in the check of the person that owned it.

□ 1740

It doesn't have to go through Washington, and Washington take its cut

out and dribbles out \$30, \$40, \$50, \$60 to the worker. They got it all. And then, to know that was going to be paid for by stopping the giveaways to the auto companies, to the investment banks, to the fat cats, as the President calls them, that was what I wanted to see. And that money would go into the hands of the people that earned it, and then they would have decided.

We did a survey in our district about what people would use their money for. Look at your check. Think about it for 2 months. What would you use it for? And we weren't talking about \$20, \$30, \$40, \$50, \$60 like this President has. We were talking about, \$2,000 \$3,000 \$5,000 \$6,000. And when people did that, they told us, for example, we've got a gas guzzler, and gas is so high now we can barely pay our gasoline bill, but we're underwater on our car. We owe more than the car is worth so we can't afford to trade it in. So we're stuck.

You let us have our money for 2 months, we'll buy a new car. And the people in America would have decided which car companies deserved to be bailed out, and they would do that by deciding which car they would buy. And you wouldn't have had to have an auto task force secretly meeting in the White House and an auto czar and all those folks breaching the Constitution, breaching bankruptcy law, and deciding which dealers got to keep their dealership and which would have had them arbitrarily yanked away, only years down the road to find out, oops, we made a mistake on that. Oh, well, they're gone. Too bad. We could have avoided all that.

And with all the effort that was undertaken to try to shore up the real estate market, we had people telling us, look, we got behind on our mortgage payments when gas hit \$4 a gallon. You let us have the \$6,000 we'd get to keep over 2 months, we'll catch up on our mortgage. We'll catch up on the other things. You don't need to have some big financial bailout situation because we'll take care of it ourselves if we have our own money.

Then again, to know that that would have been paid for by the TARP money, and Social Security would not have been hurt. They would have gotten all the tax money that would have come in. It would have just come from TARP, instead of the individual taxpayers. And to know that Medicare would not have been hurt, because that money would have gone directly into Medicare, not from the taxpayer for 2 months, but from TARP. That would have been the right thing to do.

If you really want a stimulus, let the people that earned it spend it. They'll know better than the people here in Washington did.

And it didn't pass. And President Obama has chosen to take the name "payroll tax holiday" that I was using 3 years ago and use it for a 2 percent tax. Why? Because it will look good for the election. Why? Because it looks to be so grand because, see, you can tell

people that are working that, gee, the President's got you a petty \$30 extra in your check, and these Republicans don't want you to keep that.

That's not true. We do. But we also, at the same time, don't want Social Security not to have the money that it needs. What the President is not telling people, as he has pitted those who are working now against our seniors, and to the one group saying, hey, workers, I want you to have that little extra 30 bucks in your pay check, and Republicans don't want you to have it. And then going to seniors and saying, you've got to worry about those Republicans because they're not going to take care of Social Security, never bothering to mention that when he says we're allowing you to keep this money in your check now, it means that money will not be in the Social Security Trust Fund, not even the IOU will be in the Social Security Trust Fund to take care of our seniors.

We were told when this President was running that he was a uniter, not a divider. And yet we see in this campaign ploy that working people are being pitted against our seniors. We've seen class warfare. In essence, if you see somebody has more than you do, you need to want it and go after it. After all, that basically seems to be the one common thread running through all the Occupy Wall Street, Washington, all the Occupy groups.

We had them come through Washington screaming in the hallways today. It wasn't enough that they're trying to disrupt a beautiful park people used to enjoy. Why? Because they have no regard for private property. Why? Because they've become envious and jealous.

I can say that because I'm repeatedly told in the analyses that I have less assets than most people. One time I had the least assets of anybody from Texas in Congress.

My wife and I cashed out all our assets, except our house, so I could run for Congress, so I could try to make a difference. And I am not jealous of anyone who has more than me. I thank God we have a country where people can be entrepreneurs. And I've accepted that as a role I can play in helping try to do that.

So it breaks my heart when I see a President dividing America with class warfare, encouraging envy and jealousy. You ought to want what they have and demand that you get theirs. Leaders coming out and saying they fully embrace the Occupy movement, it's a great thing, when even the Occupy folks can't explain anything other than they hate the people that got more than they do.

Then there's a report—I don't often cite CNBC, but cnbc.com, more Americans are going abroad for economic opportunities. It says that the State Department now estimates that 6.3 million Americans are studying or working abroad, the highest number on record.

We're told that 70 percent of Americans, adults, believe that their children will not have as much opportunity and freedom as they've had. That's why I ran for Congress. That should not happen. We can change that.

But I'm mystified when I think about the record spending in 2007 that was followed by additional record spending in 2008, under the guidance of Speaker PELOSI and Leader REID, because we know all spending originates in Congress. This is where budgets are passed. It's where appropriations are passed. If money is appropriated, it has to be appropriated from here.

In 2007, 2008, I never heard anybody, Democrat or Republican, complain that those budgets didn't spend enough money, each year going beyond what we had spent the year before. And so, then to have a new President come in in 2009, and with Speaker PELOSI and Leader REID still at the reins, jump up spending an extra trillion dollars, and then come before Congress and the country and say, look, you're just going to have to raise taxes to get up to where this extra trillion dollars is that I've already spent.

Why couldn't we just say, Nobody complained in 2007 or 2008 about too little money being spent. Let's go back to the Pelosi-Reid budget that was so much more than the Republican budgets of 2005 and 2006. We'll go back to those. It means we drop \$1 trillion in spending. Boom, there you go. We didn't need a supercommittee. There you are.

Another easy solution that isn't talked about enough, but this House voted to cut our own legislative budget 5 percent last year and 6.4 percent the year we're in. That amount of money, though significant to most of us, is a drop in the bucket when you look at the overall Federal budget. And the way that that should be used to make a difference is for this House, since we've done it to ourselves, now having the moral authority to say to every Federal department, every agency, we cut ourselves 5 percent last year, you're cutting yourself 5 percent next year.

□ 1750

And the year after that, since we've already done it, you're cutting yourself another 6.4 percent; an 11 percent cut. And there you are. We didn't need a supercommittee. You've got your cuts.

I am so grateful to Chairman PAUL RYAN. We had a good discussion back in July. Since he's been in Congress like I have, the four terms I have been in Congress, each time I filed a zero-baseline budget bill that says no more automatic increases for every Department. No automatic increases. It ought to be an easy concept.

But we're living under the rules that were established for CBO back in 1974, a very, very liberal Congress that ended our participation in Southeast Asia. We should have ended it because we had not given our soldiers, sailors,

airmen—we had not given them the go-ahead to win that war. We had tied their hands.

When I hear some people say we ought to remember the lessons from Vietnam—and then it turns out they didn't get the lesson. The lesson is that unless you are willing to commit 100 percent of the resources and give the rules of engagement that allow our military to win, they should never be sent. It is outrageous to have our military in foreign countries with rules of engagement that don't allow them to adequately protect themselves. That's the lesson that should have been learned from Vietnam. We could have won the war.

SAM JOHNSON can tell you, the leaders in Hanoi, as the POWs were taken out, one was laughing: You stupid Americans. If you had just bombed us one more week—like the 2 weeks they had before—we would have had to surrender unconditionally. They could have done that years before, saved thousands and thousands of American lives in Vietnam, but we didn't commit to win it.

We shouldn't send anybody anywhere unless we're committed to win. It costs too much money. But even more than that, it costs the greatest American treasure, and that's American lives.

We are in an economic crisis; and as Peter Marshall as chaplain of the U.S. Senate prayed in the 1940s: What we call crises, God sees as opportunities.

It turns out, those of us in the House, those of us in the Senate, even the President, have an incredible opportunity. We'll never be called the greatest generation; but 100 years from now, if we bring spending down under control, people can look back and say: Wow, they had about 60 years, 65 years of uncontrolled spending. It grew and grew and grew. And the people that were in government then did something that most have never been able to do when they get to that point, when nearly 50 percent are getting more back than they are paying in. They were able to restrain their spending, get control of their financial destiny, and we got another 200 years of the greatest Nation in history.

The other is possible. They could look back and say: Wow, the United States followed the tried-and-true path to the dustbin of history. They spent more than they had. People found that they could get Congress to vote them money out of the Treasury. And once again, that socialist concept failed, and the Nation failed. The Nation that provided for that brief time of Camelot, a time of hope, relative peace, evolving toward more perfect freedom, was lost because of financial irresponsibility.

People have heard me so many times quote Ben Franklin. But it's easy to see from Proverbs, it's easy to see from speeches of people like Ben Franklin, our problem is a selfish problem—anytime we spend more money than we have with complete and utter disregard, gross negligent disregard, even

intentional disregard for the future of our children and one day their children and one day their children, complete disregard, we want to spend it on ourselves now.

It's time to tell Greece, to tell everyone, let's hold hands and do this together, not jump over the cliff by spending good money after bad. Let's do it by not spending money we don't have. And there's no way a country would not be upgraded when S&P and the world see, these people are really serious about not spending more than they have coming in.

This is a brave country. They know how to make commitments. And that would get us back to having true freedom and not having the American citizens have to come begging to Congress. Please, please, throw us more morsels. Instead, Congress would be a body that inspired greatness and inspired potential again and wouldn't lure young women into the rut of having children out of wedlock because they're bored with high school. It would, instead, give them incentives and encouragement: Reach your potential; finish high school; go to college.

Let's have incentives not to stay out of work. Let's have incentives to get back to work. Let's have incentives to sell our products around the world. You do that by decreasing the tariff that we put on American-made goods by every American company. That would help get us on the road back to financial independence.

One other thing: When you have been blessed as the greatest country in the world when it comes to having your own energy, we ought to use it. We have it. We've been blessed with it. It's time to use it. And I would humbly suggest that this President get out of the way, stop preventing us from using our own energy, and allow us to become an independent and great Nation again.

With that, Madam Speaker, I yield back the balance of my time.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2011 at 2:04 p.m.:

That the Senate passed S. 384.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

□ 1800

## THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. I thank you very much, Madam Speaker.

I am very pleased to join my colleagues this evening, including JOHN GARAMENDI of California, to talk a little bit about the standoff that appears to be happening in discussions between the Senate and the House and the seemingly irresolvable issue of whether or not average American families are going to be able to maintain a tax benefit on their payroll tax deduction relating to Social Security contributions for the average family, which is about \$1,000 a year; or whether that money is going to be taken away from them and, instead, tax breaks given to multimillionaires and billionaires in our country.

It appears that the Republican Party is quite averse to having everybody in this country pay their fair share, so I just want to go on record as saying, at this point in our economic recovery, nothing could be more important than keeping that tax benefit in the hands and pockets of America's families. They're the ones who actually take those dollars every month and buy essentials, not extravagant purchases. They make their car payments if they're fortunate enough to have cars; they buy enough food for their families; they buy clothing; my golly, during the holiday season, they might even be able to buy a little bit extra—something special—for their holiday dinners; and they pay down some of the debt their kids have in trying to pay their college or after-high school training bills.

It's really amazing to me that in the richest and most powerful country in the world that we continue to have this tremendous friction here in the Congress to do something that is so reasonable—that is just so eminently reasonable—and would contribute to economic growth. We know that consumer spending is the most powerful instrument to help lift this economy out of its doldrums.

We see the automotive industry recover, this industry that the Obama administration and certain Members of this Congress worked so hard to fight for the recovery of; and we got more signs of that today in Ohio with a wonderful announcement by Ford that it is moving its truck line from Mexico back up to Avon Lake, Ohio, and that it's making over a \$128 million investment there. We see car sales increasing, and that's because people have spendable income.

So why at this point in our history would you want to allow those who have the most not to pay their fair share and take away \$1,000 a year, on

average, from middle class families who would spend those dollars in helping to propel economic growth?

I can guarantee you that at firms that I represent, like Chrysler, Jeep, Fiat, that the Wrangler, that the Cherokee, that the Liberty are selling very well and that General Motors' Cruze vehicle, which is largely a northern Ohio-made car, is selling like hotcakes because people are able to make those monthly payments. So that particular part of the discussion here in Washington makes such eminent sense.

Why in the world would you want to penalize middle class families because you want to just take care of the top 1 percent? It simply isn't fair. It simply isn't fair.

It would seem to me, in the holiday spirit, that the tax-writing committees of both Chambers should get together and figure out a solution that is fair to all families. It's pretty clear to me what that is, and it's pretty clear to me that with corporate profits at all-time highs and with those who run these corporations and sit on their boards that they have been doing quite well, thank you, and it's time for them to do something for the Republic.

It's not that big a deal. Who is going to miss an eighth home or a seventh yacht? But the average family is having trouble meeting its credit card debt, paying its children's bills, having enough, as prices go up, to pay for food on the table, and taking care of elderly relatives sometimes who need extra medications.

So I would urge those in both Chambers who are on these budget and tax-writing committees to spend the time that's necessary and not burden the American people with unnecessary delay. Instead, give the economy the boost that it needs by maintaining the middle class payroll tax cut and by making those in the top 1 percent pay their fair share.

Many, many years ago, they paid a lot more percentage-wise than they do today, and we had lots of job creation in this country. It simply eludes me why those at the very top of the income scale, who have taken most of the benefit of growth in the last 20 years and who are doing so well, are so averse to helping our country and to making sure that everyone has a chance to prosper because, when everyone prospers, so does the top 1 percent. That's where this consumer spending injection from the middle class payroll tax cut plays such a significant role in the economy.

Now, as we buy for the holiday season, nothing could be more important than buying "made in the USA" goods. Why is that important? It's important because, when you see that label, "made in the USA," you know that those dollars flow back to that company and to those workers and that you actually help build wealth in this country.

Last weekend, when we were doing some shopping for the holidays, we

went in one store. I kept looking at labels, and it was China, China, China; and I'd put them back on the shelf. It was actually staggering what percentage of those goods—a majority of the goods on the shelves—were actually made someplace else. I made a point of going to a craft fair in our region and was able to buy several Christmas gifts that were handmade. I felt really good about that because I knew that those were people who had taken their artistic abilities and that they had created tableware, table linens and other items. There was jewelry that was handmade. I knew the profits would benefit those families and that they would go to the communities that they came from. It shouldn't be so hard to find "made in the USA" goods on the shelves of our major retailers.

So I would just urge our citizens—and I know sometimes it's hard—as you're doing your holiday shopping to really try to look for that label "made in the USA" and to help your own community. Find small businesses and find products in your community that are made here so that those dollars recirculate over and over and over again and so they help to build the real wealth of our Nation that made America great.

I would urge you to look at candy-makers in your region, at those who are making cookies, at those who are small entrepreneurs of different kinds, making scarves. I was able to go to one potter in our region, and I ordered several items for this holiday season. That's a local artist who has her own shop and makes her own goods right there. She exports out of that shop, and I know that that's going to help our region grow. So we can do a lot in our own lives and in the way that we spend those precious dollars to really help job creation in our regions, in our country, at a time when we really need it.

I see that some of our other colleagues have joined us here on the floor. I want to thank Congressman PAUL TONKO of the great State of New York for joining us this evening. He is such an outstanding and really relentless voice on job creation and economic recovery in our country.

Mr. TONKO. I thank the gentlewoman from Ohio. Thank you very much for kicking us off on a wonderful hour of discussion as to a plan to revitalize our economy and to grow the opportunities for our working families across this country.

President Obama has ushered forward a wonderful package called the American Jobs Act that will enable us as an American society to respond to the crisis for jobs and to the crisis for economic recovery, all of which are incredibly valuable to the future of this country.

□ 1810

We need to invest, I believe, in a way that allows us to provide the tools that are essential for a modern-day economy and modern-day manufacturing.

This proposal stands in sharp contrast to the work done a decade and a half ago, a decade ago.

What was done then is this spending frenzy that paid for tax cuts for millionaires and paid for tax cuts for billionaires and bought wars in Iraq and Afghanistan and offered a pharmaceutical plan for the Medicare program, all without having a payment mechanism.

And so this spending frenzy, which was tremendous, it was a huge bill for the American public, had been done off budget and had no funding sources. There were no pay-fors, as they are addressed today.

The contrast here with the President's proposal, with President Obama's proposal, is that there is an offering for relief for America's working families, for her middle class strata, with a payroll tax reduction extension, and that enables both employers and employees to realize the savings that then allow us to put together a balanced approach on assisting the economic revitalization of our working families and middle class, and on providing the investments that are essential in going forward, automating our manufacturing concepts in providing an inducement for an ideas economy into the equation of success for this country.

That all requires investment. And so as we look at this plan that is very balanced and paid for, we know that we can compete in that global market if we're given the appropriate revenues to invest in a modern manufacturing concept. Keep in mind, certain sectors were totally avoided by the Bush administration. No focus on agriculture, no focus on manufacturing, a focus on the service sector of the economy, but they are narrowly on the financial services.

We all know the saga there. We know the scenario all too well, that avoidance of a watchdog, turning our back so that there could be this laissez faire approach that brought America's economy to its knees, and we saw the displacement of 8.2 million jobs.

That was painful and impacted people in tremendously profound measure, and people lost their lifetime savings through those failures. Housing values went down. They plummeted and, again, 8.2 million jobs were lost.

So we have an opportunity, Representative KAPTUR, as you've talked about an extension of the payroll tax holiday, we have an opportunity here to not only provide for savings, for our families, but for investments in a modern world manufacturing model that enables us to, again, utilize the strength of research, the strength of technology, the strength of ideas that can then bridge into a new threshold of manufacturing opportunities in this Nation, and then, of course, the investment in the human infrastructure where we train and retrain workers for that automated phase that comes in manufacturing.

So, I thank you for bringing the focus tonight on the floor of the House of Representatives to what we call in our caucus a progressive agenda for revitalizing the economy, and emphasizing, underscoring the concept of making it in the USA, making it in America, putting a focus, again, onto the manufacturing base.

I represent a host of communities dubbed mill towns. They were the economic engine for an industrial revolution. They were the epicenters of invention and innovation that led to this westward movement that enabled us to impact not only the growth of this Nation in favorable measure, but to impact the quality of life in peoples around the world simply by our spirit of pioneer, which is within our DNA to make a difference in the product delivery, in the quality of life that's addressed by that product line.

I'm filled with optimism. I'm filled with optimism if we move to go forward in a way that invests in the American worker, invests in the American business, small business, and invests in our ingenuity and our innovation.

Thank you so much for the discussion.

Ms. KAPTUR. Congressman TONKO, I want to thank you so much for coming to the floor tonight to again express your deep and abiding passion for jobs in our country. And I wanted to follow on something you said.

This is actually a chart which shows our trade deficit with China. Like your community, our communities are just loaded with goods that are coming in here from China. And if we just look back at the last decade, the enormous rise in those goods on our shelves, when you really put the math of it on a chart, it looks like an avalanche. It is just crowding all this money—in 2010, over \$273 billion of hard-earned American money was actually used to purchase Chinese goods, and that money then went back to, not the United States, but to China.

And you think about the displacement of production in this country, for everything from tableware to sometimes food products now, and I had an experience over the weekend because I like to work with small businesses, and I ran into a woman who was blending coffee, she's called a master roaster, and her product is called Bea's Blends, Bea's Blends from Toledo, Ohio.

And she was asking me, I want to expand my company but I need a very small loan, and I don't want to go into debt and, oh, gosh, what should I do next? And I told her I would try to put her in touch with the Small Business Administration.

But it was really, when you said the optimism that you have, I'm meeting companies all the time that are inventing new products—incidentally very good products—and trying to counter this trend of more imports versus our exports. And her product is a product that can be sold locally, it can be sold

interstate, and ultimately it can be sold internationally because it's vacuum packed.

And I was thinking about the creativity of this individual American trying to make it in a very tough economy. And then a couple of days later I was over at a coffee shop in Lakewood, Ohio, and I happened to tell the owner of that shop—also a woman—that I had met this master roaster. And she said to me, well, you know, Congresswoman, it's interesting you should say that. I'm trying to bring together all these master roasters across the coast.

I said, gosh, we have coastal roasters or roaster coastals? But the point was people were thinking, they were creative, they were bringing something new to the market, beautifully labeled, an excellent product, and trying to counter these trends.

And because small business is located in our communities, it's interesting to look at the last several years as well, which conform to the rise of Chinese imports and other imports into our country. And look at the distribution of income of people in our country. And what's happening is what the American people obviously know, which is why we need to maintain the payroll tax holiday and to make those in the top 1 percent pay their fair share.

The divergence between people who are in the lower income spectrum and the upper has just exploded. It is just that before, those who had much and those who had little were not so far apart. But the gap has just widened to a level where the American people know something is fundamentally wrong, and that the ship of State is very out of balance, and that somehow we have to begin to make sure that all boats are lifted in this society and not just some boats get lifted.

And we know that job creation, business growth, business startups, business expansion of American-made products are essential; products that can be exported, that can help to close the trade gap but also then begin to narrow the income gap that we see as we allow more income to be earned by those who are in the middle class and who are in some of the categories of income where they're stretching just to make it every day, every week, to put enough food on the table.

This is really almost un-American. This looks more like an old, stratified society from times past that was very, very undemocratic, places where we wouldn't want to live, the kinds of places that our relatives fled because they couldn't get enough to eat, because they didn't have a chance to earn a fair day's wage.

□ 1820

We are joined this evening by Congresswoman SHEILA JACKSON LEE from the great State of Texas, such a hard-working and able Member who is such a voice for citizens across our country and our world every day.

We thank you so much for joining us this evening.

Ms. JACKSON LEE of Texas, Congresswoman KAPTUR, thank you for allowing me to join you and to join the distinguished gentleman from New York. We are on the floor often, but it is very special to come here tonight as I listen to you discussing the issues not only of Make It In America, but something you have been on—and, in fact, we have known Ohio to be the center point of manufacturing, the center point of production of what we call the raw materials, overlapping with our friends in the Midwest on steel production. We call Ohio the true salt of the earth and the underpinnings of America's economy.

Again, they are very fortunate to have a Member such as MARCY KAPTUR, who has never stepped away from the morality and the moral compass of allowing constituents to work and to fight for them having the opportunity to work and to create opportunities and jobs and manufacturing in Ohio. We thank you. We are joined, of course, by Mr. TONKO, who has never wavered from assisting his constituents, particularly facing the hurricane they had.

I want to join you and pick up the populist chord, if I can. The President went to—I guess he listened to us, listened to you and went to Kansas and went to the place where Teddy Roosevelt, the man with the big stick, went. I think we need a big stick around here. I don't believe in violence, but if I might just get one quote in that I really like: This country succeeds when everyone gets a fair shot, when everyone does their fair share, when everyone plays by the same rules.

This is what we've been speaking about. This is what the public has been asking us. This is what the coffee maker or the small businesses have been asking for: Give us an even playing field.

I want to briefly speak, as I participate in this Special Order, on one or two points, and that is these go hand in hand.

We know there are people who are unemployed. We know there are working people who will benefit from the extension of the payroll tax cut. We also know that we have great respect for our colleagues, but that we have not been tending to the people's business for the last 3 weeks. We have been passing legislation which has been job killers. We could have had a reasonable discussion on how we get to a point. And I don't mind doing things in a bipartisan way. I've never seen you reject bipartisanship. I have never seen Mr. TONKO reject bipartisanship, or Mr. GARAMENDI do so. We are eager to move this country forward.

I'm going to give the other body a compliment because I know they were stuck on the plan of the payroll tax, but I kind of like the idea of a 1.9 percent surtax applied in 2013—not even in 2012—to millionaires over a 10-year pe-

riod. An additional \$31.8 billion would be generated by increasing fees on mortgage lenders paid to Fannie Mae and Freddie Mac; and those may have to be reviewed by this body, but it is seeking a way to ensure that everyone gets a piece. Let me tell you what the response is.

The hostage-taking comes when one Senator of our friends on the other side in the other body, a Republican Senator says: Okay, we don't want the Bush tax cuts to ever expire. That's their response.

So I just want to say to my colleagues that the olive branch has been extended. If we do not do this, I will tell you the GOP will be risking 160 million Americans who will not be protected and will be subjected to this massive, if you will, tax increase. If we do it, it will give 160 million Americans relief. 300,000 people making more than \$1 million a year will give a little bit of sacrifice to give a fair shot, a Teddy Roosevelt fair shot, to the American people of \$1,000 to \$1,500.

Let me speak briefly about the unemployment circumstance here. Six million Americans lost their jobs. And I want to speak briefly, and I want to show this picture of a happy family. You've got manufacturing and I've got the Houston port. We've got stevedores. Obviously, when the international economy slows down, what happens to the guys who load and unload ships? My guy who is in this family that's in need, he's been off work for a month or two months. He's got these beautiful children and a wife. They've got some medical problems. He's had to have surgery. These are the kinds of people that we are castigating, the salt of the earth in Ohio that had jobs in manufacturing and were laid off or they were slowed down.

This headline says: "Illness and budget cuts fail to diminish family's good cheer," but they are the recipients of charitable aid here in Houston, Texas. And you see their three lovely children. If this gentleman does not get unemployment, if, for example, he continues to be laid off, then we are talking about a family that is not on public assistance. We are talking about a family that in fact worked, which is what unemployment insurance is, car insurance, fire insurance. They worked, and they've come upon hard times. New Yorkers worked, and they've come upon hard times. Californians worked, and they've come upon hard times, as have those in Ohio. So I would just, in the spirit of bipartisanship, say to my good friends, find a way to repay the American workers who have come upon hard times, the children who have watched their parents get up every day and work.

Here is my swan song on this point. I wanted to show this picture because I have been plagued over the weekend by the words of one of our national figures who indicated that poor children have no role models; no one in the poor communities ever goes to work; no one who

happens to be poor watches any family member get up and go to work unless they're doing illegal activities.

So a solution is we watch the janitors in the schools—let's make sure the poor children, pluck them out of the pre-K and first grade and sixth grade, let them do the janitorial work of an adult who is providing for his family. In my day, janitorial work, the sanitation department, that was good, hard work for individuals who were providing for their families, and maybe they educated a whole generation of children by being a janitor. Or someone who was housekeeping or someone who was cleaning facilities or office buildings. We are not suggesting that these individuals are not looking for greater aspirations. Maybe somebody went and got a GED or went to a community college.

But to suggest that poor children in Appalachia, where Robert Kennedy went and said he saw the worst poverty he had ever seen, or in places such as inner-city Houston or rural America don't have role models because they are impoverished and the only thing that they are able to see is illegal activity is an insult to the American spirit and is a reflection on what we have come to in this body when we can't give to the working class, this wonderful family that is on the front pages of our paper, indicating they're only in this predicament, they only can't see daddy go to work because he is a stevedore without work and then getting back surgery, so compounded not because they are poor and in a family where nobody gets up and goes to work.

We've got to do better than this. We have to take the Teddy Roosevelt spirit. I'm glad the President was in Kansas and has taken on this kind of hard talk in order to provide for the working families of America.

Ms. KAPTUR. I want to thank you so much for bringing this family's plight to light here in the Congress on behalf of all of America's families who are suffering at this holiday season.

Isn't it an indictment on the legislative branch of this country at the national level that when people need unemployment benefits, we have to run out the clock right to the bitter end, right to the bitter end for benefits that have been earned—earned.

In church on Sunday, a couple came up to me and the husband asked: Congresswoman, if you know of any other jobs, please let me know. What's going to happen with unemployment benefits? This was a family that obviously needed help, a family that had spent their entire life, the man and wife, both working.

□ 1830

He didn't want to ask about the unemployment benefits; but he knew that for that family, maybe it was all that would be there in the near term.

I'll give you a couple of figures I would like to put on the record this

evening. One, I called the head of one of our major railroads the other day because I was trying to get the word out across my region—not everybody is plugged into the Internet—that there were 4,000 jobs that CSX was offering around the country. I wanted to make sure that people in our region knew that they were available. The chief executive officer of the company said, Well, you know, we've had 500,000 applications for 4,000 jobs.

The American people want to work. It is not that they do not want to work, as some of our friends on the other side infer. No, no. They're looking every day. They're just not finding the jobs that existed in past generations. And we know that those jobs have been displaced by imports from places like China. And company after company that used to be located in our neighborhoods aren't there anymore.

So it's harder to find jobs. We have to create new jobs. But the new ones aren't coming on stream fast enough. The level of desire to work in our country is so much higher. Millions more people want to work than there are jobs available right now. And so for many families, unemployment insurance is all that's left for them. Again, this Congress is just waiting to the bitter moment rather than acting responsibly to help families who have literally built this country and who have a very good work ethic and want to work.

So I want to thank the gentlelady from Texas (Ms. JACKSON LEE) for bringing this subject up and putting a human face on what this unemployment really looks like out in the country. If anyone has any doubt, come to Ohio. Come meet these families who want to work and are looking every day.

Of course, the way it works, you can't go into a company. They tell you, Well, we might have a hundred jobs but apply to us through the Internet. It's like you go into this faceless system where you can't really find a human being.

They're trying out there in the country. All the economic figures show us—and the last thing I will say here for this segment—Mark Zandi from Moody's has classified every single expenditure that one can make that gives the economy more than a dollar for every dollar expended. Would you believe that if one looks at things like unemployment insurance and payments to the unemployed, that produces the biggest bang to the economy? Well over \$1.35 for every dollar invested as opposed to, let's say, tax credits or something like that, these arcane tax provisions, where less than 30 cents is actually reinvested in the economy.

So unemployment insurance extensions also make sense for economic growth at this very tender time because the people who receive those benefits spend them on essentials that drive the economy.

I yield to the gentlelady.

Ms. JACKSON LEE of Texas. I want to follow up and put two more numbers on the record, as you did. You made a very valid point that here we are at the last minute. You would think that we would be sensitive enough to know that families are gathering. Families want to have a holiday for the children. They're trying to be the Santa that they know that the children believe in. They're trying to make preparations. Families are trying to find ways to be with loved ones. It may be gasoline that they may need to drive a car. If we don't do this unemployment insurance, we are poised—unlike if we did it and we get bang for our buck—to lose 200,000 jobs. Compound that with not extending the payroll tax cut and we'd lose 400,000 jobs. That is almost 600,000 jobs.

I finish by saying the tragedy of your point about China—and I want to make it very clear that we love all people. We wish the best for the people of China. It is the policies, the currencies. But not only do we have this in the backdrop; we have to fix our own house so that we're not building a bridge in California that has drawn steel and workers and designers and accountants from way across the ocean in China. We've got to get our house in order.

And so 600,000—if the payroll tax cut extension doesn't go forward, we're losing 400,000 jobs. And if unemployment insurance doesn't go forward, we're losing 200,000 jobs. Is this the way to welcome the most sacred season for many faiths and many families of the year of giving, where we teach our children to give? Is this what we should be doing to the American people? Is this what we should be doing to our soldiers who will be coming home by the end of December? I think not.

I thank the gentlelady for allowing me to share these thoughts. I'm only looking forward to getting our house in order and getting our holiday house in order and reflecting on the needs of the American people and not special interests.

Ms. KAPTUR. I want to thank the gentlelady for those very profound comments tonight and just place on the record that just in our church last weekend the priest informed us that compared to last year he was asking for people to dig deeper because the number of baskets and the number of "asks" was up well over 125. I think just for our church it's over 360 now for this year. For a small congregation, that's a bit of a struggle. That's just one place, just one corner in America, repeated in 50 States, in every hamlet.

I appreciate what the gentlelady said about the spirit of this particular season of light and of giving and that the people who are out of work have earned these benefits. They're not asking for any handout. They're asking for the insurance that they earned as a condition of work in order to help have a merry Christmas and a happy Chanukah and very Eid greeting season. They're not asking for anything they haven't earned.

I thank the gentlelady for coming down tonight.

Our leader, Congressman JOHN GARAMENDI of California, is with us tonight. We thank him so much for reserving this Special Order and for the incredible leadership that he has exhibited each and every week that we have been in session. Just a powerful and sustaining voice on Making It in America and creating jobs here.

Mr. GARAMENDI. Ms. KAPTUR, you've gone too far. Thank you so very, very much for picking up.

Tonight is a very special night for California. We lit the holiday tree in front of the Capitol. It was a tree that came from a community very close to where I was raised in California. I was out there with the choir from Summer-ville High School in Tuolumne County, an area that I represented for some 20 years, and then others around the area. A beautiful, beautiful tree from the Stanislaus National Forest in California.

There really is much to celebrate and much to be concerned about in America. We are still a very great country. We're the strongest, wealthiest place on this Earth. We have incredible opportunity and potential. I saw it in those kids that were singing in front of the Nation's Capitol this evening. Yet there's so much pain, as was pointed out by you and our colleague from Houston earlier.

Americans care about each other. They deeply are concerned about what's going on in our communities, and they want solutions to the problem. That's our task. There's 435 of us here and over in the Senate another 100. And, of course, the President. It's our task to find the solutions. The President has put forth a very powerful program called the American Jobs Act. One piece of it has, fortunately, passed. It was passed just a few days after Veterans Day when I guess we were out at the parades, and we made promises to take care of the veterans. Fortunately, a piece of legislation did pass. Only one part of the American Jobs Act, though there's much more to do.

My colleagues, Ms. KAPTUR, and the gentlelady from Houston, we're talking about a piece of it. The veterans piece provides employers a very powerful incentive to hire a veteran. A very, very powerful incentive. You can reduce your taxes by \$2,600 to hire a veteran that's been unemployed; a long-term unemployed veteran, \$5,600 reduction in your taxes; and in addition to that, the President proposed that if it is a veteran who is disabled as a result of their service, a \$9,600 reduction in taxes.

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That's right off the tax line. So we've got to get the message out to employers: Hire, put people back to work, the veterans. It's one of the elements the President has proposed in his American Jobs Act.

And you were so powerfully putting forward just a moment ago the issue of

the payroll tax deduction. It's going to end. There will be a tax increase for every American who is earning up to \$106,000, a tax increase average of \$1,500 across this Nation. We want to keep that tax reduction in place. We Democrats do not want a tax increase on the working middle class, no.

But again, as was pointed out just a moment ago, our Republican friends are saying, Well, that's a good idea, but where are you going to get the money? You can't get the money from those whose annual income is more than \$1 million; \$1 million a year annual income, you can't tax them. That's not fair to tax those people. They're the job creators.

Baloney. They're not the job creators any more than any other small business in the community who doesn't even come close to having an annual income of \$1 million.

So let's be fair about this. They've had an enormous tax break over the last decade. It's time for them to come forward and to share in the burden of America and put Americans back to work. The American Jobs Act works.

Let me now turn to my colleague from New York.

Well, Ms. KAPTUR, you're running this operation, so, please.

Ms. KAPTUR. I am going to yield the time to you, Congressman GARAMENDI, but I did want to say for the listening audience that this is a coast-to-coast operation. I'm looking at you from California, Congressman TONKO from New York, Congresswoman JACKSON LEE from Texas, and myself from the heartland. That's a pretty broad variety of opinion from across our country, from very significant States.

Mr. GARAMENDI. I thank my colleague from the great State of New York, picking up the east-west program once again.

Mr. TONKO. Representative GARAMENDI, thank you again for bringing us together with this request for a Special Order.

If Representative KAPTUR could just take us back to that second chart that she shared with us earlier this evening and the measurement or the depiction of real average after-tax income.

Now, you talk about the unfairness out there or the inability to go forward and tax fairly. When you look at that graphic, to see the injustice that's displayed just in simple line graph format, that flatlining of America's middle class from 1979 forward, that flatlining contrasted with that steep climb upward for those in the upper income brackets tells us the whole story.

And people have said across this country, when I go home to the district, people say to me that they're concerned, they're upset. They've been taught, rightfully so, they've learned along the way that if you play fair, you roll up your sleeves and you abide by the rules that you should be able to have within your grasp that American Dream. The American Dream, one that allows for working families to climb

the ladder. They don't feel that that's within their grasp today.

And it's not only the injustice here that is measured on a chart—and be mindful, they don't reject the notion of working hard and scoring big, making money. They're not concerned about that. They honor that. What they're concerned about is the undue influence that the powerful have, those sitting perched high on the income ladder, the power they have with the process and the policy outcomes. And the fact that we would avoid fairness in revenues and not invest in the American Dream, not invest in opportunity, not invest in the prosperity of this Nation is what bothers them. They don't want to be ignored that way. They want to know that a process out there, there's a government working to create policies that initiate a comeback, that enable people to have within their grasp the American Dream. That's what they want to know is alive and well here in Washington.

And now it's a fight. It's a fight for the Democrats in this House to score a victory for the middle class. We want that victory. We want people to be able to know that there's a fairness out there. Look at it, \$1,800, \$1,500, whatever your strata would produce as a favorable outcome is something for them. Month to month they will score some victory here where the essentials, as Representative KAPTUR labeled them, are available to them with these savings. Contrasted with opportunities that we see here that find this group that's rising to the top exponentially just won't share the prosperity in that way.

And I think it's the avoidance of sound progressive policy that's really the struggle right now. And people are expressing their anger and their frustration, and rightfully so, because we need to be more fair.

Mr. GARAMENDI. If I might just interrupt you, Mr. TONKO.

You mentioned sound progressive policies. We've all been back home over Thanksgiving. I've talked to a couple of those people that are on that blue line way up there, and they're willing to pay a little more for fairness. But I also have heard from some who say, well, we can't do anything until you control Medicare. And what do they recommend in Medicare? They recommend extending the age from 65 to 67. And I'm going, What sense does that make?

When you consider that Medicare was started in 1964, 51 percent of those men and women over 65 had no health insurance. Today, virtually everyone over 65 has health insurance. It's Medicare. It is one of the solid bedrock programs that keeps people—seniors—from falling into poverty.

Back in 1964, 30 percent of the seniors were in poverty. Without Medicare, they would be in poverty again today. And yet our Republican colleagues want to terminate Medicare, literally turn Medicare over to the private in-

surance companies who I know, as a previous insurance commissioner, will not provide a reasonably priced policy or benefit to somebody who is 65 because those are the people that get sick.

Similarly, they have said repeatedly since the 1930s that they want to terminate Social Security. We hear that. We hear the background buzz around this building. They want to terminate Social Security. These are the programs that give American seniors the dignity and the opportunity not only to live a good life, but to even live, to stay alive.

Mr. TONKO. Let me just talk about a point of clarification, too, to add to that discussion.

On this whole tax fairness, people have approached me. They've said, Now, explain to me—because they hear different scenarios. They were imagining that there would be this tax, this surcharge on \$1.2 million. For instance, if you're over that \$1 million threshold and you have an annual income of \$1.2 million, the people are now reminded that it's on that \$200,000 over and above the first \$1 million upon which the surcharge is levied. You know, that's an important fact that is sometimes lost in the discussion. So now people are saying, Well, wait a minute; so the first million dollars isn't taxed.

Mr. GARAMENDI. Same tax rate, doesn't change at all.

Mr. TONKO. Right. And so they're saying, Well, whoa, we've been flatlined for so long, and this exponential rise for the highest in the income ladder's outcome.

Mr. GARAMENDI. Surcharge is only on the amount over \$1 million.

Mr. TONKO. So now there is more determination by America's middle class families to have it fixed and done correctly.

And the other thing is, I'm reminded, every time I go home, by middle class Americans, modest household incomes, that: We're job creators. My children needed my attention at home. I opened a childcare in my home. I charge. I have a small business.

Many small business people tell me, as an idea came to mind, they now wanted to turn that into a product. They're small business owners. They're the engine. They're connected to the community. They're tethered to the small community.

Mr. GARAMENDI. Can I interrupt for just a second?

The American Jobs Act, which we're trying to push through this Congress to get men and women back to work, provides a tax reduction for the employer on wages less than \$50 million. So for your childcare provider, for the small business person, the carpenter out there in the small business, they also get a 50 percent reduction in their payroll tax. So instead of 6.2, it goes to 3.1. So this isn't just for the wage earner. This is also for the business person.

Mr. TONKO. Exactly.

Mr. GARAMENDI. So why don't they support this?

Mr. TONKO. You know, this is a statement of underpinning of support for middle class, for working families, for small business. It's the engine that's making it happen.

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Small business, the investment we can make, not only the tax cut we can provide here, but the investments that are required for the ideas to move along. We're in a challenging time. We're there competing in a global economy. We invest in the intellectual capacity of this Nation, and how foolish of us not to take that investment, that product of that investment and put it into working order. That's what we're asking for here.

Give small business the tools, give working class families the opportunity, and we will have a comeback story that is glorious, and we should be filled with optimism if we do the things that are so logical, and that polls across America, individual polls from all sectors, all angles, all different groups that measure, they're saying this is what America wants. And how come they can't get it delivered by their government?

They're speaking to us loud and clear through their opinion surveys. We want this progressive schedule. We want this agenda. Make it happen. We're trying here as the Democratic Caucus in the House of Representatives, Representative KAPTUR, to make it happen, and I think we can if we put our minds to working together in a very, very bipartisan, bicameral way, executive branch working with the legislative branch, vice versa, and making a progressive agenda happen.

Ms. KAPTUR. If the gentleman would just yield, I'd like to add that I agree with you completely. Every small business that I walk into tells me, MARCY, bring me customers. Customers are a function of having spendable income.

There are no more important decisions we could make as a country, right now, as we finish the month of December, than to make sure that middle class families have spendable income by not raising their taxes; middle class families, who've been holding the line here without real additional spending power over the last decade, and to make sure that we extend unemployment benefits to those who've earned those benefits because that has the maximum bang inside the economy when people spend those dollars on basics, on essentials.

Those are two practical decisions from an economic standpoint no rational human being would disagree with. And they contribute to economic growth. They contribute to keeping us on an upward path as we move forward here in our country after coming out of this deep, deep, deep recession.

Mr. GARAMENDI. If I might, Ms. KAPTUR, a fascinating piece of information came across my desk today, and it had to do with the Affordable Care Act,

which our Republicans like to call ObamaCare. Hey guys, it's working. It's working.

You just talked about spendable income. Let's see here: 2.65 million seniors, because of the Affordable Care Act, had an average of \$569 additional in their pocket as a result of the discount drug benefit program. Wow. It was incredible. It actually, the 50 percent discount on brand name drugs, saved \$1.5 billion for 2,650,000 seniors. Saved \$1.5 billion, an average of \$569 per senior.

It's working. It's working. And also, very interesting, these kinds of statistics come across, and normally we ignore them. But the annual wellness program, 1,931,927 seniors were able to take advantage of the annual wellness program that is in the Affordable Care Act; 24,175,608 seniors took advantage of the free service program in the Affordable Care Act.

So when folks are out there and they're putting down ObamaCare, be careful. It's not a negative. It's a very, very strong positive.

And you'll like this one, Ms. KAPTUR. Hang on a second. Ohio. One million, let's see here, 1,864,243 seniors took advantage of the affordable care and 50,178 seniors in Ohio took advantage of the discount, the drug discount. It's working. That's exciting.

This is legislation that we passed that's actually helping the seniors and the economy by putting money back in their pockets, rather than in the pockets of the pharmaceutical companies.

Ms. KAPTUR. If I could say, Congressman GARAMENDI, with those seniors, I know the first place they're going to spend those extra dollars, after they pay for food, will be on their grandchildren. And all I hope is that they don't buy Chinese toys this Christmas. I hope they find a way to buy little outfits that are made at your local craft fair, or they find ways to find candy that's made by a local firm, they find ways to spend those dollars wisely, because if we do that, if we spend every dollar as wisely as we can, we really lift the economy of this country, and we put those dollars back into businesses that actually are conducting business on our shores.

Mr. GARAMENDI. Excuse me for getting back into this, but Mr. TONKO gave me that look that says what about New York? 1,410,533 New York seniors were able to get free medical services, and 127,691 were able to take advantage of the 50 percent drug discount. Good for you. You voted for that act. I voted for that act, and I didn't even talk about California. Should I?

Mr. TONKO. You should share it for your home State.

Mr. GARAMENDI. Yes. 1,962,809 seniors in California were able to get free medical services and 139,396 were able to take advantage of the 50 percent drug discount. \$569 average savings for seniors. It's working. The Affordable Care program is working for seniors, and it's putting money back into our economy to grow this economy.

Ms. KAPTUR. I was just going to say, very quickly, that sounds to me very life-giving, Congressman GARAMENDI. It doesn't sound like there are death panels. It doesn't sound anything like some of the opponents were saying when that bill was first passed. In fact, seniors have a greater chance to live now because they can get the medicine they need and they can get the check-ups they need, and to me, that's very life-affirming. I just wanted to put that on the record.

Mr. GARAMENDI. We also know that there are—I don't know the exact number—I think it's about 20-some million young men and women, age 21 to 26, are now back on to health insurance, their parents health insurance as a result of this law. We'll pick up that statistic as soon as I get my hands on it, but I think that's the number, over 20 million.

Mr. TONKO. So many of these programs, including the longstanding Medicare program, are looked at sometimes in dollars and cents and argued about how they're improved or not improved. But sometimes lost in the whole discussion is the value added, the whole underpinning of support that is offered the senior community.

Prior to the inception of Medicare in 1965, families that retired were probably going to see their economic well-being dip precipitously. And what they had here, with the Medicare Foundation, was that their economic stability, their dignity factor, was addressed in tremendously strong and powerful ways so that they were able to move forward in those retirement years with that sense of dignity, with the quality of life, with economic stability.

These are facts that need to be maintained in the front of any discussion; that to undo Medicare would be a tragedy for American families, for our seniors. And certainly, let's go forward, as we have said, with optimism. Let's invest in Medicare. Let's invest in Social Security, and let's invest in an economic recovery where we cut where we can, belt tighten, but invest where we must so we can compete effectively.

And to my colleagues on the floor here tonight, Representative KAPTUR, Representative GARAMENDI, I join with you in being a powerful voice in promoting optimism as we go forward, and wanting to have progressive change.

Mr. GARAMENDI. I thank you so very much.

MARCY KAPTUR, thank you for grabbing the microphone early on. I was down with that Christmas tree and the lighting ceremony from California. I got here just in time to pick up a couple of these issues.

We know we can put men and women back to work. We have the tools. The question is whether this House has the will to do so and not increase our deficit. We can actually do this and not increase the deficit, take people that are not paying taxes now, put them back to work.

The Affordable Care Act is working. And we know that we can continue the

unemployment benefits, and there's a way of paying for it. You show it there on that. The super wealthy, it's time for them to pick up their fair share.

Thank you so very much for this wonderful evening and telling the story of the prosperous America that we can have once again. This is America. This is a great country. We have within our power to get back on our feet and to charge forward, and we really appreciate all that you're doing to make that happen in the great Midwest and in New York and in Houston.

Ms. KAPTUR. I really have enjoyed sharing this hour with Congressman TONKO of New York and Congressman GARAMENDI of California, speaking out for 100 percent—the 99 percent that are often forgotten, the 1 percent that we don't forget but know that your patriotism really will come to shine in this holiday season—and to urge our colleagues in the House and Senate to do what's right, to make the decisions on extending the payroll tax holiday for the middle class, making sure we extend unemployment benefits which are earned benefits, and that we stand up for all of America because we're all in this together.

I thank my colleagues very much, the listening audience, and those who are out there helping us to move the ship of state in a direction so that we create jobs in this country and we keep this economy on an upward roll.

Mr. GARAMENDI. It's for the 99 percent.

Ms. KAPTUR. For the 99 percent as well.

Mr. GARAMENDI. And 100 percent of Americans moving forward.

Ms. KAPTUR. That is right.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for today on account of a family medical emergency.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and December 7 on account of official business.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

#### ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), under its previous order, the House adjourned until to-

morrow, Wednesday, December 7, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4146. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4147. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Regulations G, O, W, BB, LL, MM, Rules regarding availability of information, Rules of Procedure, Rules of Practice for hearings, and Post-employment restrictions for senior examiners [Docket No.: R-1429] (RIN No.: 7100 AD-80) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Remittance Transfers (RIN: 3133-AD94) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4149. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 110930606-1640-01] (RIN: 0694-AF40) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4150. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification [FAC 2005-54; FAR Case 2009-019; Item III; Docket 2010-0108; Sequence 1] (RIN: 9000-AL77) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4151. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act [FAC 2005-54; FAR Case 2010-006; Item I; Docket 2010-0106; Sequence 1] (RIN: 9000-AL76) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4152. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [CBP Dec. No. 11-23] (RIN: 1651-AA91) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Denton, TX [Docket No.: FAA-2010-1327; Airspace Docket No. 10-ASW-19] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Harrisonville, MO [Docket No.: FAA-2011-0251; Airspace Docket No. 11-ACE-5] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class D Airspace; Willow Grove, PA [Docket No.: FAA-2011-0355; Airspace Docket No. 11-AEA-8] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Moberge, SD [Docket No.: FAA-2011-0134; Airspace Docket No. 11-AGL-3] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; El Dorado, KS [Docket No.: FAA-2011-0231; Airspace Docket No. 11-ACE-4] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Information System State Procedures Manual, Release 5.2.0 [Docket No.: FMCSA-2011-0039] (RIN: 2126-AB33) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0033; Directorate Identifier 2009-NM-099-AD; Amendment 39-16737; AD 2011-14-02] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B2-1C, A300 B2-203, A300 B2K-3C, A300-B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2011-0000; Directorate Identifier 2007-NM-189-AD; Amendment 39-16769; AD 2011-17-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.a. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2011-1000; Directorate Identifier 2011-NM-048-AD; Amendment 39-16828; AD 2011-21-05] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines [Docket No.: FAA-2011-0999; Directorate Identifier 2010-NM-235-AD; Amendment 39-16825; AD 2011-21-02] (RIN: 2120-AA64)

received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT [Docket No.: FAA-2011-0687; Directorate Identifier 2011-CE-017-AD; Amendment 39-16833; AD 2011-21-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes [Docket No.: FAA-2011-0306; Directorate Identifier 2010-NM-176-AD; Amendment 39-16829; AD 2011-21-06] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes [Docket No.: FAA-2011-0312; Directorate Identifier 2010-NM-159-AD; Amendment 39-16838; AD 2011-21-15] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes [Docket No.: FAA-2011-0811; Directorate Identifier 2011-CE-026-AD; Amendment 39-16839; AD 2011-21-16] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0264; Directorate Identifier 2009-NM-244-AD; Amendment 39-16837; AD 2011-21-14] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Siema Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes [Docket No.: FAA-2010-0040; Directorate Identifier 2008-NM-203-AD; Amendment 39-16831; AD 2011-21-08] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-103, B4-203, and B4-20C Airplanes [Docket No.: FAA-2011-0478; Directorate Identifier 2010-NM-138-AD; Amendment 39-16832; AD 2011-21-09] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0564; Directorate Identifier 2011-NM-021-AD; Amendment 39-16830; AD 2011-21-07] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1161; Directorate Identifier 2011-CE-036-AD; Amendment 39-16850; AD 2011-21-51] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R212/4-30-4/22 and R251/4-30-4/49 Propeller Assemblies [Docket No.: FAA-2011-0735; Directorate Identifier 2011-NE-01-AD; Amendment 39-16807; AD 2011-19-02] (RIN: 2120-AA64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Section 1274A CPI Adjustments (Rev. Rul. 2011-27) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4175. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Allocation of Basis in "All Cash D" Reorganizations [TD 9558] (RIN: 1545-BJ21) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3237. A bill to amend the SOAR Act by clarifying the scope of coverage of the Act; with an amendment (Rept. 112-315). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1633. A bill to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes; with an amendment (Rept. 112-316). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself and Ms. RICHARDSON):

H.R. 3563. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 3564. A bill to repeal the requirements under the United States Housing Act of 1937

for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. FLORES:

H.R. 3565. A bill to reduce the salaries of Members of Congress if a Federal budget deficit exists, prohibit commodities and securities trading based on non-public information relating to Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Agriculture, Rules, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. GUTIERREZ):

H.R. 3566. A bill to ensure uniformity and fairness in deficiency judgments arising from foreclosures on mortgages for single family homes; to the Committee on the Judiciary.

By Mr. BOUSTANY:

H.R. 3567. A bill to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Ms. MCCOLLUM):

H.R. 3568. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 3569. A bill to improve Indian education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. WOOLSEY, Ms. PINGREE of Maine, and Mr. KEATING):

H.R. 3570. A bill to promote ocean and human health and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H.R. 3571. A bill to direct the Commissioner of Internal Revenue to establish a self-employment tax initiative grant program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 3572. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Ms. MOORE (for herself, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. NORTON, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATERS):

H.R. 3573. A bill to reauthorize and amend the program of block grants to States for

temporary assistance for needy families and related programs; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. GIBSON, Mr. HIGGINS, Mr. HANNA, Ms. SLAUGHTER, Mr. KING of New York, Mr. GRIMM, Mr. HINCHEY, Ms. BUERKLE, Mr. TONKO, Mr. OWENS, Ms. HOCHUL, Mr. ENGEL, and Mr. ALTMIRE):

H.R. 3574. A bill to revise the formula for allocating funding to States under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate the disbursement of funds for political activity by for-profit corporations and other for-profit business organizations; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California:

H. Res. 484. A resolution calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom; to the Committee on Foreign Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BILIRAKIS:

H.R. 3563.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1.

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RANGEL:

H.R. 3564.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

Section 1: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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By Mr. FLORES:

H.R. 3565.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6; and Article 1, Section 8

By Mr. TOWNS:

H.R. 3566.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution. This provision grants Congress the power to regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes.

By Mr. BOUSTANY:

H.R. 3567.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. KILDEE:

H.R. 3568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BACA:

H.R. 3569.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3570.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. CHU:

H.R. 3571.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States of America, the authority to enact this legislation rests with the Congress.

By Mr. CONNOLLY of Virginia:

H.R. 3572.

Congress has the power to enact this legislation pursuant to the following:

The "necessary and proper" clause of Article 1, Section 8 of the United States Constitution.

By Ms. MOORE:

H.R. 3573.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of Section 8 of Article I of the Constitution

By Mr. REED:

H.R. 3574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. ELLISON:

H.J. Res. 92.

Congress has the power to enact this legislation pursuant to the following:

Article V

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 361: Mr. NUNNELEE, Mr. HECK, and Mr. POSEY.

H.R. 376: Mr. TOWNS and Mr. HANNA.

H.R. 389: Mr. POSEY.

H.R. 452: Mr. NUGENT, Mr. GIBBS, and Mr. COURTNEY.

H.R. 459: Mr. PAULSEN.

H.R. 507: Mr. DOLD and Ms. CASTOR of Florida.

H.R. 721: Mrs. ELLMERS, Mr. MEEHAN, Mr. RIBBLE, Mr. DIAZ-BALART, Mr. FITZPATRICK, Mr. BERMAN, Mr. GARDNER, and Mr. OLSON.

H.R. 835: Mr. MURPHY of Connecticut and Mr. PALLONE.

H.R. 860: Mr. DUFFY, Mr. FLAKE, Mr. KIND, Mr. CLARKE of Michigan, Mr. SCOTT of Virginia, Ms. HAHN, Mr. PITTS, Mr. CARSON of Indiana, Mr. RIBBLE, Mr. WOMACK, Mr. ALTMIRE, Mr. RIVERA, Mr. LUJÁN, and Mr. THOMPSON of California.

H.R. 873: Mr. NADLER.

H.R. 998: Ms. HAHN and Mr. DINGELL.

H.R. 1148: Mr. COSTA, Ms. SCHAKOWSKY, Ms. HAHN, Mr. LEWIS of Georgia, Mr. ALEXANDER, Ms. RICHARDSON, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. CAPUANO, Mr. CUELLAR, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WELCH, Mr. FORTENBERRY, Ms. WATERS, Ms. DELAURO, Mr. HINOJOSA, Mr. ROTHMAN of New Jersey, Mr. POSEY, Mr. FRELINGHUYSEN, Mr. COBLE, Mr. WITTMAN, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. PLATTS, and Mr. CARTER.

H.R. 1159: Mr. BURTON of Indiana.

H.R. 1171: Mr. WAXMAN, Mr. BILBRAY, and Mr. STARK.

H.R. 1179: Mr. BARLETTA.

H.R. 1191: Mr. PAUL.

H.R. 1206: Mr. OLSON.

H.R. 1221: Mr. NUNNELEE.

H.R. 1350: Mr. JOHNSON of Georgia.

H.R. 1370: Mrs. LUMMIS and Mr. BARLETTA.

H.R. 1386: Ms. HAHN, Mr. DIAZ-BALART, Mr. KEATING, Ms. MATSUI, and Mr. HASTINGS of Florida.

H.R. 1477: Mr. DEUTCH.

H.R. 1505: Mr. MCCAUL.

H.R. 1579: Mr. RYAN of Ohio.

H.R. 1581: Mrs. ADAMS.

H.R. 1633: Mr. PENCE.

H.R. 1639: Mr. ALTMIRE and Mr. ROTHMAN of New Jersey.

H.R. 1648: Ms. HAHN, Mr. HINOJOSA, Mrs. LOWEY, Mr. FARR, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1704: Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. DOLD, and Mrs. CAPPS.

H.R. 1744: Mr. CONAWAY.

H.R. 1755: Mr. COURTNEY and Mr. PALLONE.

H.R. 1834: Mr. QUAYLE.

H.R. 1903: Mr. HINOJOSA and Ms. SCHAKOWSKY.

H.R. 1968: Mr. COURTNEY.

H.R. 2016: Mr. LOEBSACK.

H.R. 2028: Ms. BASS of California.

H.R. 2047: Mr. TURNER of New York, Mr. FALEOMAVAEGA, Mr. HIGGINS, Mr. MILLER of Florida, and Mr. CHABOT.

H.R. 2051: Mr. RANGEL.

H.R. 2069: Mr. TOWNS.

H.R. 2093: Mr. FILNER and Ms. WOOLSEY.

H.R. 2108: Mr. DEUTCH.

H.R. 2123: Mr. DENT.

H.R. 2144: Mr. CAPUANO.

H.R. 2151: Mr. THOMPSON of Mississippi.

H.R. 2152: Mr. HINOJOSA.

H.R. 2159: Mr. BISHOP of New York.

H.R. 2194: Mr. DAVID SCOTT of Georgia.

H.R. 2210: Mr. GRIJALVA.

H.R. 2304: Mr. WILSON of South Carolina.

H.R. 2315: Mr. GRIJALVA.

H.R. 2376: Ms. SLAUGHTER.

H.R. 2412: Mrs. LOWEY.

H.R. 2446: Mr. GRIMM.

H.R. 2461: Mr. PIERLUISI and Mr. LOEBSACK.

H.R. 2485: Mr. ROE of Tennessee.

H.R. 2489: Mr. DINGELL, Mr. MCGOVERN, Mr. ISRAEL, and Mr. LANCE.

H.R. 2499: Mr. SMITH of New Jersey.

H.R. 2536: Mr. CARSON of Indiana and Ms. CASTOR of Florida.

- H.R. 2541: Mr. DENHAM.  
H.R. 2595: Mr. COHEN.  
H.R. 2599: Mr. MCNERNEY, Mr. KINZINGER of Illinois, and Mr. HASTINGS of Florida.  
H.R. 2607: Ms. HAHN.  
H.R. 2617: Mr. HINOJOSA.  
H.R. 2672: Ms. JENKINS.  
H.R. 2697: Mr. RANGEL, Mr. KLINE, and Mr. YODER.  
H.R. 2706: Mr. SOUTHERLAND.  
H.R. 2735: Mr. CROWLEY.  
H.R. 2742: Ms. LEE of California.  
H.R. 2746: Mrs. MALONEY, Mr. RANGEL, and Mr. POLIS.  
H.R. 2751: Ms. SLAUGHTER, Mr. POLIS, Mr. RUPPERSBERGER, and Mr. JONES.  
H.R. 2866: Mrs. MCCARTHY of New York.  
H.R. 2885: Mr. BASS of New Hampshire and Mr. DUNCAN of Tennessee.  
H.R. 2898: Mr. LUCAS.  
H.R. 2918: Mr. HULTGREN and Mr. POE of Texas.  
H.R. 2948: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. BOSWELL.  
H.R. 2966: Mr. RUSH, Ms. ESHOO, Ms. SLAUGHTER, and Mr. PALLONE.  
H.R. 3000: Mr. HUIZENGA of Michigan.  
H.R. 3059: Ms. MCCOLLUM, Mr. BURTON of Indiana, and Mr. MULVANEY.  
H.R. 3061: Mr. TIERNEY and Mr. CRENSHAW.  
H.R. 3088: Mr. DOGGETT and Ms. SLAUGHTER.  
H.R. 3151: Ms. CHU.  
H.R. 3185: Mr. BERG.  
H.R. 3192: Mr. LATHAM.
- H.R. 3245: Mr. GARAMENDI and Mr. ROTHMAN of New Jersey.  
H.R. 3269: Mr. SULLIVAN, Mr. BENISHEK, Mr. BILBRAY, Mr. POMPEO, Mr. FLORES, and Mr. NUNNELEE.  
H.R. 3334: Ms. MCCOLLUM.  
H.R. 3362: Mr. ISSA.  
H.R. 3393: Mr. ROSS of Florida and Mr. SOUTHERLAND.  
H.R. 3394: Mr. HINCHEY.  
H.R. 3400: Mr. LAMBORN, Mrs. BLACKBURN, Mr. ROSS of Florida, Mr. CAMPBELL, and Mr. POMPEO.  
H.R. 3421: Mr. KIND, Mr. KEATING, Mrs. LOWEY, Mr. PASCRELL, Ms. MCCOLLUM, Mr. MCHENRY, Mr. PETRI, Mrs. BONO MACK, Mr. LAMBORN, Mr. BILBRAY, Mr. MEEKS, Mr. GIBSON, Mr. HERGER, Mr. WAXMAN, Mr. POMPEO, Mr. ALEXANDER, Mr. CAMPBELL, Mr. CANSECO, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, Mr. RIVERA, Mr. HARPER, Mr. BISHOP of Utah, Mr. HALL, Mr. DAVIS of Kentucky, Mr. WALBERG, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. OLSON, Mr. MACK, Mr. DESJARLAIS, Mr. CARTER, Mr. NUNNELEE, Mrs. MALONEY, Mr. JORDAN, Mr. LEWIS of California, Ms. BUERKLE, and Mr. WEBSTER.  
H.R. 3423: Mr. CALVERT, Mr. MORAN, Mr. LYNCH, Ms. BROWN of Florida, Mr. BENISHEK, Mr. AKIN, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. SIREs, and Mr. DAVID SCOTT of Georgia.  
H.R. 3425: Ms. RICHARDSON and Mr. FILNER.  
H.R. 3432: Mr. CONNOLLY of Virginia.  
H.R. 3441: Mr. LONG.
- H.R. 3449: Mr. MICHAUD.  
H.R. 3454: Mrs. HARTZLER.  
H.R. 3480: Mr. WALSH of Illinois, Ms. JENKINS, and Mrs. ROBY.  
H.R. 3483: Mr. JOHNSON of Illinois, Mr. TOWNS, and Mr. KISSELL.  
H.R. 3519: Ms. CHU.  
H.R. 3521: Mr. PAULSEN.  
H.R. 3541: Mr. CRAVAACK, Mr. CANSECO, Mr. KELLY, and Mr. KING of Iowa.  
H.R. 3548: Mr. COBLE.  
H.R. 3550: Mr. ROYCE, Mr. LOEBSSACK, and Mr. HUIZENGA of Michigan.  
H.R. 3551: Mr. HUIZENGA of Michigan.  
H.R. 3556: Mr. CONYERS.  
H.J. Res. 69: Mr. DENT.  
H.J. Res. 78: Ms. HIRONO.  
H.J. Res. 88: Mr. DEFAZIO.  
H. Con. Res. 72: Mr. ANDREWS.  
H. Con. Res. 77: Mr. POE of Texas.  
H. Con. Res. 85: Mr. DEFAZIO and Mr. RUSH.  
H. Res. 25: Mr. OWENS.  
H. Res. 111: Mr. CARNAHAN, Mr. SOUTHERLAND, and Mr. LARSON of Connecticut.  
H. Res. 184: Mr. NUGENT.  
H. Res. 282: Mr. DANIEL E. LUNGREN of California.  
H. Res. 460: Mr. RANGEL and Mr. NUGENT.  
H. Res. 475: Mr. GOODLATTE, Mr. CANSECO, Mrs. ROBY, and Mr. KING of Iowa.  
H. Res. 480: Mr. FITZPATRICK, Mr. ROYCE, Mr. LANKFORD, and Mr. OLSON.  
H. Res. 481: Mr. SMITH of Washington.