



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, THURSDAY, JUNE 7, 2012

No. 85

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 7, 2012.

I hereby appoint the Honorable JOE BARTON 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 17, 2012, 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.

HONORING CLARENCE "SONNY" SZEJBACH

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

Mr. BENISHEK. Mr. Speaker, let it be known that it's an honor and pleasure to pay tribute to Clarence "Sonny" Szejbach for his extraordinary heroism in connection with military operations involving conflict with an armed hostile force in the Republic of Vietnam, for which he was awarded the Distinguished Service Cross.

Clarence Szejbach served as a United States Army Specialist 4 in Company

B, 3rd Battalion, 22nd Infantry, 25th Infantry Division. On June 6, 1969, while serving as a radio-telephone operator at Fire Support Base Crook in Thai Nin Province, when the base came under intense rocket and mortar attack, Specialist Szejbach secured his radio and followed the company commander to the defense perimeter to observe and report enemy movements. Exposing himself to the rain of enemy fire, he assisted in resupplying ammunition to troops in the bunkers. When the enemy blew gaps in the wire defenses and attempted to breach the perimeter, he helped lead and organize a reaction force which beat back the hostile surge. After the battle subsided, he moved with the command group through the combat area to inspect enemy casualties and equipment. As the group searched the area, a wounded enemy soldier threw an anti-tank grenade at the company's commander. Specialist Szejbach unhesitatingly moved in front of the officer, deflected the armed weapon, and then picked it up and threw it. The grenade exploded as it left his hand, inflicting severe wounds on him.

Specialist Four Szejbach's extraordinary heroism and devotion to duty were in keeping with the highest traditions of the Armed Forces and reflect great credit upon himself, his unit, and the United States Army.

Clarence "Sonny" Szejbach was awarded the Distinguished Service Cross on December 7, 1969, the second-highest military decoration that can be awarded to a member of the United States Army. Mr. Szejbach, however, was unaware that he received this honor until nearly 42 years later, when an Antrim County Veterans Service Officer discovered the citation in his personnel file.

Clarence Szejbach returned to his childhood home of northern Michigan after his injuries to take over the family business, Ed and Son Food Market,

in Elk Rapids, Michigan. He and his wife of 42 years, Christine, raised three children.

On behalf of the citizens of Michigan's First District, it's my privilege to recognize Clarence Szejbach, an American hero, for his service, sacrifice, and continued patriotism.

ENSURING CHILD CARE FOR WORKING FAMILIES ACT

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

Mr. McDERMOTT. Mr. Speaker, earlier this month, I introduced the Ensuring Child Care for Working Families Act to help low-income workers stay in the workforce. My bill creates a guarantee of Federal child care assistance for children up to the age of 13 in families with incomes up to 200 percent of the Federal poverty level. This program would be matched with State funds and administered by the State.

Low-income families and single parents have been bearing the brunt of this recession. They want to work, but often can't afford reliable and appropriate child care, so they are forced to either leave their jobs or to leave their kids in unhealthy or dangerous environments. For many poor people, there simply are no better options.

In the 1990s, Federal assistance for child care programs was established to address this very problem. It was created to help low-income families transition from welfare to paychecks. Over the years, funding for this program has dwindled, despite growing demand. The Temporary Assistance for Needy Families, the TANF legislation, was passed in 1996 to "end welfare as we know it." But we failed to provide the necessary support services to enable poor working families to succeed. One of those services is high-quality child care.

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.



Printed on recycled paper.

H3581

Today, only one of six children eligible for Federal child assistance receives it. Twenty-two States have waiting lists for child care. And families in 37 States were in worse circumstances in February of 2011 than they were in February of 2010 as the child care waiting list continues to grow, copayments rise, eligibility tightens, and reimbursement rates stagnate.

After three decades of wage stagnation in this country, with paychecks failing to keep up with the cost of health care, housing, and education, child care has become an unaffordable necessity for too many Americans.

A related problem that we also must acknowledge is the gender wage gap. Women only earn 77 cents for every dollar earned by men, according to the Census Bureau. Yet two-thirds of the women are now either the primary breadwinners or co-breadwinners in their family. So when there are wage gaps, entire families suffer. That means less money for food on the table and everything else that a family needs to survive.

Two days ago, Senate Republicans blocked a bill introduced by Senator BARBARA MIKULSKI that would strengthen the Fair Labor Standards Act's protections against pay inequities based on gender. As President Obama said, Republicans have once again put "partisan politics ahead of women and families." This is wrong. Republican Senators ought to explain to their constituents why they did not vote for Senator MIKULSKI's bill.

Let me be very clear: equal pay for equal work isn't just a woman's issue—it's a family issue. For the millions of American women whose families depend on their earnings, reliable child care is vital.

It's time to level the playing field for working women. I urge my colleagues to support H.R. 5188 so that all parents, particularly working women, have the child care they need to stay on the job.

□ 1010

SPACE CAMP CELEBRATES 30TH ANNIVERSARY

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

Mr. BROOKS. Mr. Speaker, today I rise to commend the United States Space and Rocket Center on its upcoming June 15 30th anniversary of Space Camp. Established in 1982, Space Camp in Huntsville, Alabama, is a national leader in informal science, technology, engineering, and math (STEM) education and workforce development.

Space Camp uses the leading edge of spaceflight technology simulation to teach campers real-world concepts and skills which translate into future academic and professional careers for students and teachers. The Space Camp program provides an essential public relations and support role to both gov-

ernment and private space programs by inspiring and training America's next generation of explorers, engineers, scientists, and leaders.

For emphasis, with nearly 600,000 graduates of the program, Space Camp has a 30-year track record of success in inspiring young people to pursue successful careers, particularly in STEM fields. Space Camp alumni include NASA mission control directors, NASA scientists, NASA engineers, executives of corporations, State government officials, national news correspondents, as well as soldiers and aviators who defend America's freedom every day. Graduates of Space Camp include three NASA astronauts and one astronaut from the European Space Agency.

Space Camp contributes to the future of America's exceptionalism in science, engineering, and research by instilling an exciting, life-changing educational experience with values of leadership, teamwork, and hard work. Space Camp's 30th anniversary is the perfect opportunity to recognize their important work and incredible achievements.

I congratulate Space Camp on their 30 years of unparalleled success and wish them well and salute them as they embark on their next 30 years.

POVERTY AND UNEMPLOYMENT

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

Ms. LEE of California. Mr. Speaker, as the founder of the Congressional Out of Poverty Caucus, I rise to continue talking about the crisis of poverty and the ongoing jobs emergency in America today.

Tea Party Republicans are busy blaming the President for our struggling economy, and the fact that our economy only gained 69,000 jobs last month. I want to remind my Republican colleagues that it was their deregulation, failed economic policies, and two wars off-budget that had our Nation losing over a million jobs every month when President Obama came into office. We were losing over a half-million jobs every single month.

Now they are complaining the Democrats have not been quick enough in cleaning up the Republicans' mess. The President and a Democratic Congress helped to stem that tide, and now despite every roadblock and Republican obstructionism, our economy is growing slowly and jobs are slowly coming back. So I don't understand how anyone can even try to blame the President's economic policies when they have refused to enact any of them.

Republicans have refused to work with us and to help Americans refinance underwater homes, to help protect investors and consumers by implementing the sound regulations of the Dodd-Frank bill. Also, they refuse to pass the American Jobs Act, or any sort of jobs plan, quite frankly. In fact, Republicans have done everything possible to obstruct every proposal to cre-

ate jobs at every turn. Even though 56 percent of Americans think jobs should be Congress' number one priority, Republicans have failed to pass even one significant jobs bill. Instead, they work to create another false panic about a so-called fiscal cliff if they aren't allowed to immediately extend hundreds of billions of dollars in tax giveaways to the wealthiest 1 percent of Americans.

Mr. Speaker, there are only two real fiscal cliffs that I see. One is the fiscal cliff that will push our entire government over if they can make good on their threats and force our Nation into default and shut the government down. The second fiscal cliff is one that Republicans are pushing American families over the edge of when they cut off, mind you, cut off the emergency extension of critical unemployment benefits for millions of Americans who are struggling to find a job.

Republicans are telling struggling Americans that there is a fiscal cliff if you are out of work; they have to cut off your employment benefits. They are telling struggling Americans that there is a fiscal cliff if you are poor and hungry; they have to cut your food stamps. But somehow, if you are rich and a defense contractor, Republicans make it their business to protect you from facing any cliff or falling off of any cliff.

This is not the path forward for our Nation. What we need to do right now is to stop pushing families off fiscal cliffs. We have to support the economy by investing in the American people. We need to get back to growing the middle class by lifting millions of Americans out of poverty.

Mr. Speaker, we must pass the American Jobs Act, invest in our country's infrastructure and transportation needs, increase job training efforts, and strengthen our safety net. Safety net programs like the Supplemental Nutrition Assistance Program and unemployment insurance just don't support struggling families, they support small businesses all across the country and in every single congressional district regardless of one's party.

This Congress must ensure that our Nation's safety net is a bridge that is strong enough to deliver us all, even the most vulnerable, over these troubled waters.

Americans are waiting. Democrats have been prepared to act, and Republicans must join us in creating jobs and reigniting the American Dream for all.

HONORING JOHN ROBERT "BOB" SLAUGHTER

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

Mr. GOODLATTE. Mr. Speaker, I rise today, along with Representatives MORGAN GRIFFITH and ROBERT HURT, to honor the memory of a constituent, a World War II veteran, a community

leader, and a friend, John Robert "Bob" Slaughter.

On May 29, 2012, southwest Virginia lost one of its great American heroes. A passionate advocate for veterans and a driving force behind the National D-day Memorial in Bedford, it is only fitting that we honor Bob's memory as we mark the 68th anniversary of D-day this week.

Born on February 3, 1925 in Bristol, Tennessee, Bob's family later moved to Roanoke, Virginia. In 1941, at the age of 15, he joined the Virginia Army National Guard, Company D, 116th Infantry, 29th Division. A short time later, the United States was attacked at Pearl Harbor and entered the war. On September 27, 1942, the 29th Division set sail for England.

On D-day, June 6, 1944, Bob waded ashore to battle the foes of democracy at Omaha Beach. He was just 19 years old. His life was forever impacted by the memories of that day.

Mr. Speaker, I have stood on Omaha Beach in Normandy at low tide, which was the circumstances when these brave men landed there on June 6, 1944. The width of that beach, the distance that they had to come out of those landing boats through withering machine gun fire, bombs, and mines, is absolutely a remarkable demonstration of the courage of those men to liberate Europe.

Despite being wounded twice in combat following D-day, Bob remained in the field until the end of the war in 1945. After the war, Bob returned to Roanoke, where he had a long career with the Roanoke Times & World-News. He was dedicated to his family and was also active in the community, coaching a basketball team for local youth.

Bob showed great determination by working to ensure that there was a proper memorial to the countless men who took part in the D-day invasion. On June 6, 1994, the 50th anniversary of D-day, Bob walked Omaha Beach with President Bill Clinton. On June 6, 2001, Bob's dream became a reality when the National D-day Memorial in Bedford was dedicated by President George W. Bush.

Thanks in large part to his efforts, the National D-day Memorial now stands in Bedford, where it serves as a constant reminder of those who paid the ultimate price to protect the freedoms that we hold so dear.

The life of Bob Slaughter is a true testament to the "Greatest Generation." We are honored to have known Bob and pay tribute to this great man's many contributions. We pray for his family—his wife of 65 years, Margaret Leftwich Slaughter; his two sons; two grandchildren; and two great-grandchildren—during this difficult time. We join the entire community in mourning the loss of this American hero.

□ 1020

SEXUAL ASSAULT IN THE MILITARY

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

Ms. SPEIER. Mr. Speaker, I have now come to the floor some 21 times to tell the story of survivors of military sexual assault and the institution and culture that failed them. Some would tell you that the military has learned from their egregious mistakes and that they are largely now addressing this problem. The situation I'm describing to you today is happening right now and flies in the face of what we are being told by our military and the Members of Congress who believe that they have this problem under control.

Recently, a San Antonio newspaper began reporting on a scandal at Lackland Air Force Base that is growing by the day. So far, at least four Air Force instructors have been charged with sexual misconduct with at least 24 trainees. Like many cases of rape and sexual assault, the perpetrators are not denying that they engaged in sexual misconduct; they simply contend that the sex was consensual. It comes down to the words of the accused and the accuser—the instructor against the trainee. In the military, this usually means the perpetrator gets off or receives a disproportionately small punishment and the victim endures an arduous and humiliating legal process with little sense of justice at the end.

Two of the women that have come forward were called over an intercom 2 days after they graduated from basic training last fall and asked to leave their dorm and to meet their instructors. In a dimly lit supply room, the women said they had sexual relations with their instructor. "I was frozen," one of the women said, explaining that her mind was racing. "I tried to think." Both women said failure to follow orders could cause them to be retained in basic training under the very instructors that assaulted them.

While unnerved about the order to leave their dorms, they told themselves it had to be legitimate. From the day they entered the military, they had been trained—and required—to follow the orders of their instructors, even those that didn't make sense. This may be hard for some in the civilian world to relate to, but it is the constant reality within our Armed Forces. It is ingrained in our military servicemen and -women to follow the orders of their chain of command and never, ever disobey. The justice system is also beholden to this chain of command, but I will get to that a little bit later.

Staff Sergeant Luis Walker, a military instructor, is charged with sexually assaulting 10 women, including sodomy and rape. Staff Sergeant Kwinton Estacio is charged with sexual misconduct with one woman, violating a no-contact order, and obstruction of justice. Staff Sergeant Craig LeBlanc

is charged with sexual misconduct of two women trainees. Staff Sergeant Peter Vega-Maldonado has been charged and convicted of sexual misconduct with one woman.

Staff Sergeant Vega admitted in a plea bargain to having sex with one woman. His punishment? Ninety days in jail, 30 days of hard labor, reduction in rank, and forfeiture of \$500 a month in pay for 4 months. After striking the deal with prosecutors, Vega admitted that he actually had improper contact with 10 trainees.

Now, mind you, we are not firing these people. They continue to serve in the military. Vega is not immune to further prosecution, but his admission of guilt cannot be used against him in future procedures. Each victim will have to come forward and the prosecution will have to start from scratch. Vega will be forced to leave the Air Force, but without a bad conduct discharge. Imagine that, without a bad conduct discharge.

If the military is as vigilant as they say they are, how could such a repetitive, widespread, and sickening behavior still be occurring? What is being uncovered at Lackland flies in the face of what we are being told by our military. Is this what zero tolerance means in the military?

Former Air Force Secretary Whitten was quoted in the newspaper saying:

The age-old problem is that you're putting very smart, attractive people, marrying age, together in close quarters. It's a circumstance that is difficult and really requires restraint. Sometimes restraint is very difficult.

Secretary Whitten doesn't get it. The age-old problem in the military is attitudes like this. The age-old problem in the military is a broken justice system that delivers weak sentences, if any. The age-old problem in the military is that nine out of 10 women Staff Sergeant Vega has now admitted to committing sexual misconduct with have not come forward because they know that the odds of getting justice are slight and the odds of their careers being finished are great.

What is happening at Lackland Air Force Base should and needs to be a wake-up call. This problem is happening now, and it is systemic.

Victims are still not coming forward because of what keeps happening—backwards attitudes of blaming the victim, and disproportionately weak sentences. Writing off survivors as women who had consensual sex and now have regrets is insulting and I'm afraid how many in our military see this problem.

The Department of Defense has so far been unable to appropriately address this problem—and Lackland is proof of that.

We—Congress—need to act to circumvent the chain of command and give discretion to an impartial office to determine and facilitate the appropriate path for perpetrators and victims. We need to fix the system that

survivors who report are now facing, right the injustices suffered by those that have already gone through this system and provide the care, resources and understanding for these survivors to get better.

OBAMACARE, MEDICAL DEVICE, MEDICINE CABINET TAX REPEALS, AND FSA IMPROVEMENT

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

Mrs. BLACK. Mr. Speaker, as one of the most outspoken opponents of ObamaCare, I hope that in the coming weeks the Supreme Court strikes down this disastrous piece of legislation. But the fact is no matter what the Supreme Court decides about ObamaCare, it does not change the reality that this law is horrible policy.

In just 3 short years, ObamaCare has already resulted in fewer jobs, higher health care costs, and more debt. That's why I have voted more than a dozen times to either defund or repeal ObamaCare since being elected to Congress. For instance, last November, my legislation that closed a loophole in the health care law and saved taxpayers \$13 billion was signed into law. Today, the House will vote on legislation to repeal two of the ObamaCare law's most egregious job-killing taxes in this law: one, the medical device manufacturing tax; and, two, the medicine cabinet tax.

According to the Joint Tax Committee, the medical device tax increase will take away \$29 billion from job creators over the next decade. These higher costs will be passed along to consumers, like veterans with prosthetics and seniors with pacemakers and hip replacements.

This bill will also repeal the medicine cabinet tax increase, which prevents owners of health savings accounts, or HSAs, or flexible spending accounts, FSAs, from using these accounts to purchase nonprescription, over-the-counter medications. ObamaCare's limitation on purchasing over-the-counter medications will result in longer wait times for those who truly need the care and will also drive up health care costs.

In addition to repealing these disastrous tax hikes, the bill also improves the flexible spending accounts by allowing participants to get back unused FSA dollars, up to \$500, as taxable wages in the subsequent year. Under current law, any unused balance goes back to the employer and is lost by the employee. This reform to the FSA accounts rewards, rather than penalizes, consumers for being healthy and saving their money.

Before coming to Congress, I worked in health care as a registered nurse for more than 40 years. I have seen firsthand the problems and obstacles patients and health care providers face. But ObamaCare is only serving to exacerbate the current problems and creates entirely new problems.

Our health care system desperately needs market-based and patient-centered reform, not a government takeover. It is critical that the House continue to fight against ObamaCare until either the Supreme Court overturns the law in its entirety or until we have willing partners in the Senate and in the White House.

BROADCAST WARNINGS THROUGH MOBILE DEVICES

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

Mr. CLARKE of Michigan. Mr. Speaker, as a member of the House Committee on Homeland Security, I'd like to thank our broadcasters for providing free radio and television broadcasting and warnings to our public that protects our families from impending disasters.

And to better warn our public in future emergencies, I ask this Congress to consider how we can make local free radio broadcasting available on all of our cell phones. You see, providing these broadcast warnings through our mobile devices could be the most effective way that we can protect our families when disaster hits.

MAINTAINING INTEGRITY IN ELECTIONS

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

Mr. NUGENT. Mr. Speaker, I think we can all agree that the integrity of our elections is of fundamental importance to our democracy. We need to ensure that everyone who is eligible to vote has the ability to vote, and those that are ineligible to vote are stopped from voting in our elections.

We also have the responsibility to ensure that this responsibility falls largely on the States to ensure that voters have the right to vote that are eligible to. They do this by making sure that their voter rolls are clean, that their voter rolls are accurate. It's important that States have the ability to do that.

In my own State of Florida and others throughout this country, the Federal Government is being asked to help.

□ 1030

The Department of Homeland Security, in particular, has been unwilling to help those States that are asking for it.

Mr. Speaker, DHS is denying Florida the process to access what is called the Systematic Alienation Verification Entitlement database, or SAVE, as it's commonly referred to. SAVE undoubtedly is the best database for the States to use to cross-reference and cross-check their voter rolls for eligible or ineligible voters.

DHS is denying us access to this database, despite its own documents and regulations clearly stating that

SAVE, for voter registration purposes, is one of the permissible uses. This is within their own documents as it relates to the operation of DHS. By denying access to the SAVE database, DHS is preventing States from ensuring to the best of their ability that the integrity of our elections is saved and preserved.

As we move forward with appropriations for Homeland Security, I feel we need to acknowledge the DHS refusal to meet this basic need and a basic request of our States. DHS' stonewalling is not something the people of Florida deserve, and it certainly isn't something that elected officials should tolerate.

Mr. Speaker, Floridians should not be denied the right to the fairest and most accurate elections possible. Floridians' votes should not be diminished because of political maneuvering by a Federal agency. No vote should be counted when it's cast by someone who is not eligible to vote in the United States, vis-a-vis, they're not a citizen of this country.

DHS, through their SAVE program, has the ability to pass that information on to States. Florida is not the only State that has requested this information from DHS. DHS has, I believe, an ethical responsibility to provide that information because it's contained within their own bylaws and operation procedures within the Department of Homeland Security; and they have just stonewalled the States in regard to them trying to make sure their voter rolls are the most accurate possible.

Mr. Speaker, I believe that they are doing a disservice to the American public. Every vote should count. Every vote should count, and DHS should be required to submit the information to the States so they can make sure that their voter rolls are as accurate as possible.

HONORING THE ACHIEVEMENTS OF DR. AL MANN

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

Mr. ROHRBACHER. Mr. Speaker, there are many heroic people among us who have been involved in making our quality of life in America the best the world has ever seen and, at the same time, uplifting all of humankind. While we oftentimes focus our gratitude and our adoration on politicians and athletes and movie stars, we need to acknowledge the many innovators, inventors, and technology entrepreneurs who have played a significant role in overcoming the many challenges we humans face together, challenges to our health and limitations to our physical well-being.

One of the most heroic of these special people is Dr. Al Mann. He flew in B-29s during World War II; and upon his return home, Al decided, instead of

pursuing a career in the armaments industry, which could have been very lucrative, he would dedicate his life to building technologies that would improve the human condition.

Among his many achievements are the following: a vast improvement over pacemaker technology, which then made that available to so many millions of people whose lives have been changed because of it and extended because of it.

He also was involved in inventing, and it was his invention, a diabetic pump, a small mechanism that attaches to the body and allows patients to escape some of the worst ravages of diabetes.

He perfected the fully implantable cochlear implant, an electronic device that provides patients, some of whom have never been able to hear, with the ability to hear sound almost as well as those of us who hear naturally.

His latest invention and innovation would allow diabetics to receive their insulin through an inhaler rather than a syringe, a huge breakthrough that could be so meaningful to so many people who are suffering.

His achievements ought to serve as an example of the power of innovation in our country. Just as incredible as his inventions themselves, Dr. Mann accomplished all of this with private funds. And instead of relying on government grants or contracts, Dr. Mann made the risky investments of his own and those of his investors; and then, with his labor and genius, when it paid off, he reaped the benefits, which he then plowed back into more research to help even more people eliminate even more suffering.

Instead of receiving assistance from his government, Dr. Mann has, instead, run into bureaucratic obstacles time and again. As legislators, we have a responsibility to ensure that the Federal Government's actions, at the very least, do not thwart the heroic innovators such as Dr. Al Mann.

For this reason, I submit for the CONGRESSIONAL RECORD a letter Al Mann recently penned. I encourage all of my colleagues to read what he has to say and to take seriously the disturbing observations with our current system, as well as his recommendations on how we can ensure that the incredible potential of human innovation can be and will be brought to play in improving the lives of the American people and people everywhere.

LETTER FROM AL MANN: The Senate has just passed a bill to speed the availability of generic drugs. Hopefully that bill will die in the House. I say that the problem is not the pricing of drugs but the cost. What are needed are means for effectively lowering the expense and time to get a new drug approved. That would lower the costs and hopefully the pricing of drugs, and that would certainly be a worthwhile objective.

I am shocked and disappointed at the lack of understanding of this issue by the Congress. I certainly agree that we must seek ways to lower health care expense. I say that to do so we must focus on ways to LOWER

the COST of providing health care NOT just targeting the PRICE.

There are multiple reasons for the price of drugs, but I assert that the earlier generic drug law has actually led to an INCREASE in the PRICING of drugs. It takes as long as 15 years—or even longer—and \$1–\$1.5 billion to gain regulatory approval of a new drug. With only 20 years of exclusivity before a generic drug is approved it should be obvious that the price of a new drug must be very high just to recover the development cost let alone a profit. Even the price of the generic version of a drug is typically only moderately discounted from the innovative drug rather than priced based on the manufacturing cost.

If you question the impact of the current generic drug law just ask yourself how many \$5 and \$10 drugs there were before that law. It only costs pennies to make a pill. However, only by charging high prices can the high costs of pharma development be recovered with any profit during the brief period of patent protection remaining after regulatory approval.

Passing legislation to further ease and speed the availability of generic drugs will not likely lower pricing; if anything it would likely just reduce innovation of new drugs. That slowing is already beginning; most of the major pharma companies have already begun downsizing R&D. Surely that is not in our interest when there are new advanced technologies that could significantly improve and extend life.

We need to evaluate how we can speed and lower the cost of bringing a new drug to market rather than counting on the generics. There are various approaches that should be explored. One approach might be to delay approval of a generic to allow more time of exclusivity rather than to ease the generic regulatory process. There was such a delay built into the earlier bills, but that was certainly not adequate. Unfortunately it will not be easy to reverse the pricing practices of drugs—the companies and Wall Street have all gotten used to the high prices.

Of course the price of drugs is but a tiny part of the cost of health care. We ought to be reexamining many aspects of our health care system. We do need to reduce the price of health care—including the cost and the price of drugs. However, the challenge is not so simple as just approving generic drugs more quickly.

In fact the problem is not just the pricing; today many potentially valuable improvements and even new breakthrough drugs do not ever reach the market because of the regulatory hurdles. This problem and the costs will certainly become far greater as we move to more personalized medicine.

The consequence of easing the creation of generics may even worsen from what we see today; future breakthrough therapies may simply not become available in the U.S.! I just heard from a very credible person of a meeting of 12 advanced pharma companies discussing how to deal with the current regulatory challenges. I am told that 11 of those 12 companies are intending to launch their new products outside the U.S. and just to ignore the U.S. patients. Heretofore wealthy foreign patients came to the U.S. for superior medical treatment. Perhaps that practice may be reversing.

We want to protect our people from unsafe drugs. The challenge is how to do so in a more cost effective and more timely manner. I have suggested that we should redirect the regulatory standards to concentrate on safety, to lower the initial bar for efficacy to minimal requirements during a reasonable safety trial and then to issue a "provisional" approval. That provisional approval would be subject to a thorough review of clinical bene-

fits compared to risk AND cost in something like a more rigorous REMS program.

Our nation is in a crossroad on many fronts. In health care the barriers are preventing our ability to topple diseases such as cancer and Alzheimer's that so many of us will face. Not only are we harming and even precipitating death of many of our people but we are losing economic growth and the engine for good paying jobs. Our government is the most significant obstacle to medical progress today. We have new tools from new science that could make such a difference if only there were not the barriers to innovation that we see today.

I am 86 years old and surely my objective is not self serving. For the past four decades I have been committed to trying to find solutions to unmet and poorly met health care needs. Yet I am so disgusted by the overly restrictive process to medical innovation that has been created by our government that I have begun to sell off most of my several ventures. It is no longer worth the effort and the agony.

I am sending this communication to all the Representatives whose e-mail addresses I have. I would appreciate your forwarding this to your other colleagues.

ALFRED E. MANN.

RECESS

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

Accordingly (at 10 o'clock and 37 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

God of grace and goodness, thank You for giving us another day.

Your divine wisdom and power are abundantly sufficient for our many needs. Endow the Members of this assembly with a loyalty that never wavers and a courage that never falters as they seek to fulfill the high and holy mission which You have entrusted to them.

May it be their purpose and all of ours to see to the hopes of so many Americans that we authenticate the grandeur and glory of the ideals and principles of our democracy with the work we do.

Grant that the men and women of the people's House find the courage and wisdom to work together to forge solutions to the many needs of our Nation and ease the anxieties of so many.

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

OVERSEAS CONTINGENCY OPERATIONS MUST WITHSTAND SEQUESTRATION

(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, last Thursday, the Pentagon confirmed House and Senate Republicans' concerns by finally acknowledging that the Overseas Contingency Operations, a fund used to support troops in combat, will be subject to the sequestration cuts.

The Office of Management and Budget's senior adviser and associate director for Communications and Strategic Planning, Kenneth Baer, understands that if the sequester "were to take effect, it would be disastrous for our national security."

House Republicans have always been aware of the impacts sequestration will have on our brave men and women serving in uniform and the impacts it will have on their families. Last month, House Republicans passed the Sequester Replacement Reconciliation package, which is legislation that reduces the spending for unnecessary programs used to promote the President's liberal agenda, in order to use those funds to provide for a strong national defense. I urge my colleagues in the Senate to take action immediately and pass this bill.

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

PREVENT THE DOUBLING OF THE STUDENT LOAN RATE

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

Mr. SIRES. Mr. Speaker, in less than 1 month, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent.

This increased rate, combined with the skyrocketing costs for college, will make it extremely difficult for Ameri-

cans to afford to go to college. The cost for a higher education at a public 4-year school has almost tripled in the last 17 years. Americans now owe more money in tuition than they do in credit cards. According to the Consumer Financial Protection Bureau, educational loan debt in our country has reached \$1 trillion.

Education is one of the biggest determining factors for earning potential. Those who have bachelor's degrees earn double the salary of those with high school diplomas. Those with associate degrees earn 50 percent more than those with high school diplomas. I am also a strong supporter of fully funding Pell Grants, which provide Federal grant aid for students to make college more affordable.

Access to higher education is an investment in the future economic stability of our Nation. We must put aside partisan differences and work together to preserve Pell Grants and to prevent the student loan rate from doubling on July 1.

STUDENTS BEAR THE BRUNT OF A BAD ECONOMY

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

Mr. HULTGREN. Mr. Speaker, it is a tough time to be a student in America.

The President's health care bill, if not repealed, will make school health plans much more expensive. According to The Wall Street Journal, some plans that were \$440 a year are going up to \$1,300 or \$1,600. Many schools will drop coverage altogether either because of cost or because of the President's birth control requirement. Students and young adults will then likely choose the cheapest option—going uninsured and paying a fine to the government.

Then, in July, student loan interest rates are set to increase because of choices made by leading Democrats. Student loan debt now exceeds credit card debt in U.S. households, and the rate at which recent grads are underemployed or unemployed is 50 percent. No wonder students are moving back in with their parents and are more likely to take part-time jobs just to make ends meet.

These failed policies and the bad economy have pushed young adults into survival mode.

THE NATIONAL YOUTH SPORTS HEALTH & SAFETY INSTITUTE'S CALL TO ACTION

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

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the work of the National Youth Sports Health & Safety Institute. I am pleased to serve as an honorary member of the institute's leadership board.

In the United States, 50 million children participate in sports. Sports pro-

grams teach our children leadership and sportsmanship, help improve academics, and promote fitness and wellness for a lifetime, but more needs to be done to ensure the health and safety of our youth athletes.

They are increasingly susceptible to injuries, which is why the institute's work to advance and disseminate the latest research in keeping kids safe on the field is so critical. On June 1, the National Youth Sports Health & Safety Institute met to launch a new call to action to all youth sports' stakeholders in America.

As founder and cochairman of the Congressional Caucus on Youth Sports, I applaud this effort. As inactivity remains alarmingly widespread, we must continue to expand sports and recreational opportunities that promote physical activity and wellness in the health of our children, but also always remember that their safety must remain paramount.

YUCCA MOUNTAIN

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

Mr. PITTS. Mr. Speaker, the American people have lost more than \$15 billion to cronyism. Pennsylvanians alone have lost \$1.4 billion.

Right now, in southern Nevada, there is an expensive hole in the ground where there should be a nuclear waste repository. We should be storing dangerous nuclear waste at a single secure and geologically sound location. Instead, much of it sits aboveground at dozens of sites scattered across the United States.

When President Obama appointed HARRY REID's aide, Gregory Jaczko, as the Nuclear Regulatory Commission chairman, he shut down Yucca Mountain against the express wishes of Congress. Jaczko even tried to stop the application process, defying a court order to continue certifying the safety of the facility.

Yesterday, this House overwhelmingly voted to give the NRC an additional \$10 million to do its job. No more excuses. Do the work so that we know whether Yucca Mountain is safe.

NATIONAL OCEANS WEEK

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

Ms. WOOLSEY. Mr. Speaker, a strong American future depends on the sound stewardship of our oceans.

Nowhere is the ocean more magnificent and majestic than off of northern California's Sonoma County coast. These are some of the most abundant waters on Earth, but much of the area is vulnerable to "drill, baby, drill" enthusiasts.

That's why I have offered a bill to more than double the size of our existing national marine sanctuary off

these coastal areas, giving these waters the permanent protection they need to protect them from oil and gas exploration. This legislation is a win-win—a pro-environment and pro-economic recovery bill. It is a conservation imperative, and it would provide a boost to our commercial fishing industry and to our local tourism industry.

In recognition of World Ocean Day, I urge my colleagues to sign on to my bill, H.R. 192, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Protection and Modification Act.

□ 1210

PROTECT MEDICAL INNOVATION ACT

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

Mr. BENISHEK. Mr. Speaker, as a doctor, who has taken care of patients in northern Michigan for 30 years, I strongly support the Protect Medical Innovation Act. This initiative will repeal the President's \$29 billion job-killing tax hike on our medical device manufacturers.

There are medical device businesses in my district that employ hundreds of people. These job providers should not be punished to pay for President Obama's health care law.

I'm a doctor, not a tax expert, but I know tax hikes on our job providers will hurt northern Michigan's economy. To me, it makes no sense to tax medical innovation. If this tax increase is enacted, there is little doubt these costs will be passed down to consumers and increase health care costs.

Mr. Speaker, I spent my entire career serving my community as a doctor. I want to see real health care solutions that put patients in control of their care, not the Federal Government.

I believe we need to listen to the American people about the need for real health care reform. I recommend we enact free-market reforms like letting people purchase health insurance across State lines, encouraging medical innovation, and allowing patients more flexibility in deciding how to spend their health care dollars.

REPLACE POSTMASTER GENERAL PATRICK DONAHOE

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

Mr. HIGGINS. Mr. Speaker, in the past year, the United States Postal Service has attempted to close thousands of its facilities across the Nation. Though many, including the mail processing facility in Buffalo, have been spared, the process gives me no confidence that the current postal leadership should lead this organization during this challenging time.

Regarding the proposed closures, postal executives discourage public en-

agement, refuse to provide information on how they reach their often contradictory conclusions, and dismiss the idea that they were accountable to this body or to the public. That is why I'm calling on the Postal Board of Governors to proceed with immediate action to replace Postmaster General Patrick Donahoe.

Mr. Speaker, I don't take this action lightly, but I believe that we are left with no choice. We must protect the institution of the Postal Service and the people and businesses it serves.

ULA'S 60 SUCCESSFUL MISSIONS

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

Mr. BROOKS. Mr. Speaker, I rise today to applaud the achievements of the Air Force's Evolved Expendable Launch Vehicle program and the EELV industry team led by the United Launch Alliance. Just recently, ULA placed their 60th consecutive mission into orbit, the best record in the world.

ULA's Alabama employees work tirelessly to produce launch vehicles that are the backbone of America's national defense satellite program. ULA's success and partnership with the government in achieving on-time delivery and success is a testament to the patriotic bond between the private sector and America's warfighters.

ULA's 100 percent success record makes the challenging task of getting to orbit look easy, but, in fact, the company has built upon the expertise gained over 50 years, setting a standard for mission success that all others aspire to achieve.

ULA's record is a testament to the quality of the EELV program. It is an honor to represent the men and women who work at ULA's Alabama facility.

HONORING SECOND LIEUTENANT TRAVIS MORGADO

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize and honor the life and service of Army Second Lieutenant Travis Morgado, who was killed in action on May 23 in the Kandahar Province of Afghanistan. He was 25 years old. Travis was the son of Joe Morgado of San Jose, and our community was greatly saddened to hear of his passing.

Born in Los Gatos, he moved to Edmonds, Washington, with his mother when he was 5. He graduated from the University of Washington with a degree in civil engineering in 2009 and enlisted in the Army, determined to serve his country. He deployed to Afghanistan on March 20 and was tragically killed while conducting operations in support of Operation Enduring Freedom.

Second Lieutenant Morgado leaves behind his mother, Andrea; stepfather,

Dean Kessler; his father, Joe; stepmother, Nancy; as well as two younger brothers, a stepsister, and a stepbrother.

I would like to extend my gratitude to Second Lieutenant Morgado and his family. I ask my colleagues to join me in honoring his service to his country. He served America well with courage and honor. I ask all of Congress to join me in thanking his family as they grieve at his loss and to express our condolences to all of them.

STATE SENATOR BOB BACON

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

Mr. GARDNER. Mr. Speaker, I rise today to honor and thank Colorado State Senator Bob Bacon for his 14 years of service in the Colorado State Legislature.

After serving for 6 years in the Colorado House of Representatives and 8 years in the Colorado Senate, Bob is retiring from elected office to uphold the Colorado State Legislature's commitment to term limits.

I had the opportunity to serve alongside Senator Bacon in the State legislature and know that Coloradans will miss a true champion for northern Colorado. As an educator for over 35 years, Senator Bacon's insight into the classroom and education system helped shape the policies that support Colorado students.

Senator Bacon served Coloradans well and has a genuine passion to help the students and citizens of Colorado. He was twice elected to the Poudre School District for the board of education before he served in the State legislature, and his commitment and service were recognized by the naming of Bacon Elementary School in Fort Collins in his honor.

Today, I would like to formally recognize Senator Bacon's outstanding commitment and thank him for his hard work, dedication, and selfless nature when serving the citizens of Larimer County and the students of Colorado.

KEEP STUDENT LOANS AFFORDABLE

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

Ms. BERKLEY. Mr. Speaker, I would like to bring to your attention an issue that is extremely important to me and the middle class families around the country: the ability for every student in America who so desires to get a college education.

My dad was a waiter when I was growing up. I'm the first person in my family to go to college with the help of student loans. I know firsthand the invaluable role that student loans play in helping Nevada's middle class families enable their children to get a college

education. That is why I am so pleased that President Obama is visiting my alma mater today, the University of Nevada, Las Vegas. He will call on Congress to focus on keeping student loans affordable for Nevada's families as we approach the July 1 deadline when student loans will double.

Mr. Speaker, right now families across the country are sitting around their kitchen tables anxiously figuring out how to give their children the opportunity to go to college. They're counting on this Congress to stop worrying about protecting Wall Street corporations and Big Oil companies for just a few minutes and help their sons and daughters go to college.

I hope that we're up for this challenge.

COMMEMORATING THE BATTLE OF MIDWAY

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

Ms. KAPTUR. Mr. Speaker, yesterday, our Nation remembered and commemorated the 68th anniversary of D-day, the World War II allied invasion of Normandy, France, and the beginning of the liberation of Europe from the forces of tyranny.

Today, I want to commemorate another historical World War II battle—70 years ago, the Battle of Midway, when the United States Navy struck back at imperial Japan, turning the tide in the Pacific and paving the way toward a great American victory at sea.

Six months earlier, Japanese planes infamously attacked Pearl Harbor, drawing the United States into that war. Yet our Navy recovered quickly and mobilized under the leadership of Admiral Ernest King, from the port city of Lorain, Ohio, on Lake Erie, and Admiral Chester Nimitz.

With the odds against them, our U.S. Navy boldly struck back at the Battle of Midway. Over 4 days, the Japanese lost all four of the large carriers that had attacked Pearl Harbor, not to mention a heavy cruiser, 248 carrier-based aircraft, and more than 3,000 men. The United States lost one carrier, the Yorktown, one destroyer, and 340 men.

Today, we commemorate this major historic achievement of our Navy. We honor the sacrifice of those who fought for us and died for us, and we express abiding gratitude for the bravery and dedication of all who fought in this battle in service to our Nation and freedom's cause.

Today, the free world remembers the Battle of Midway.

□ 1220

HONORING JOHAN SANTANA

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

Mr. ISRAEL. Mr. Speaker, I have often said that I'm truly partisan about one thing, not Democrats versus Republicans, but Mets fans versus everyone else in the country.

Last Friday, Mr. Speaker, the Mets had something worth saluting. Johan Santana threw the first no-hitter in the history of my beloved New York Mets. Now, more important than a no-hitter is the lessons it teaches all Americans.

Johan Santana had surgery that they thought would end his career. He didn't give up on himself; he didn't give up on New York. He's never given up on his roots in Venezuela, didn't give up on the children of Venezuela that he supports through his foundation. He hasn't given up on the children of 9/11 that he supports through Tuesday's Children.

It's not the no-hitter that counts, Mr. Speaker. It is the spirit and the determination and the dedication of Johan Santana. That is what makes me a baseball fan. That is what makes baseball America's pastime, and I am very pleased and proud to salute Johan Santana and Mets fans everywhere.

Mr. Speaker, let's go Mets.

STUDENT DEBT

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

Mr. WELCH. Mr. Speaker, in just 23 days, the interest rates on Stafford student loans will double from 3.4 percent to 6.8 percent. Now, one of the few things that we agree on in this Congress is that the low interest rates should be extended, yet we've been unable to get across the goal line.

Congress needs to find the moral imagination and the will to get this done before July 1. Every day we wait, we're imposing an immense amount of anxiety on students, parents, and the economy.

Take Brian, from Grand Isle. He has \$100,000 in student loans. He's got two daughters; they each have \$20,000 in debt. His third daughter is in school with tuition costs that are up to \$40,000.

Brian is working 65 hours a week, but he can't keep up. He can't even begin to think about retirement. It's not an option. He's just trying to get from day to day and afford to keep his daughter in college.

Mr. Speaker, this Congress has 23 days. We're running out of time.

PROTECT MEDICAL INNOVATION

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

Mrs. BACHMANN. Mr. Speaker, as a Representative of the great State of Minnesota, I stand here in support of my colleague Representative ERIK PAULSEN's bill to eliminate and repeal the medical device tax on the new ObamaCare legislation.

Our State of Minnesota is home to over 400 medical device manufacturers. We have over 35,000 people that are employed in this important industry that benefits all of the United States, 35,000 people. That about fills the Twins' Target Field. That's a lot of people who potentially could lose jobs in our home State.

I refuse to see a single job lost in Minnesota or in any of our States in our great country due to the legislation known as ObamaCare. Without repealing the medical device tax, jobs will be lost and also the costs of health care will go up.

I urge my colleagues to get behind ERIK PAULSEN's important piece of legislation. I know I will.

CAMPAIGN SPENDING

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

Mr. MCNERNEY. Mr. Speaker, big money from corporations and billionaires is corrupting Washington and hurting the middle class. To make matters worse, 2 years ago the Supreme Court decided in the Citizens United case to open up campaign spending to secret, unlimited donations, possibly even from foreign sources.

Let's be clear: a handful of corporations and billionaires are trying to buy elections and control of our government. We need new rules to make Washington work for the middle class. We need to limit political contributions, and the public has a right to know who is paying for political ads.

Hey, because of Citizens United, our government is for sale. We need to stand shoulder to shoulder to stop Big Money from destroying our democracy.

HONORING WINONA AREA CHAMBER OF COMMERCE

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

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to honor the Winona, Minnesota Area Chamber of Commerce on their centennial celebration.

On April 22, 1912, at the then-urging of then-President Taft, the U.S. Chamber of Commerce was established by a gathering of 700 delegates from across the country, including innovative people from Winona, Minnesota.

Even before the national chamber was formed, those very people in Winona had the foresight to establish their own local association of community and business leaders that would give rise to that great city on the Mississippi. While the last 100 years have seen many changes, one constant in the Winona community has been the chamber.

Since its inception, the Winona Area Chamber of Commerce has been working to ensure local small business owners have the tools they need to succeed.

While it's important to note their rich history, the Winona chamber also has an eye on the future. By offering low-cost or free educational programs for young professionals in leadership, microenterprise and business management, the local chamber works to ensure future small business owners will continue to have the tools to succeed.

Today I pay tribute to the foresight and leadership and wish the Winona Area Chamber of Commerce a happy 100th anniversary. Here's to another 100 years of promoting opportunity, small business growth and community involvement in Winona, Minnesota.

NATIONAL OCEANS MONTH

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

Mr. FARR. Mr. Speaker, the oceans on either side of the United States defined this great country, and these oceans are in trouble. They are so big and so vast with so many aspects not understood that it's hard for people to comprehend that they are in trouble.

Without the ocean, we wouldn't have the air we breathe or much of the protein we eat. It is our world's largest public trust, and it is essential to human life as we know it.

It captures one-third of our carbon emissions, hosts millions of species, and offers limitless recreational and educational opportunities worldwide. Yet over 14 billion pounds of trash end up in our ocean and our beaches each year.

Therefore, I urge the Nation to celebrate National Oceans Month and honor World Oceans Day, which is tomorrow, by taking advantage of activities of the Capitol Hill Ocean Week.

This summer get wet, go to the beach, clean it up. Clean up the polluted rivers that flow into our oceans, and get in there and volunteer and learn more about the ocean resources upon which we so undeniably rely and how you can work to protect them.

I thank all those who have come to Washington for Capitol Hill Ocean Week. We need political friends. The ocean needs political friends.

BAN ON CORPORATE EXPENDITURES IN FEDERAL CAMPAIGNS

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

Mrs. CHRISTENSEN. Mr. Speaker, 2 years ago in Citizens United, the Supreme Court overturned two decades of precedents to strike down the ban on corporate expenditures in Federal campaigns. This opened the floodgates and allows corporations to spend unlimited funds, so now money comes from a handful of billionaires looking to wield their influence, and no one has to know who they are.

Campaigns like the one in Wisconsin and many others are being bought with

that money instead of being decided by an honestly and factually informed public, as they should be. Romney's secretly funded PAC alone spent \$46 million before Memorial Day to sway your opinion, and it will continue to spend even more.

We have to end the influence of the secret money on our elections. That's why I am a cosponsor of the DISCLOSE Act, which will restore accountability in our elections. Americans want and deserve a more open and honest political process. Republicans blocked that bill in 2010. The GOP needs to listen to Americans and bring the DISCLOSE Act to the floor.

The American public has a right to know who is paying for campaign ads that they will be swamped with this election cycle, and they need to know sooner rather than later.

□ 1230

STUDENT LOAN INTEREST RATES

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

Mr. CLEAVER. Mr. Speaker, I rise to support the extension of student loan interest rates. Student loans have been an essential tool for many students and families who otherwise wouldn't be able to afford the soaring costs of college tuition. However, in a few short weeks, Federal student loan interest rates are set to double from 3.4 to 6.8 percent, making the dream of attaining college even more difficult for millions of students and families.

We need to act now. It is our responsibility to ensure that all children have the ability to pursue higher education. The cost of attending college has gone up almost 30 percent in the last 10 years. We cannot afford to ignore struggling students across this Nation. In these uncertain economic times, we can make no greater investment than in education. More and more jobs require some sort of post-secondary education, and by 2018, just 6 years from now, 63 percent of employment opportunities will demand an education beyond high school.

It is pathological partisanship that is preventing us from dealing with this important issue.

PASS THE DISCLOSE ACT

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

Mr. AL GREEN of Texas. Mr. Speaker, a great and noble President, Abraham Lincoln, proclaimed that government of the people, by the people, for the people, shall not perish from the Earth. It was government of the people, by the people, for the people, that gave us Social Security and Medicare.

But I regret to inform you today, Mr. Speaker, that government of the peo-

ple, by the people, for the people is at risk—and it is at risk because there is a new concept that is evolving. It is government of the money, by the money, for the money. It is the notion that he who has the gold rules, changing the Golden Rule, Father.

I want you to know, dear friends, that if we do nothing, we will find ourselves with a new form of government. The Republic is at risk. We must do something about government of the money, by the money, for the money.

The DISCLOSE Act is one thing that we can do. We must act and pass the DISCLOSE Act.

PROVIDING FOR CONSIDERATION OF H.R. 436, HEALTH CARE COST REDUCTION ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 679 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 679

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-23, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and except pro forma amendments offered at any time by the chair or ranking minority member of the Committee on Appropriations or

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

The SPEAKER pro tempore (Mr. GARDNER). The gentleman from South Carolina is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 679 provides for consideration of H.R. 436, a bill to repeal the 2.3 percent excise tax on medical devices enacted as part of the President's health care law. It also provides for a structured rule for consideration of H.R. 5882, the Legislative Branch Appropriations Act. The legislative branch appropriations rule is typically the only structured rule in the appropriations process, and we are continuing that bipartisan tradition here today.

We are voting here today to stand up for more than 423,000 American employees and the health of millions that their work protects. A new \$29 billion tax on medical devices, passed as part of the President's health care package, threatens to stifle innovation in the health care industry. If medical device manufacturers are punished with this new tax, we are all punished. Our health is punished. Our parents' health is punished. Our kids' health is punished.

Yesterday, I talked with one of my constituents, Dan Denson, who owns a medical device company in Summer-ville, South Carolina. He shared two concrete examples of how this new tax will hurt his company, the health care industry, and most importantly, it will hurt those in need of medical care.

For Dan's home health company the profit margin is about 10 percent. That profit is used to pay their employees, improve technology, and expand when

it's needed. So if you cut into it by 2.3 percent, you're cutting into their ability to create better devices that then provide better care for patients.

As Dan put it, "I can assure you that any additional impact to our cash flow will reduce the money available for innovation."

Dan also talked to me about his fellow medical device companies who make the hoses for oxygen tanks and other devices which make life bearable for so many Americans. They are absolutely dependent on these devices. And what happens when we add a 2.3 percent tax to these smaller companies? Well, these companies work on a margin of around 3 percent. So you don't have to be a math major to figure out that when you have a 3 percent profit margin and you have a new 2.3 percent tax, you are pretty close to zero.

You simply cannot afford to run a business in this environment. You certainly cannot start a new business in this environment. We're not only hurting our medical device companies, we're also discouraging new entrepreneurs and innovators from being able to enter the ring.

I felt it was so important to share Dan's thoughts today, as it shows in clear terms how this new tax will not only affect Americans' wallets, but it could impact the health of Americans in this country.

□ 1240

If our medical device manufacturers cannot continue to adapt and move forward with new and better technologies, our medical care system will slow down right alongside it.

Because of innovation, life expectancy in the United States has increased by more than 3 years from 1986 to 2000, and the burden of chronic diseases representing more than 70 percent of the overall health care cost has been reduced. This tax affects devices ranging from cardiac defibrillators to artificial joints to MRI scanners, or, in plainer terms, the very devices that identify and treat patients in their time of need, and even those devices that could save lives. These days, technology is improving every single day.

Why in the world would we want to put our innovators at a disadvantage? Why in the world would we want to take another \$29 billion worth of investments out of our future, out of our health care industry and put it in the hands of this government? There's no good answer to these questions, and there's no good reason for another new tax.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to the rule for the underlying bills

H.R. 436, the Protect Medical Innovation Act, and H.R. 5882, the Legislative Branch Appropriations Act for Fiscal Year 2013. Frankly, I'm disappointed that the House Republicans continue to bring bills to the House under a closed process that restricts debate and discussion and doesn't allow amendments that could improve the underlying legislation and help forge a strong bipartisan majority.

Mr. Speaker, the Republicans started this Congress with cries to repeal and replace the Affordable Care Act, and yet here we are a year and a half later, this body has voted several times to repeal the bill, but we've yet to see any plans to replace it. And here we are again with another bill to repeal the Affordable Care Act. As far as I can tell, my colleagues on the other side of the aisle have not presented a plan to reduce rising health care costs, to provide health care insurance to 30 million uninsured Americans.

This body, and those who advocate repeal of the Affordable Care Act, it should be incumbent upon them to talk about what we should replace it with to prevent the rising cost of health care from being an increasing burden on American businesses and American families. The motivations for repealing the Affordable Care Act are weaker and more blatantly political than ever, especially after several votes of this body to repeal the Affordable Care Act.

There are many provisions of the Affordable Care Act that the American people broadly support, including young adults staying on their parents' health insurance until they're 26, including creation of exchanges. Seniors throughout the United States are already benefiting from the Affordable Care Act's elimination of the Medicare prescription drug doughnut hole. In fact, in 2011, over 5.1 million Medicare beneficiaries saved over \$3.2 billion on prescription drugs thanks to the Affordable Care Act.

States across the country, including my home State of Colorado, are enthusiastically implementing health insurance exchanges in a bipartisan way that will help us reduce health care costs and expand access to high quality, affordable health care. So why are we still here talking about repealing the Affordable Care Act instead of focusing on areas where we share common ground?

Unfortunately, the Protect Medical Innovation Act has been brought under a closed process which prohibits Members from being able to offer any amendments to this collection of four different bills. If my colleagues made an effort to compromise on health care proposals, there might actually be a chance to see legislation pass both Chambers with broad bipartisan support and signed by the President. This specific bill already has a veto threat from the President, and none of my colleagues on my side of the aisle were consulted with regard to a method of paying for this particular set of changes.

Instead, the Republicans have chosen to cobble together three unrelated bills that do three totally different things, along with a very partisan offset with no opportunity to revise these bills; no opportunity for us to do our job as legislators, to amend these bills; no opportunity for us to work to forge a majority around commonsense proposals that can improve health care and create jobs.

Let's take a look at what's in this diverse package of bills.

Now, the original Protect Medical Innovation Act, that was the original bill before these three other bills were added and before this payment mechanism was added, would've repealed the excise tax on the manufacture or import of certain medical devices, one of the methods of funding the Affordable Care Act.

Now a solid group of Members support repealing the tax. In fact, this tax impacts companies in my district like ZOLL Data Systems. And I hope we can have a straight up-or-down vote on this particular provision of this bill. But instead, it has been cobbled together with two unrelated bills and an unrelated method of paying for it.

Similarly, there's solid support for two other pieces of legislation that are contained in this bill. One bill would have repealed the Affordable Care Act's prohibition on using HSAs and FSAs to purchase over-the-counter drugs, and another would have allowed individuals with FSAs to redeem money left in their accounts at the end of the year.

Now, we all have our different opinions about these bills. I personally support allowing HSAs and FSAs to purchase over-the-counter drugs, and I personally oppose the FSA measure because I think that people should be able to spend the money that's left in their FSAs by the end of year; otherwise, what's the purpose of an FSA? It kind of ceases to exist and simply becomes a tax shelter if it's not dedicated to health.

But the fact of the matter is, under this rule, no Members of this body will be able to express their support or opposition to any of these bills in particular because they've all been cobbled together into an incoherent mess of a bill which this rule is trying to jam down the throat of this body. We should have brought up these bills one at a time and found a reasonable offset. Instead, the Republicans have chosen to place the burden of paying for this cluster of bills on the backs of middle class American families.

Now, there's a number of alternative ways that we could have paid for these bills. The most obvious one would have been repealing oil and gas subsidies. This was an offset that was included in the Democratic substitute which the majority failed to even allow to come up for a vote by this body. That offset would have provided \$32 billion in reductions of oil and gas subsidies over 10 years, making sure that the government doesn't pick winners and losers in

the energy space, allowing oil and gas to compete on a level playing field with all other energy resources instead of being designated as a recipient of taxpayer money and government subsidies. Now, that particular offset would have not only paid for eliminating the medical device tax, but also reduced our deficit by \$3 billion.

Today I introduced a bill, H.R. 5906, which would repeal the medical device tax and replace those lost revenues by eliminating tax loopholes and subsidies for oil and gas companies. Personally, I'm supportive of other ways of paying for the medical device tax as well. Let us work together to find a way to pay for any changes in the Affordable Care Act that don't fall squarely on the back of middle class American families.

However, Mr. Speaker, instead of a thoughtful offset, the Republicans have chosen to dig into the pockets of low- and middle-income Americans to pay for this bill. So let's look at how this bill would affect American families.

According to the Joint Committee on Taxation, this proposal would force 350,000 people to lose their health care insurance. Yes, that's 350,000 people less that would have health care insurance.

Now, how devastating and misguided is this? Let's take an example. Let's take a hypothetical family of four in Colorado, in Ohio, in Florida, in Pennsylvania. Let's say their household income is \$36,000 a year. They're working hard to stay in that middle class. It's getting harder and harder. The family income, \$36,000 a year; father and a mother. The mother has been out of work for 3 years. The total family cost of health care insurance is \$12,000. Now, let's say the mother finds a job midway through the year. She's able to go back to work and she earns an additional \$36,000 for her family, bringing that family of four's earnings to \$72,000. They're fighting hard to stay in that middle class to afford their kids' college education. Now, under this bill, at the end of the year, that family is sent an additional health care bill for \$5,160, a tax increase of over \$5,000 for that middle class American family. Now, that's more likely to make it less of an incentive for that woman to get the extra job. What's the extra incentive to work if the government is going to stick you with a huge tax bill just for trying to support your family?

Let's take another example. A family of four in Michigan, in Nevada, a father and mother with two young children. Let's say that the mother doesn't work outside the home. They're earning \$36,000 a year and the family is struck with tragedy. The mother passes on early in the year leaving the father to support the kids. He takes a second job, as any good father would do, and is able to earn an additional \$18,000 during the year working a 40-hour-a-week job and working a 20-hour-a-week job to put food on the table. Now, that increases that family's income to \$54,000

from \$36,000. And what does this Republican tax increase do? Well, it presents them at the end of the year with an additional \$3,330 tax increase, a \$3,330 tax increase for a father who's just trying to put food on the table for his kids.

□ 1250

We can do better. The bill we are considering today would actually increase the tax hike on families by removing the restriction on the amount that families are required to pay. This has the perverse incentive of discouraging families from working and taking on additional jobs and working hard to get promoted. It takes away the incentive to perform well at your job and get a promotion or raise. Frankly, this payment mechanism encourages people to remain in poverty and on government assistance rather than striving to do better and earn more. This Republican bill punishes work, plain and simple, and is a huge tax increase on the middle class.

Now, Mr. Speaker, if we want to repeal the medical device tax, let's discuss how to pay for it. If some people in this body think protecting subsidies for oil and gas companies is more important than getting rid of the medical device tax, well, fine, let's find another way to do it. But, unfortunately, this approach before us today isn't a serious approach to reducing the deficit. It's an approach that the President would veto, it's an approach that puts a huge tax burden squarely on the shoulders of working families in this country, and it doesn't help get Americans back to work.

This proposal is based on politics, plain and simple, not on sound economic policies that are good for the middle class, good for the medical device industry, and good for America.

This underlying rule also makes in order the Legislative Branch Appropriations Act for 2013. Now, that's an act that funds Congress itself and its supporting agencies. In these times of fiscal austerity, everyone—especially Members of Congress—should be tightening their belts.

This bill provides a 1 percent reduction from last year's spending bill. Now, I am also heartened that it still ensures congressional support agencies have the sufficient funding they need to function so that we in this body can do our job.

But even while the House's budget has been cut over 10 percent over the last 2 years, the House majority has chosen to spend scarce resources that the taxpayers have appropriated to us to defend the constitutionality of the Defense of Marriage Act, which bars gay and lesbian servicemembers, veterans and their spouses from securing the same benefits offered to straight military couples.

As President Obama has determined, the law is simply indefensible constitutionally. And yet to date, this body, out of this bill, this Legislative appropriations bill, has spent three-quarters

of a million dollars of taxpayer money on fancy lawyers defending this discriminatory and offensive law. This waste of tax dollars is especially troubling given the recent First Circuit decision which found that DOMA is unconstitutional.

Mr. Speaker, I can't support these underlying rules. It's beyond troubling to have a closed rule, not allowing amendments and thoughtful input from Members of both parties on four separate pieces of health care legislation that completely shuts out Republican ideas and Democratic ideas to improve the Affordable Care Act, improve job growth in this country, and help get our economy back on track.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I find it quite interesting and almost hilarious that my friend to the left would talk about tax increases when in fact embedded in this health care bill is \$123 billion in new taxes on property owners. Really? \$123 billion of new taxes on property owners in addition to the \$29 billion new tax they were talking about today, in addition to eliminating \$500 billion from Medicare in order to fund this health care plan.

I think the conversation about tax increases is a conversation we could spend a day on, and we'd be happy to have that conversation. But today, I'm going to yield 2 minutes to the gentleman from Texas, Chairman SESSIONS.

Mr. SESSIONS. Mr. Speaker, today, once again, we're on the floor of the House of Representatives with our friends on the other side of the aisle arguing about how we tax the American people, how if we're going to take this tax out we've got to replace it with another tax. Good gosh, aren't energy prices high enough already? Why do we want to pass that on to consumers and make gasoline more expensive? It does not make sense, and that's why we are here today to repeal a tax.

Mr. Speaker, what is the tax we're talking about? It is a tax on business, on high tech. It is on medical devices that have allowed America to lead the world in solving problems, to give people medical devices, things that will make their lives even better.

Mr. Speaker, I received a letter from Walter J. Humann, president and CEO, OsteoMed. He came and met with me at my office and then sent me a letter. Here's what Mr. Humann said—and I believe he represents not just the industry, but thousands of people, patients also who rely on high-tech and medical devices that would be without. He said:

In addition to challenges with the FDA and reimbursement, this 2.3 percent excise tax—which is on gross sales, whether or not a business has any profits or not—will directly impact our ability to create new jobs, invest in research and development and effectively compete in a global marketplace.

Further, he says:

It should be noted that OsteoMed is also aggressively re-directing its business focus

to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax . . . immediately saving 2.3 percent in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy.

Mr. Speaker, this is not just a tax. It is not just making it more difficult for employers to hire people. But it will stop America's innovative-ness to compete in the future.

OSTEOMED,

Addison, TX, June 5, 2012.

Hon. PETE SESSIONS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: Thank you for taking time to visit with me last week regarding OsteoMed and my concerns about the significant "headwinds" we face, especially related to the 2.3% medical device tax that is scheduled for implementation in 2013. On behalf of OsteoMed's 400 employees, I thank you for your support of H.R. 436, which would repeal this onerous provision that otherwise will negatively impact innovation and job creation at a time when we can least afford it.

As president & CEO of OsteoMed, a dynamic, 20 year old surgical device manufacturing company based in your district, I confront the challenges that America's innovators face every day. In addition to challenges with the FDA and reimbursement, this 2.3% excise tax—which is on gross sales, whether or not a business has any profits—will directly impact our ability to create new jobs, invest in research and development and effectively compete in the global market.

OsteoMed formed a new subsidiary company a couple of years ago to develop an innovative spine product that greatly simplifies spine fusion surgery and improves patient outcomes. OsteoMed launched this product last year which quickly grew to almost \$5MM in sales in 2011 and currently employs a number of highly skilled, high paid individuals. Due to the significant upfront investment and on-going development costs, this new company is not projected to make a profit in the near future but is nevertheless subject to the device tax which will further delay this subsidiary's success. As a result, OsteoMed has now delayed additional new product developments and personnel in order to make "ends meet" and achieve the returns initially envisioned when this company was created.

OsteoMed's core business manufactures surgical implant systems for use in craniofacial, neurosurgical and small bone orthopedic (upper and lower extremities) surgeries. These systems require extensive, specialized instruments that are typically not sold, but are used to implant the devices that drive OsteoMed's revenue stream. The device tax will not only tax gross product revenues, but my understanding is it will also tax the instruments OsteoMed must invest in and place into hospitals at no charge thereby further reducing my company's profit opportunities and forcing expense reductions in other areas in order to achieve our profit goals.

OsteoMed's products are sold through a variety of sales channels and will require a new level of administrative burden in order to track the "gross" revenues defined by this tax. This requirement, along with the recent challenges imposed by the Physician Payment Sunshine Act, force additional levels of administration and non value added expenses that make OsteoMed less competitive and viable.

The market in which OsteoMed competes is in turmoil and has become increasingly competitive with many new offshore competitors. As economics and recent government restrictions have largely removed surgeons from the surgical device purchase decision process, hospitals are now forcing increasingly price concessions. Despite increased raw material and labor costs, OsteoMed has been unable to raise product prices over the past several years and is now equally unlikely to simply pass along the device tax to our customers.

Like any other responsible business, OsteoMed must carefully manage expenses in order to make profit and continue to grow and succeed. In order to cover the shortfall the new device tax will create, OsteoMed has already started to implement cut backs in its operations including the delay/cancellation of new product development projects and the hiring of additional personnel, including biomedical engineering positions. It should be noted that OsteoMed is also aggressively re-directing its business focus to international markets that provide a less cumbersome and lengthy regulatory pathway with revenue streams that are not subject to the medical device tax. . . . immediately "saving" 2.3% in the process. In the past month, OsteoMed initiated the search for sales managers in China and the Middle East to supplement recent managers hired in Korea and Italy. Unfortunately, OsteoMed has already started to effectively trade U.S. jobs for overseas positions as a direct result of the medical device tax and other governmental involvement.

The medical device industry not only provides numerous highly skilled and attractive jobs across the U.S., but it also pays its workers on average 40% more than the typical job. We are a vibrant sector of the economy and one of the few remaining industries that produces a healthy export of products. Tragically, this industry has now become the focus of misguided and short-term government intervention and the growth and continued prosperity of this proud American industry now faces great hurdles.

Again, I thank you for your service to our country and specifically for your support of H.R. 436 to repeal this tax and to help America's innovators continue to improve patient care and drive job creation. I look forward to your ability to visit OsteoMed when you are back in Dallas so you can see firsthand our great employees and the innovative products they produce to help people around the world. Please do not hesitate to contact me to discuss this issue or any other issues impacting the medical device industry.

Sincerely,

WALTER J. HUMANN,
President & CEO,
OsteoMed.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of the legislation we will be voting on this afternoon to repeal the \$30 billion excise tax on medical device companies, and I'm proud to join Mr. PAULSEN in his effort to prevent this misguided tax from taking effect next year.

The district I represent in western Pennsylvania is home to a number of medical device companies that have planted their roots in our region. They offer high-paying, quality jobs and are developing innovative devices that are saving lives.

One example is Zoll Medical, which manufactures the LifeVest, a lightweight, wearable defibrillator that continuously monitors a patient's heart. The device allows patients with medical conditions to return to their daily lives with the peace of mind that they are protected from sudden cardiac arrest. This is the type of innovation that we should be encouraging in this country, not penalizing.

The excise tax is simply misguided policy. The American medical device industry has proven that when given the chance to succeed, it has the ability to produce devices that can better the quality of life for Americans and even save lives.

The industry is already facing challenges from foreign competitors that have an easier time getting their products to market. We must give the U.S. device manufacturers the opportunity to succeed, not punish them for being innovators and risk losing the incalculable contributions they provide to our economy, the delivery of health care and quality of life for every American.

The rule that we are debating today provides us with the chance to vote to help ensure that the next great medical breakthrough is developed in this country right here in the United States and not overseas.

I urge my colleagues to support its passage, and I thank Mr. POLIS for yielding me the time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. Mr. Speaker, I first want to thank my friend, Mr. SCOTT, and fellow Rules Committee member, for allowing me time to speak on this important issue.

This rule brings to the floor a series of health issues that I hear about every day from constituents back home. About 46 million Americans have either a flexible spending account or a health savings account. These are hardworking American families that plan ahead for their health care. They're folks who don't want to be a drain on the health care system. But the Federal Government has the audacity to look at these funds from these families that have put aside for their health needs and see this as money for the government's taking. We need to be rewarding these people, not seeing them as a revenue source to pay for ObamaCare. But the government takeover of health care is going to punish them and encourage them to use more expensive treatment options.

The bill we are considering today will undo ObamaCare's limitation on purchasing over-the-counter medications, freeing both health savings accounts and physicians' offices from these new, burdensome regulations that go into effect.

□ 1300

It will allow families to cash out up to \$500 in their unused FSA balances at the end of the year as regular taxable

income, and it will repeal a 2.3 percent tax imposed on the sale of medical devices. This tax will make health care more expensive. It will be passed down to the consumer, and it's already costing innovation and jobs in the medical device industry.

I applaud the Ways and Means Committee for their work on this legislation and encourage my colleagues on both sides of the aisle to pass not only the rule, but support the underlying legislation.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I'll offer an amendment to the rule to make in order the Connolly amendment, which proposes that Members who repeal Federal benefits for their constituents must forfeit such benefits themselves. Why should Members of Congress get special benefits that we deny to our own constituents?

To discuss our proposal, I 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. I thank my friend for yielding.

Chairman of the Federal Reserve Bernanke is on Capitol Hill today warning that if the Congress doesn't get the debt and deficit under control, we could be facing a fiscal collapse, a calamity. And he's right. And I think we all know that one of the ways to avoid a calamity is to move Americans from unemployment lines to payrolls.

But this is another day when the House will not consider legislation that would cut taxes for small businesses that hire people. This is another day when the House will not consider legislation that would rehire police officers, firefighters, teachers. This is another day when the House will not consider legislation to rebuild our roads and our bridges and our electronic infrastructure.

There is going to come a day when the House, I fear, will consider reductions in Medicare, Social Security, and Medicaid to deal with the deficit problem. Now, we need to consider these kinds of issues because they're an important part of the deficit. But when we do, I think most Members would agree with the proposition—I think all Members would probably agree with the proposition—that we should live under the laws that we write. If the Congress is going to consider a change to Social Security, we should live with that change. If the Congress is going to consider a change to Medicare, we should live with that change. We say this to our constituents when we go back to our districts.

Let's vote for it today. We propose to put on the floor, as part of today's legislative agenda, legislation that would say, pure and simple, if there's a change to Social Security, Members of Congress will live under the same change. If there is a change to Medicare, Members of Congress will live

under the same change. If there's a change to Medicaid, Members of Congress will live under the same change. I think we'd probably get a unanimous vote for that proposition.

Let's put it on the floor and affirm to the people of this country who pay the bills and serve the country, we live under the same laws that we write.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE).

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

Mr. Speaker, I rise today in support of the rule and underlying H.R. 436, the Protect Medical Innovation Act. This bill will make a positive impact in two critical areas: jobs and innovation.

For 40 consecutive months now, unemployment has exceeded 8 percent. Just last week, we received the unwelcome news that unemployment had increased in May from the prior month. We're on the wrong track, and the medical device tax included in the Affordable Care Act will make a bad situation even worse.

According to one industry study, the 2.3 percent medical device tax could result in the loss of 43,000 American jobs, and this is just outrageous. We should be taking steps to create good-paying American jobs, not preserving a tax hike that would ship these jobs overseas.

Let me just put that in perspective, Mr. Speaker. I have a unique observation point as a physician in practice for over 30 years, and let me take you through some innovations that I've seen.

In 1974, I learned how to do laparoscopy, which is where you place a scope inside the abdomen and look, just observe. And that's really about all we could do.

I remember, 1986, my partner and I did the first ectopic pregnancy. That's a tubal pregnancy, where pregnancy has occurred in the fallopian tube, and we were in there trying to get this pregnancy out through a scope. We did not have the equipment to do it.

Today you can take an ultrasound, diagnose this before rupture; and before, most of these were diagnosed after rupture, required blood transfusions, an open laparotomy, and days in the hospital. Today, I'm happy to report that we diagnose almost all of these before they rupture. We take a simple scope, with the new equipment and devices that have been discovered and utilized and developed, remove this, and send the patient home within hours.

I've watched, now, this go from just a rudimentary observation to incredible surgery with the new Da Vinci device—we're able to do very complicated pelvic surgery, prostate cancer surgery, other abdominal surgeries, heart surgeries—that have done many things, have reduced suffering, lowered morbidity, mortality, and we certainly do not need to go in a different direction.

Let me give you a very personal example that happened to me just 8 or 9 months ago.

In September of 2011, I was walking through the airport in Charlotte, North Carolina, when a gentleman arrested. If it had not been for an AED, a medical device, this gentleman would not be here with his family today. We were able to resuscitate him and send him successfully home to his family.

We do not need to decrease this innovation. I've seen absolutely spectacular things that have occurred over the last 30 years.

Also, this legislation is very simple. It does two other things. It allows an individual to use their HSA, which I have, to buy an across-the-counter medication instead of coming to my office, the most expensive entry point into the health care system other than the emergency room, to get a prescription. It's counterproductive. It wastes time for the patient and their families.

I also would certainly support the FSA agreement for letting someone keep \$500 of their money.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROE of Tennessee. And letting that individual and that family roll it over so they can use it the next year. Three very simple things and I will close.

Regardless of what you believe in the Affordable Care Act, or how you believe, I urge my colleagues to support this. And I find it a little bit comical that we are fussing about a closed rule on these three simple items when we discussed a 2,700-page health care bill on a closed rule.

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

In response to my colleague, Mr. ROE's discussion of very expensive medical devices and equipment, part of the justification for looking at revenues for medical devices is, through making sure that more Americans have access to insurance, we're able to increase demand and compensation for procedures that involve costly medical devices. This is a way that can actually drive business and job growth for the medical device industry by having more people covered by insurance. The Affordable Care Act will cover millions and millions of more Americans to ensure that they have access to medical devices, driving consumption and purchase of medical devices as well.

Look, there's plenty of ways that we can talk about to pay for this bill. Unfortunately, this closed rule allows for no discussion, other than the extremely partisan, middle class tax increase, which the Republicans have proposed to pay for this bill.

Personally, I've also supported and continue to support looking at a soda tax. Rather than tax something that makes people healthier and improves public health, like medical devices, why not tax something that makes people less healthy, like corn syrup with food coloring and water, a little

bit of caffeine added, no nutritional content, increases diabetes, increases obesity, tooth decay, even been shown to hurt kids' performance in schools. And a study by Health Affairs, a nationwide tax of 1 percent on sugary drinks would actually go a long way towards being able to pay for repealing the medical device tax.

So look, these are decisions that our constituents send us here to make. How do we want to pay for things? If we don't want to tax medical devices, are we going to tax the middle class instead, as this proposal will do?

We talked about a family of four in Ohio, family of four in New York, that would pay over \$5,000 a year in extra tax just because the mother went back to work, just because one member of the family might have passed away in a year, sticking them with an enormous tax bill? This tax-and-spend Republican majority continues to advocate tax after tax after tax increase directly targeted to middle class and working American families.

□ 1310

Look, let's evaluate how we want to pay for health care in this country. Health care is important. Health care is expensive. If you have better ideas than the Affordable Care Act—better ways to reduce health care costs for businesses, help families access health care—let's get them on the table in an open process and talk about what we want to do to help drive down costs.

But this cobbled-together set of bills will only decrease access to health care in this country. It will undermine the very demand for the medical devices that are so important to job growth and creation in this country. It will undermine the incentive of middle class families to try to improve their stations in life—to take on a second part-time job, to seek a promotion at work. It's very contrary to our American values that hard work gets you ahead in this country. If you work hard and if you play by the rules, you have a shot in this country, and this cobbled-together set of bills is an affront to that very concept that makes me so proud to be an American.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I just heard the previous speaker say that the Affordable Care Act is going to provide so much opportunity for medical device manufacturers that they will simply be able to eat this device tax. Well, that's not the case in my district, and there are three principal reasons why we must repeal this device tax:

One, it increases health care costs for consumers on everything from wheelchairs, to bedpans, to prosthetics, to tongue depressors. Two, this is going to kill jobs. More than 400,000 jobs in the U.S. and 22,000 in Pennsylvania are directly employed by the medical device industry. This tax will put up to 43,000

American jobs at risk. Three, this is going to stifle innovation by reducing investment in R&D, which leads to medical breakthroughs.

By the way, this is a familiar health care law trifecta: higher costs, lost jobs, lost innovation.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 15 seconds.

Mr. DENT. This tax is going to have a profound impact in my congressional district on companies like Aesculap, Boas Surgical, BioMed, B. Braun, Olympus, OraSure, and Precision Medical Instruments.

If you don't believe me, Chris Field of Boas Surgical in Allentown, a small business that manufactures custom orthotics and prosthetics, explained that the tax may ultimately force the employer out of business:

The medical device tax would simply destroy what is left of our company. After giving it our all, we would simply have to turn out the lights, lock the doors and send 45 employees to the unemployment lines; and our patients, including many of our soldiers returning from combat, would no longer be able to receive medical devices, such as their prostheses, from a company which has faithfully served the Lehigh Valley for over 90 years.

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

An executive summary of a report by the Bloomberg Government is entitled "Medical Device Industry Overstates Tax Impact," which was put together by health care policy analysts.

This study calls into question the assumption that several of my colleagues on the other side have indicated that the medical device tax results in the loss of 43,000 jobs. After investigating, the Bloomberg Government officials found that this figure was based on the hypothetical assumptions of a 10 percent reduction in domestic employment resulting from manufacturing moving their operations offshore. So it was just based on guesswork. It was said, Well, how many jobs do we want to say this would cost? Let's just say 10 percent.

Then they just put it down. There was no analysis. It was simply based on a guess, which I can just say with the same amount of backing that it will create 10,000 jobs or that it will eliminate 5,000 jobs or that it will create 20,000 jobs. You can say whatever you want, but there is no scientific analysis that leads to that conclusion.

In fact, throwing 350,000 Americans into the ranks of the uninsured as this cobbled-together set of bills would do and reducing the number of insured Americans by 350,000 is certain to reduce the demand for medical devices. It is certain to reduce job growth and to hurt many of the companies that are complaining about the medical device tax.

Again, if we can find a way to pay for it that doesn't throw over a quarter million Americans out of health care

insurance and that doesn't increase taxes for a family making \$72,000 a year by over \$5,000, let's do it. We can. We can look at taxing things that make people less healthy rather than taxing things that make people more healthy. We can eliminate tax loopholes and subsidies for the oil and gas industry. We can discuss eliminating agriculture subsidies.

There are a lot of great ideas that Republicans and Democrats have to help replace the revenue that might be lost under this proposal; but under this closed rule, both Republicans and Democrats are prohibited from bringing any ideas forward about how to pay for this bill other than with an enormous tax increase on the middle class, throwing Americans off the insurance rolls, which actually reduces the demand for medical devices and will cost jobs in this country under this bill.

I reserve the balance of my time.

EXECUTIVE SUMMARY

An excise tax on medical devices imposed by the 2010 federal health-care overhaul isn't likely to reduce industry revenue as much as the device manufacturers say. This Bloomberg Government Study finds that while some reduction in revenue is likely if the tax leads to higher prices, it won't hit manufacturers on the magnitude forecast in 2011 by an industry trade group.

The price effect of the tax will be offset to some degree by the expected increase in demand for medical devices as a result of the estimated 32 million Americans who will obtain health insurance under the law. The net impact on revenue remains uncertain.

The 2.3 percent tax on medical devices, which include pacemakers, artificial joints, and magnetic resonance imaging machines, takes effect in 2013. The tax may be passed along to the buyers of most medical devices, which will increase prices. A 2011 study commissioned by the Advanced Medical Technology Association, or AdvaMal, an industry trade group, estimates the resulting drop in revenue will be \$1.3 billion—close to the median of 12 scenarios in its economic model. That projection represents about 1.1 percent of the industry's \$116 billion in annual revenue. The group based its estimates on expected reactions by suppliers and buyers of medical devices to changes in price, a phenomenon that economists call price elasticity.

This study examines the economic assumptions underlying the industry group's findings. Using relevant research, this study finds that the price elasticity for medical devices is likely to be weaker than the industry put forward; in other words, an increase in price is not likely to lead to a severe contraction in demand. Even the most modest scenario considered by the AdvaMed study, projecting annual revenue losses of \$670 million, may be too high because it doesn't account for the likelihood of an increase in demand for medical devices by the newly insured.

This study also calls into question the assumptions behind another industry assertion that the medical-device tax will result in a loss of 43,000 U.S. jobs. That figure, the AdvaMed authors told Bloomberg Government, was based on a "hypothetical" assumption of a 10 percent reduction in domestic employment resulting from manufacturers moving their operations offshore to avoid the tax.

The study is AdvaMed's only quantitative analysis of the impact of the tax supporting

the group's assertion that the medical-device tax will be harmful to manufacturers' revenue. This Bloomberg Government review of those findings gives lawmakers reason to be skeptical of its main findings.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. It is interesting to talk about an open or closed rule when we are discussing something with the Affordable Care Act. We all know what an open process that it was developed under and how wide open and inclusive that that was.

Let's talk some basic economics with this.

If you tax something more, you get less of it. That's simple economics. Apparently, somehow there is a desire to get less medical innovation. If we go to the medical innovators—the people with the latest devices, the newest devices, the best devices that are getting Americans healthier, that are providing a better quality of life for people from infants to senior adults—and then tax them more, we are discouraging them from future innovation and from creating the next products that create the next big medical wave on it.

Currently, the best medical innovation in the world is happening in the United States of America. We want to keep it that way. We talk a lot about: Why are we losing manufacturing jobs? Why are manufacturing jobs going around the world? I'll tell you why we're losing manufacturing jobs. It's because, every time you turn around when you're in a manufacturing segment, you've got a Federal regulator in your building who is checking out something else. Whether it's your paperwork or your process or your people, they are constantly checking everything else. We also have this very high corporate tax structure. We have the highest in the industrial world. Now we're taking it to the medical device folks and making it even higher and making it even harder.

What we need to do is have the best medical innovation in the world here, but we don't do that by punishing those companies for doing it here. If we want companies to go overseas and to do the best innovation in the world somewhere else, then we should continue to raise taxes on them. This solves that. This keeps it here. It keeps the companies here and keeps them from relocating and offshoring. It keeps premiums from going up. As the medical device cost goes up—guess what?—insurance premiums go up as well, as well as dental costs for dental devices.

This is just another example of picking winners and losers and finding an industry that is successful and saying, Let's tax them more so we can move that money somewhere else. I'll tell you what. Let's just have the best medical innovation in the world continue to be here. Let's take care of that medical device tax and clear it out as of today.

Mr. POLIS. My colleague from Oklahoma said, if you tax something, you get less of it. Under this bill, we tax work, and we tax middle class families taking a second job or getting a promotion at work. This bill will force families to stay on the government payroll. It will force people to continue to get their benefits because, if they try to work harder, you're increasing their taxes.

Yes, if you tax something, you get less of it. This bill will result in people working less, having less of an incentive to work, less of an incentive to lift yourself up and to get off the government subsidies, less of an incentive to take a second job, less of an incentive to get a promotion. Why would we put squarely the burden of paying for this on people who just want to work harder to get ahead?

If you tax something, you get less of it. This bill in its current form results in less work, fewer jobs, fewer chances for middle class families to stay in the middle class, fewer chances for aspiring middle class families to reach the middle class.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, we keep hearing consistently that somehow a tax that isn't a tax is now considered a tax, so the notion of recapturing overpayments from health care subsidies should not be considered a tax. It should be considered being honest and fair. So let me say it one more time: that requiring people to return money not correctly given to them is not a tax increase; it is a matter of honesty and integrity.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I thank my colleague.

Mr. Speaker, I think something has gone overlooked here today, which is that this is a bill that has bipartisan support. So often back home, the folks want us to do things that have bipartisan support. We've seen several Members from across the aisle speak in favor of this bill and of this rule today; but I think something else is going overlooked, which is that the President should support this. This should be a bill that the President of the United States supports. After all, he was the one who said when he was campaigning—and I'm quoting now from candidate Barack Obama:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1320

By the way, Mr. Chairman, it's very rare that we speak that boldly in politics. Oftentimes, we give ourselves space to walk things back. But that is about as unequivocal a statement as you can get.

I imagine that since that statement was made in 2008, it's by accident that

we have, by my count, at least 13 taxes that violate that pledge. We have a new tax on cigarettes, a tax on non-qualified HSA distributions, a tax on insured and self-insured health plans, a tax on tanning services, a tax on brand name pharmaceuticals, and, of course, this tax on certain medical devices. My guess is that was done by mistake, and we need to fix that so that the President can keep his promises.

So I encourage my friends across the aisle, as well as my own colleagues, to vote for the rule and to vote for the bill to help the President out, to help the President keep his promises so that we do not raise taxes on anybody in this country who makes less than \$250,000.

Mr. POLIS. Mr. Speaker, my colleague ended his remarks by saying don't raise taxes on people making under \$250,000. This bill increases taxes on people making \$40,000, \$70,000, even as much as \$90,000. That's what it is—it's a huge middle class tax increase.

With that, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Colorado.

Mr. Speaker, I rise today to encourage my colleagues to vote "no" on ordering the previous question so we can consider Mr. CONNOLLY's amendment that would give our constituents a chance to see whose side their representative is on.

Since the Republican majority took office, they have repeatedly focused on chipping away at the protections afforded by Medicare, Medicaid, Social Security, and the Affordable Care Act. Yet many of these same Members are happy to claim these benefits for themselves and their families, even as they vote to deny access to these benefits for the very people who put them in office. The American people deserve better.

We're saying to our colleagues on the other side of the aisle: if you're going to force your constituents to give up the right to access affordable insurance or retirement security, then you should do the same.

Last year, I introduced a resolution that would require all Members of Congress to publicly disclose whether they participate in the Federal Employees Health Benefits program. The reasoning was simple: if Republicans wish to take away quality affordable health care from Americans, then they can no longer hide their benefits from the taxpayers that subsidize their own care.

The taxpayers are our employers, and they deserve to know which Members are keeping taxpayer subsidized health benefits for themselves and their families while they vote to deny those same health care benefits and rights to all American families.

For all their talk of transparency and accountability, my resolution was met with silence from the other side of the aisle. Today, they have a chance to try again and say to their constituents: I won't take away your benefits unless

I'm willing to give up mine as well. How many will take that promise? Everyone should. But I fear that their party's political promises will trump the promises they should make to help their constituents.

I will vote to stand on the side of the American people, and I encourage every one of my colleagues in this Chamber to join me and vote "no" on ordering the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in support of H.R. 436, the Health Care Cost Reduction Act.

Over the past 18 months, the House has been focused on legislation that will help set the table for job creation. This recession has proven more stubborn than previous ones in part because it hits solid, middle class jobs the hardest. The medical technology industry, however, is one area where America remains a global leader in manufacturing. There are more than 35,000 medical technology industry jobs in Ohio alone, well paying jobs too. Unfortunately, the President's health care law wants to punish this industry's success.

His overhaul of the health care industry created a 2.3 percent tax on medical device sales in the U.S., which will be implemented just 6 months from now. As a small business owner myself, I understand this tax will have a huge negative impact on this industry, killing American jobs, slowing medical innovation, and harming America's global competitiveness. That is because this tax is on revenues, not profits.

Some in the Halls of Congress and in this administration who have never worked in the private sector may not realize it, but that is an important distinction. Placing the tax on the revenue side makes it much more costly for small device makers to pay for it because many of them have high revenue levels, but much smaller profit margins. You're taxing them based on how much business they do, not on how much money they make, an idea only career politicians could dream up and attempt to implement.

Over 75 percent of medical device makers are small businesses with fewer than 50 employees. As such, it has been estimated that this tax will lead to somewhere between 15,000 and 50,000 lost jobs. I will not stand idly by while this tax threatens jobs across the country and my home State of Ohio. That is why I stand in strong support of the Health Care Cost Reduction Act, which would repeal this tax. And I thank Representative PAULSEN for introducing it. We simply cannot be competitively global when we tax our manufacturers and our small businesses at a higher rate than our foreign competitors tax theirs.

I call on my colleagues from both sides of the aisle to practice some economic common sense and join me in voting to repeal this tax.

Mr. POLIS. Why should Members of Congress get special benefits because they're Members of Congress that they vote to deny to their constituents? Thankfully, if we defeat the previous question, Mr. CONNOLLY will bring forward an amendment that will address this issue.

With that, I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague, Mr. POLIS.

Mr. Speaker, I rise to urge my colleagues to defeat the previous question.

If we defeat the previous question, we will move immediately to consideration of an amendment that will ensure that Members of Congress do not shield themselves from changes in health care benefits that would reduce the level of care for our constituents. In fact, we might even call this the "what's good for the goose" amendment.

In fact, the simple commonsense amendment would add a new section at the end of the Legislative Branch Appropriations Act to prohibit any proposed repeal of benefits in Social Security, Medicare, Medicaid, or the Affordable Care Act from taking effect until it has certified that a majority of Members in this body and the Senate are no longer eligible, whether through automatic or voluntary withdrawal, to receive the very same benefits being repealed.

My colleagues will recall that during the health care reform debate, we responded to false claims about Members of Congress having gold-plated health care by removing ourselves from the Federal Employees Health Benefits program. Members will soon use their own State-based exchanges to purchase insurance just like any other family in their community.

We wanted our constituents to have as much confidence as we do that the exchanges will deliver the care that's promised. In keeping with that spirit, my simple amendment would ensure Members of Congress stand with their residents in living with any changes in benefits we might legislate.

Mr. Speaker, we can offer our residents comfort of mind knowing that Members of Congress will share in those same benefits or reduced benefits by adopting this simple commonsense amendment, proving that what is good for the goose is also good for the gander.

I urge defeat of the previous question.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman.

Mr. Speaker, Indiana is a global leader in medical device innovation in the United States, providing tens of thousands of high-wage jobs to Hoosiers. There are over 300 medical device manufacturers in the State, many of them small businesses, all working on cutting-edge innovation.

Mr. Speaker, we need to preserve what is working in America. The medical device industry is working. In fact, it's helping to save manufacturing in this country, period. One of the biggest threats to the medical device industry is the tax punishing policies put forth by the last Congress and the President of the United States, commonly known as ObamaCare. It will send these manufacturing jobs to other countries so the cost of the tax can be made up.

□ 1330

In addition to sending jobs out of the country, this tax, if not repealed, will only drive up the cost of health care by shifting the costs onto consumers.

Medical device jobs provide an average of \$60,000 in Indiana alone, which is 56 percent higher than the State average. The economic impact of Indiana's medical device industry eclipses \$10 billion, and job growth has increased nearly 40 percent in the last few years. Similar numbers can be applied to the State and across this Nation.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. Although the tax is not scheduled to take effect until next January, we are already feeling its choking boot on the necks of hardworking Americans and sick people. Indiana medical device companies have already laid off good Americans, thanks to this tax, which is just one more example of this failed Presidency.

The national unemployment rate increased again last month. We cannot afford to move forward with this ill-conceived tax on American innovation, on American companies who add value to this Nation and its economy.

I encourage all of my colleagues, Mr. Speaker, to vote "yes" on the rule and for final passage of H.R. 436.

Mr. POLIS. I have no additional speakers on this huge Republican middle class tax increase. I would like to ask my colleague if he has any remaining speakers. I am prepared to close.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I thank the gentleman for yielding.

Mr. Speaker, Illinois is hurting. Unemployment has been above 8 percent for the past 3 years. The medical technology industry is one of the only success stories in the State, employing thousands and still growing.

The district I represent is home to many of these medical technology companies. These are quality jobs with employees earning, on average, 10 percent more than their counterparts in similar manufacturing fields.

We must act now without hesitation. Illinois alone could lose anywhere from 1,200 to 1,300 good-paying jobs that support American families. That's why I cosponsored H.R. 436, rise in support

now, and will continue to support all efforts to repeal the medical device tax.

Mr. Speaker, the highest level of prosperity occurs when there is a free market economy and a minimum of government regulations. Illinois has suffered enough. We can't stand idly by and watch more burdensome taxes prevent honest, hardworking American from getting the quality jobs they deserve.

Mr. POLIS. I would like to inquire if my colleague has any remaining speakers, and I would like to inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 2¼ minutes remaining, and the gentleman from South Carolina has 6¾ minutes remaining.

Mr. POLIS. I yield myself the remainder of the time.

Mr. Speaker, at a time when millions of Americans are still out of work, here's yet another bill on the House floor that does nothing to create jobs or get our economy back on track.

This House has already passed repeals of the Affordable Care Act several times, and here we have another bill that takes three bills and lumps them together with a controversial payment mechanism that's a huge tax increase on the middle class, and it drives Congress further from consensus and sound governance.

Again, we're spending another legislative day repealing parts of the Affordable Care Act that the President has said he would veto with no opportunity for Members of either party to offer amendments or substitutes.

Instead of seeking a bipartisan agreement on reducing health care costs or even doing anything to further the repeal of the medical device tax, the Republicans have made it impossible for many to support this bill by combining a number of unrelated bills with a huge middle class tax increase. This is not the transparent one-bill-at-a-time House that the American people deserve.

My colleagues are once again passing on an opportunity for bipartisan reform in favor of simply scoring political points.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can make sure that Members of Congress don't receive special benefits that we would deny to our constituents.

I urge a "no" vote on the rule, so we can avoid this enormous Republican middle class tax increase, and I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield myself the remaining time.

My assumption is my friends to the left truly believe if you say it often enough, it might become true. Even if it doesn't become true, if you say it often enough, perhaps someone watching will assume that the words being spoken are somehow true.

We've heard it several times in the last hour, things that have been said over and over again because we are obviously once again in an election year. After hearing the arguments made by the other side regarding the previous question, there is no doubt that we are in an election year.

To clarify, any future changes in benefits to Social Security or Medicare would also and always apply to Members of this body. There are no exceptions, Mr. Speaker, no, not one exception whatsoever. There are no carve-outs in the law giving special treatment to Members of Congress under Social Security or Medicare.

But if you say it often enough, perhaps someone, somewhere watching somewhere in this Nation will come to the conclusion that it must be right. Let me say it one more time.

Members of Congress will comply with the law as it is on Social Security and Medicare.

Secondly, we have heard consistently over and over again—and this is another part of that alternate universe that doesn't exist unless you want someone to believe something that is simply not true—that somehow recapturing overpayments of health care subsidies is now considered a tax. I would say that at a time when we face a \$16 trillion debt, we cannot afford to not recapture all the money owed to the Federal Government.

My friends on the left want people to believe that if you recapture the dollars that were given inappropriately that somehow, some way this becomes a tax increase. Let me say it just in case folks listening didn't understand the words that I was speaking.

Requiring people to return money not correctly given to them, this is not a tax, and it certainly is not a tax increase. It is simply a matter of honesty and integrity.

Mr. Speaker, we're talking about the health care bill that took \$500 billion from Medicare. We're talking about the health care bill that takes \$500 billion out of the pockets of everyday, average middle class Americans in the form of tax increases. There is one tax increase on those folks who own property, \$123 billion through a new 3.8 percent tax. Today we find ourselves in the position of repealing a \$29 billion medical device tax because the people who need the medical devices will end up paying that tax.

I think we are in a position today, Mr. Speaker, to make sure that over 423,000 Americans who are employed in this country are able to continue to work. I believe that we are in a position, Mr. Speaker, to ensure that the

health care of millions of Americans continues to be a critical part of the discussion.

Mr. Speaker, we are in a place to make sure that new taxes, \$29 billion of new taxes, don't continue to destroy American jobs.

Mr. Speaker, I urge my colleagues not only to vote for the rule but to vote for the underlying legislation.

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

AN AMENDMENT TO H. RES. 679 OFFERED BY MR. POLIS OF COLORADO

At the end of section 2, add the following: Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Connolly of Virginia or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

Sec. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

Members who repeal federal benefits for their constituents must forfeit such benefits for themselves.

SEC. ____ (a) IN GENERAL.—Any proposed repeal of benefits in Social Security, Medicare, or Medicaid, or of any benefit provided under the Patient Protection and Affordable Care Act (Public Law 111-148), shall not take effect until the Director of the Office of Personnel Management certifies to the Congress that a majority of the Members of the House of Representatives and a majority of Members of the Senate have, as of the date that is 30 days after the date of the passage of the repeal in the respective House, voluntarily and permanently withdrawn from any participation, and waived all rights to participate, as such a Member in that benefit. (b) MEMBER DEFINED.—In this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

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

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

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

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

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 12, as follows:

[Roll No. 358]
YEAS—240

Adams	Bachmann	Berg
Aderholt	Bachus	Biggart
Akin	Barletta	Billbray
Alexander	Bartlett	Bishop (UT)
Amash	Barton (TX)	Black
Amodei	Bass (NH)	Blackburn
Austria	Benishek	Bonner

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

NAYS—179

Ackerman	Chandler	DeLauro
Altmire	Chu	Deutch
Andrews	Cicilline	Dicks
Baca	Clarke (MI)	Dingell
Barrow	Clarke (NY)	Doggett
Becerra	Clay	Donnelly (IN)
Berkley	Cleaver	Doyle
Berman	Clyburn	Edwards
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Connolly (VA)	Engel
Blumenauer	Conyers	Eshoo
Bonamici	Cooper	Farr
Boswell	Costa	Fattah
Brady (PA)	Costello	Frank (MA)
Brale (IA)	Courtney	Fudge
Brown (FL)	Critz	Garamendi
Butterfield	Crowley	Gonzalez
Capps	Cuellar	Green, Al
Capuano	Cummings	Green, Gene
Carnahan	Davis (CA)	Grijalva
Carney	Davis (IL)	Gutierrez
Carson (IN)	DeFazio	Hahn
Castor (FL)	DeGette	Hanabusa

Hastings (FL)	McCarthy (NY)	Sánchez, Linda
Heinrich	McCollum	T.
Higgins	McDermott	Sanchez, Loretta
Himes	McGovern	Sarbanes
Hinchey	McNerney	Schakowsky
Hinojosa	Meeks	Schiff
Hirono	Michaud	Schrader
Hochul	Miller (NC)	Schwartz
Holden	Miller, George	Scott (VA)
Holt	Moore	Scott, David
Honda	Moran	Serrano
Hoyer	Murphy (CT)	Sewell
Israel	Nadler	Sherman
Jackson (IL)	Napolitano	Sires
Jackson Lee	Neal	Smith (WA)
(TX)	Olver	Speier
Johnson (GA)	Owens	Stark
Johnson, E. B.	Pallone	Sutton
Kaptur	Pascrell	Thompson (CA)
Keating	Pastor (AZ)	Thompson (MS)
Kildee	Pelosi	Tierney
Kind	Perlmutter	Tonko
King (IA)	Peters	Towns
Langevin	Pingree (ME)	Tsongas
Larsen (WA)	Polis	Van Hollen
Larson (CT)	Price (NC)	Velázquez
Lee (CA)	Quigley	Visclosky
Levin	Rahall	Walz (MN)
Lewis (GA)	Rangel	Wasserman
Lipinski	Reyes	Schultz
Loeback	Richardson	Waters
Lofgren, Zoe	Richmond	Watt
Lowey	Ross (AR)	Waxman
Lujan	Rothman (NJ)	Welch
Lynch	Roybal-Allard	Wilson (FL)
Maloney	Ruppersberger	Woolsey
Markey	Rush	Yarmuth
Matsui	Ryan (OH)	

NOT VOTING—12

Baldwin	Coble	Marino
Bass (CA)	Filner	Paul
Billirakis	Kucinich	Shuler
Cardoza	Lewis (CA)	Slaughter

□ 1404

Messrs. COHEN, CICILLINE, DICKS and LYNCH changed their vote from “yea” to “nay.”

Messrs. CRAWFORD and PETERSON changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 359, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

CONGRATULATING SPEAKER PELOSI ON 25 YEARS OF SERVICE TO CONGRESS

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, all of us through our lives meet people, particularly when we were young—and I’m sure this happened to people who were with leaders of our country. Thomas Jefferson, a young man, I’m sure there were people who met Thomas Jefferson when he was 25 and they said to themselves, boy, this guy’s really got his head in the clouds. And then he became one of the great people of democracies in our world.

When I was 23 years of age, in 1962, I was working for a United States Senator whose name was Daniel Brewster from our State of Maryland. That summer, he hired as an intern a young woman—younger than me, but about my age—close—and we had the opportunity to get to know one another. We

sat approximately 12 feet from one another as a young college graduate and a young law school student. That was 1962.

Through the years, I stayed in Maryland, and that young woman got married and moved to California. Just a few years later, I came to the Congress of the United States, and 6 years later she came to the Congress of the United States, after having been the chairman of her party in the largest State in the Union, having been very much involved with the United States Senate, having been a leader in our country, not as a Member of Congress, but in her role as a significant party leader and a member of the Democratic National Committee.

When Sala Burton died, herself a member of a distinguished political family, this young woman ran for Congress of the United States. Her father had served in the Congress of the United States, been a member of the Appropriations Committee, been mayor of Baltimore city, and been the father of a mayor of Baltimore city. How proud he would be of this young daughter he raised at his knee, not, frankly, as somewhat caricatured as a San Francisco, but as a Baltimore City pol—I say that with great affection—who knew how to put neighborhoods together, who knew how to take care of citizens in that city. That’s where she learned her politics.

As Thomas Jefferson had people who attacked him bitterly, she has had the same. We all have that in this game that we participate in that we care deeply about. That young woman that I first worked with in 1962 became the highest-ranking woman in the history of our country in our government. And now we note—some celebrate, others note—her attaining of a quarter of a century of service in this body.

□ 1410

And all of us will be able to tell our grandchildren. I have my grandchildren now. Maybe I’ll have more, but I have a number of them now, and a number of them are young women, and I tell them how proud they can be of the leadership and the trail that has been blazed by this extraordinary woman.

I’ve talked to a number of you on the Republican side of the aisle, my good friend ROY BLUNT, and he says to me, he said, Boy, that woman has a spine of steel. And that she does. Those of us who have dealt with her know that she’s one of the strongest leaders any of us have served with, whether you agree with her or don’t agree with her.

So I rise, Mr. Speaker, to note this anniversary of 25 years of service of NANCY D’ALESSANDRO PELOSI, from the State of Maryland, the very proud State of Maryland, to have a daughter like NANCY, and a State that is proud of its citizen servant, NANCY PELOSI.

Ladies and gentlemen, I now have the great honor of yielding to my friend. He’s of a different party, but we’re both Americans. We both love this institu-

tion, and he is now, himself, not quite as historic a figure because there have been many men who have been Speaker of the House of Representatives, but my friend, JOHN BOEHNER, Speaker of the House.

Mr. BOEHNER. Let me thank my friend, Mr. HOYER, for yielding.

Mr. Speaker, I rise today to commend our colleague, the gentlelady from California, on her 25 years of service to this institution. It’s the latest in a series of milestones for the gentlelady from California.

On January 4, 2007, I had the privilege of presenting Leader PELOSI the gavel when she became the first female Speaker of the House. But just as important as this anniversary is in and of itself, it also represents 25 years of commitment and service to this institution.

Now, the gentlelady from California and I have differing political philosophies, and we’ve had some real battles here on the floor over the 22 years that I’ve served with her, but many of you know that the gentlelady and I have a very, very workable relationship and we get along with each other fine. We treat each other very nicely and actually have a warm relationship, because we all serve in this institution and we all have work to do to protect the institution and serve the institution. And I can tell all of my colleagues on both sides of the aisle that I enjoy my relationship with her and enjoy our ability to work together.

Now, it doesn’t mean that we’re going to agree on taxes or that we’re going to agree on spending, but I know I speak for the whole House when I rise today to say to the gentlelady from California, Mrs. PELOSI, congratulations on 25 years of real service to this institution.

Thank you.

Mr. HOYER. Mr. Speaker, before I yield back, the gentlelady from California would like me to yield, and I do so.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

In the political life that we have here and our service to the American people, I take great pride in always saying, when somebody says to me, Were you surprised when somebody did this, that, or this bill did that or that? I say, I’m hardly ever surprised in politics because I know what the possibilities are.

I am thoroughly surprised today. I had absolutely no idea the mischief that Mr. HOYER was up to, going back decades, I might add. But I thank him for his kind words, and all of you for your nice reception.

I thank the Speaker for his gracious comments as well. While he was speaking, I was remembering, oh, my goodness, we’re taking up time on the floor and it’s personal and that. But then I was recalling that it wasn’t that long ago when we—maybe 5, 6 years ago when we came to the floor to acknowledge that then-Speaker Hastert was

the longest serving Republican Speaker of the House and we made much ado about that landmark. So I comfortably accept your kind words, since we could observe that, and I think and I said, Long may his record stand, at that time.

That passes for humor in certain circles.

As the gentlemen were speaking, I was recalling when I was first Speaker and sitting in the chair to welcome the President of the United States to the Chamber for the first time, and it was President George W. Bush. President Bush surprised me that day, too, when he opened his remarks by saying to the gathered crowd that many Presidents had come to the Congress to speak to a joint session, but none of them had ever opened their remarks with these two words, "Madam Speaker."

And he then went on to say that although my father had served in Congress with President Roosevelt and President Truman, and that was a tremendous honor for him, little would that compare to the idea that his, he said something like "baby girl" was sitting in the chair as Speaker of the House. That was an honor for me.

His father honored me for my 25th anniversary, President George Herbert Walker Bush, on President's Day, by inviting me to speak to his library, the Bush library at Texas A&M. We recalled a time of civility in the Congress when he was President, and we had our disagreements, as the Speaker acknowledged we still do, but we did so with great civility, and that was what we talked about that day. I considered that a great honor.

And I consider this a great honor to serve with each and every one of you, patriots all, representatives, independent representatives of your district. And that word has two meanings. It's your title. It's also our job description, that we represent our districts and bring the beautiful diversity of opinion, of ethnicity, of generations, of geography, of philosophy to the Congress of the United States. The beauty, I say in my district, is in the mix.

While I'm very honored to have served as the Speaker of the House, first woman Speaker of the House, first Italian American Speaker of the House, first Maryland Speaker of the House, first California Speaker of the House, many firsts, it always is the greatest privilege of my life, as I'm sure it is with each of you, to step on the floor of the House to represent and speak for the people of each of our individual districts.

So I thank you, Mr. Speaker, for your kind words. While, as you said, we may not always agree on taxes, we did at one time when President Bush was President, and we worked together at that time on his stimulus package, which was tax-oriented. You remember that. And it was good for the country, and it was a good model for us to go forward.

□ 1420

It is an honor to serve with you as Speaker. While I with great joy accepted the gavel from you that first time, it wasn't so joyful to hand it back over. Nonetheless, it's all in the Chamber, and that's where we all serve for the American people.

STENY, you don't know when and you don't know where, but one day—one day—I will repay this magnificent honor you have extended to me, which has taken me totally by surprise. Wait until I talk to my staff about this later.

STENY HOYER is a great patriot, a great Marylander, a great American, a great Member of Congress—a Member's Member, a person who respects every person he serves with.

STENY HOYER—and Mr. Speaker, I know I speak for everyone in the Chamber when I say—we are proud to call you a colleague.

Thank you so much for this time.

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

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 173, not voting 17, as follows:

[Roll No. 359]

AYES—241

Adams	Carter	Garrett
Aderholt	Cassidy	Gerlach
Alexander	Chabot	Gibbs
Amash	Chaffetz	Gibson
Amodei	Coffman (CO)	Gingrey (GA)
Austria	Cole	Gohmert
Bachmann	Conaway	Goodlatte
Bachus	Cravaack	Gosar
Barletta	Crawford	Gowdy
Bartlett	Crenshaw	Granger
Bass (NH)	Culberson	Graves (GA)
Benishek	Davis (KY)	Graves (MO)
Berg	Denham	Griffin (AR)
Biggert	Dent	Griffith (VA)
Bilbray	DesJarlais	Grimm
Bishop (GA)	Diaz-Balart	Guinta
Bishop (UT)	Dold	Guthrie
Black	Donnelly (IN)	Hall
Blackburn	Dreier	Hanna
Bonner	Duffy	Harper
Bono Mack	Duncan (TN)	Harris
Boren	Ellmers	Hartzler
Boustany	Emerson	Hastings (WA)
Brady (TX)	Farenthold	Hayworth
Brooks	Fincher	Heck
Brown (GA)	Fitzpatrick	Hensarling
Buchanan	Flake	Henger
Bucshon	Fleischmann	Herrera Beutler
Buerkle	Fleming	Huelskamp
Burgess	Flores	Huizenga (MI)
Burton (IN)	Forbes	Hultgren
Calvert	Fortenberry	Hunter
Camp	Fox	Hurt
Campbell	Franks (AZ)	Issa
Canseco	Frelinghuysen	Jenkins
Cantor	Galleghy	Johnson (IL)
Capito	Gardner	Johnson (OH)

Johnson, Sam	Mulvaney	Scalise
Jones	Murphy (PA)	Schilling
Jordan	Myrick	Schmidt
Kelly	Neugebauer	Schock
King (IA)	Noem	Schweikert
King (NY)	Nugent	Scott (SC)
Kingston	Nunes	Scott, Austin
Kinzinger (IL)	Nunnelee	Sensenbrenner
Kissell	Olson	Sessions
Kline	Owens	Shimkus
Labrador	Palazzo	Shuster
Lamborn	Paulsen	Simpson
Lance	Pearce	Smith (NE)
Landry	Pence	Smith (NJ)
Lankford	Petri	Smith (TX)
Latham	Pitts	Southerland
LaTourette	Platts	Stearns
Latta	Poe (TX)	Stivers
LoBiondo	Pompeo	Stutzman
Long	Posey	Sullivan
Lucas	Price (GA)	Terry
Luetkemeyer	Quayle	Thompson (PA)
Lummis	Reed	Thornberry
Lungren, Daniel	Rehberg	Tiberi
E.	Reichert	Tipton
Mack	Renacci	Turner (NY)
Manzullo	Ribble	Turner (OH)
Marchant	Rigell	Upton
Matheson	Rivera	Walberg
McCarthy (CA)	Roby	Walden
McCaul	Roe (TN)	Walsh (IL)
McClintock	Rogers (AL)	Webster
McCotter	Rogers (KY)	West
McHenry	Rogers (MI)	Westmoreland
McIntyre	Rohrabacher	Whitfield
McKeon	Rokita	Wilson (SC)
McKinley	Rooney	Wittman
McMorris	Ros-Lehtinen	Wolf
Rodgers	Roskam	Womack
Meehan	Ross (AR)	Woodall
Mica	Ross (FL)	Yoder
Miller (FL)	Royce	Young (AK)
Miller (MI)	Runyan	Young (FL)
Miller, Gary	Ryan (WI)	Young (IN)

NOES—173

Ackerman	Eshoo	McGovern
Altire	Farr	McNerney
Andrews	Fattah	Meeks
Baca	Frank (MA)	Michaud
Barrow	Fudge	Miller (NC)
Becerra	Garamendi	Miller, George
Berkley	Gonzalez	Moore
Bishop (NY)	Green, Al	Moran
Blumenauer	Green, Gene	Murphy (CT)
Bonamici	Grijalva	Nadler
Boswell	Gutierrez	Napolitano
Brady (PA)	Hahn	Neal
Bralley (IA)	Hanabusa	Olver
Brown (FL)	Hastings (FL)	Pallone
Butterfield	Heinrich	Pascarell
Capps	Higgins	Pastor (AZ)
Capuano	Himes	Pelosi
Carnahan	Hinchee	Perlmutter
Carney	Hinojosa	Peters
Carson (IN)	Hirono	Peterson
Castor (FL)	Hochul	Pingree (ME)
Chandler	Holden	Polis
Chu	Holt	Price (NC)
Ciulline	Honda	Quigley
Clarke (MI)	Hoyer	Rahall
Clarke (NY)	Israel	Rangel
Clay	Jackson (IL)	Reyes
Cleaver	Jackson Lee	Richardson
Clyburn	(TX)	Richmond
Cohen	Johnson (GA)	Rothman (NJ)
Connolly (VA)	Johnson, E. B.	Roybal-Allard
Conyers	Kaptur	Ruppersberger
Cooper	Keating	Rush
Costa	Kildee	Ryan (OH)
Costello	Kind	Sánchez, Linda
Courtney	Langevin	T.
Critz	Larsen (WA)	Sanchez, Loretta
Crowley	Larson (CT)	Sarbanes
Cuellar	Lee (CA)	Schakowsky
Cummings	Levin	Schiff
Davis (CA)	Lewis (GA)	Schrader
Davis (IL)	Lipinski	Schwartz
DeFazio	Loeback	Scott (VA)
DeGette	Lofgren, Zoe	Scott, David
DeLauro	Lowey	Serrano
Deutch	Lujan	Sewell
Dicks	Lynch	Sherman
Dingell	Maloney	Sires
Doggett	Markey	Smith (WA)
Doyle	Matsui	Speier
Edwards	McCarthy (NY)	Stark
Ellison	McCollum	Sutton
Engel	McDermott	Thompson (CA)

Thompson (MS)	Velázquez	Waxman
Tierney	Visclosky	Welch
Tonko	Walz (MN)	Wilson (FL)
Towns	Wasserman	Woolsey
Tsongas	Schultz	Yarmuth
Van Hollen	Watt	

NOT VOTING—17

Akin	Cardoza	Marino
Baldwin	Coble	Paul
Barton (TX)	Duncan (SC)	Shuler
Bass (CA)	Filner	Slaughter
Berman	Kucinich	Waters
Bilirakis	Lewis (CA)	

□ 1427

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 358, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 359, I was delayed and unable to vote. Had I been present I would have voted “aye.”

HEALTH CARE COST REDUCTION ACT OF 2012

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 679, I call up the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and ask for its immediate consideration.

The Clerk read the title of the bill.

THE SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 679, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-23 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 436

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 “Health Care Cost Reduction Act of 2012”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Repeal of medical device excise tax.
- Sec. 3. Repeal of disqualification of expenses for over-the-counter drugs under certain accounts and arrangements.
- Sec. 4. Taxable distributions of unused balances under health flexible spending arrangements.
- Sec. 5. Recapture of overpayments resulting from certain federally-subsidized health insurance.

SEC. 2. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) **IN GENERAL.**—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(c) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

SEC. 3. REPEAL OF DISQUALIFICATION OF EXPENSES FOR OVER-THE-COUNTER DRUGS UNDER CERTAIN ACCOUNTS AND ARRANGEMENTS.

(a) **HSAS.**—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) **ARCHER MSAS.**—Subparagraph (A) of section 220(d)(2) of such Code is amended by striking the last sentence.

(c) **HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.**—Section 106 of such Code is amended by striking subsection (f).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenses incurred after December 31, 2012.

SEC. 4. TAXABLE DISTRIBUTIONS OF UNUSED BALANCES UNDER HEALTH FLEXIBLE SPENDING ARRANGEMENTS.

(a) **IN GENERAL.**—Section 125 of the Internal Revenue Code of 1986 is amended by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and by inserting after subsection (j) the following new subsection:

“(k) **TAXABLE DISTRIBUTIONS OF UNUSED BALANCES UNDER HEALTH FLEXIBLE SPENDING ARRANGEMENTS.**—

“(1) **IN GENERAL.**—For purposes of this section and sections 105(b) and 106, a plan or other arrangement which (but for any qualified distribution) would be a health flexible spending arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement (and shall not fail to be treated as an accident or health plan) merely because such arrangement provides for qualified distributions.

“(2) **QUALIFIED DISTRIBUTIONS.**—For purposes of this subsection, the term ‘qualified distribution’ means any distribution to an individual under the arrangement referred to in paragraph (1) with respect to any plan year if—

“(A) such distribution is made after the last date on which requests for reimbursement under such arrangement for such plan year may be made and not later than the end of the 7th month following the close of such plan year, and

“(B) such distribution does not exceed the lesser of—

- “(i) \$500, or
- “(ii) the excess of—

“(1) the salary reduction contributions made under such arrangement for such plan year, over

“(2) the reimbursements for expenses incurred for medical care made under such arrangement for such plan year.

“(3) **TAX TREATMENT OF QUALIFIED DISTRIBUTIONS.**—Qualified distributions shall be includible in the gross income of the employee in the taxable year in which distributed and shall be taken into account as wages or compensation under the applicable provisions of subtitle C when so distributed.

“(4) **COORDINATION WITH QUALIFIED RESERVIST DISTRIBUTIONS.**—A qualified reservist distribution (as defined in subsection (h)(2)) shall not be treated as a qualified distribution and shall not be taken into account in applying the limitation of paragraph (2)(B)(i).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 409A(d) of such Code is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) a health flexible spending arrangement to which subsection (h) or (k) of section 125 applies.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2012.

SEC. 5. RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.

(a) **IN GENERAL.**—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) **CONFORMING AMENDMENT.**—So much of paragraph (2) of section 36B(f) of such Code, as amended by subsection (a), as precedes “advance payments” is amended to read as follows: “(2) **EXCESS ADVANCE PAYMENTS.**—If the”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

□ 1430

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 436.

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

There was no objection.

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

I come to the floor today in support of H.R. 436, the Health Care Cost Reduction Act of 2012.

This bill would repeal two of the harmful tax hikes contained in the Democrats’ health care law: the medical device tax and restrictions on using health-related savings accounts for over-the-counter medication.

The legislation also includes a provision that will increase flexibility for health care consumers who use flexible spending arrangements. All are fully paid for by recouping overpayments of taxpayer-funded subsidies used to purchase health care in the government-run exchanges. Notably, every one of these provisions has bipartisan support.

As a result of ObamaCare, beginning in 2013, a 2.3 percent tax will be imposed on the sale of medical devices by manufacturers or importers. This tax will increase the effective tax rate for many medical technology companies, threatening higher costs, job loss, and reduced investment here at home. One study predicts that as many as 43,000 American jobs are at risk if this goes into place.

A recent Washington Post piece by George Will reinforced the threat to job creation and investment, noting that Zimmer—based in Indiana—is laying off 450 workers and taking a \$50 million charge against earnings; Medtronic expects an annual charge against earnings of \$175 million; and ZOLL Medical Corporation’s CEO, Rich Packer, says the tax will impact the company’s investment in research and development, stating that means fewer jobs for engineers. Plain and simple, this tax hike is a job killer, and it must be repealed. I commend committee member ERIK PAULSEN for introducing this legislation.

Another ObamaCare tax increase, the medicine-cabinet tax, imposes new restrictions on the purchase of over-the-counter medications through tax-advantaged accounts used to pay for health care-related needs. Because of the Democrats' health care law, patients must now get a prescription from a physician if they want to use these accounts to pay for over-the-counter medications. The ban affects everyday lives. It prevents a mom from using her FSA in the middle of the night to buy cough medicine for her sick child without a prescription. It also leaves doctors saddled with unnecessary appointments to get a prescription so that a parent can use their FSA to buy Claritin for their son's allergies.

One study estimates that even eliminating half of these unnecessary appointments could save patients time and the health care system more than 20 million visits each year, reaping a savings of more than \$5 billion. These new restrictions must be repealed, and I'm happy that the provision introduced by committee member LYNN JENKINS is being considered today.

The last provision is a new approach that allows consumers the freedom and flexibility to keep more of their money. Under current law, employees' FSA balances must be spent by the end of the year or they will forfeit any unused balance back to their employers under the use-it-or-lose-it rule. Such a rule encourages wasteful and needless spending at the end of the year. This legislation would allow participants to cash out up to \$500 in FSA balances, and those funds would be treated as regular taxable wages.

Allowing Americans to keep more of their hard-earned dollars in these difficult times is a commonsense goal that should be widely supported. This provision, championed by Dr. BOUSTANY, is a commonsense one; and I urge its passage.

Finally, I would like to take just a moment to talk about the offset for this legislation, asking those who receive higher tax payer-funded premium subsidies than they are eligible to receive to repay all of the overpayment. Let me be clear: this is a bipartisan offset. Increasing the amount of overpayments to be repaid was a proposal first put forward by congressional Democrats in the 2010 Medicare doc-fix legislation which passed the Democrat-controlled House 409-2. Such an offset was used again when the House passed and the President signed the 1099 repeal last year and more than 70 Democrats supported that bill. In fact, Health and Human Services Secretary Sebelius said:

Paying back subsidy overpayments makes it fairer for all taxpayers.

This legislation, and the provisions included here, are supported by job creators big and small, patient advocates, senior organizations, and physician groups. I urge my colleagues to join me in supporting these groups by voting for the Health Care Cost Reduction Act.

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

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

This bill is mainly a smoke screen. It is an effort to cover up the failure, indeed the refusal, of Republicans to act on the key issue facing our Nation: jobs and economic growth.

As ranking member, I sent a letter last Friday to DAVE CAMP, who chairs the committee with the jurisdiction over the bill before us today, urging action on six major jobs bills within the committee's jurisdiction: extension of the section 48(c) advanced energy manufacturing credit; extension of the production tax credit for wind power and other vital advanced-energy incentives; extension of the highly successful build America bonds program, which financed more than \$180 billion in infrastructure investment; extension of the 100 percent bonus depreciation; creation of a 10 percent income tax credit for small businesses that do create new jobs or increase their payroll; an extension of a jobs-related expired provision, such as the R&D tax credit.

The answer: silence and continued inaction by Republicans in this House.

Another bill over which the committee has jurisdiction, the highway bill, remains unacted upon. That bill would mean millions of jobs. No action. The Republican House message on the highway bill is: our way or the highway. And that means no highways.

It is June. There is now the likelihood of no action or none before the construction season is over in numerous States. That inaction is not an accident. It is deliberate. It is implementing the goal stated 20 months ago by the Senate Republican leader:

"The single most important thing we want to achieve is for President Obama to be a one-term President."

It is reflected in the recent interview by the House Republican leader. Mr. CANTOR said the rest of the year will likely be about "sending signals, we have huge problems to deal with."

Sending signals? The American people don't need and want signals. They need for us to take action to strengthen the economic recovery.

We will hear today Republican efforts to describe the bill before us to repeal the tax on medical devices as a jobs bill. What it really is is another Republican effort to repeal health care reform, step by step, costing, in this case, \$29 billion.

We Democrats want more Americans to have access to medical devices. Health care reform helps do this by expanding insurance coverage to over 30 million individuals, which indeed will help the growth of and the innovation in the medical device industry. And as was true for other health groups benefiting from increases in health coverage, the medical device industry was asked to help to pay for health care reform so it would be fully paid for, not add to the deficit, as so many Republican measures, but it would be fully paid for.

□ 1440

They signed a letter with others pledging:

"We, as stakeholder representatives, are committed to doing our part to make reform a reality in order to make the system more affordable and effective for patients and purchasers. We stand ready to work with you to accomplish this goal."

The first signature on that letter is from and by the President and CEO of the Advanced Medical Technology Association.

Now the Republicans are attempting to give that industry a free pass—a free pass—contrary to their stated commitment. The industry has not proposed any alternative whatsoever to meet that obligation reflected in the letter they signed. There is an effort here to cast repeal of the tax as a small business bill.

The 10 largest companies in this submarket would pay 86 percent of the taxes relating to nondiagnostic devices. According to CRS, the 10 largest companies that manufacture medical devices had total companywide profits on all their lines of businesses, both devices and other products, of \$42 billion in 2010, including companies mentioned here, and \$48 billion in 2011, and these companies had gross revenues from the sale of medical devices in 2010 of \$133 billion.

There was an effort here also to cast the bill as an effort to stop offshoring, but this point needs to be made. It's a fact: The tax applies to all covered devices, including those that are imported. So if anybody thinks they can just move overseas and bring it back here and not pay a tax, they're simply incorrect.

The effort to cast this as a jobs bill involved allegations repeated here during the debate on the rule, which were analyzed by a neutral source and found to be simply erroneous. A Bloomberg group analysis made that clear: "The study used by Republicans cites no evidence for the job loss claim."

Further, the study's assumptions, "conflict with economic research, overstate companies' incentives to move jobs offshore, and ignore the positive effect of new demand" created by the health care reform law.

Before Rules yesterday, I asked that my substitute be placed in order to allow debate on two real jobs initiatives mentioned in my letter to you, Chairman CAMP: a tax credit for employers that expand their payrolls, and an extension of bonus depreciation. Those two provisions would help create hundreds of thousands of jobs, not speculation, but real, including in small businesses. This has not been allowed.

So we have open rules, as we have seen the last few days on some bills, that often mainly result in numerous amendments, shifting some monies from one place to another in an agency, not often helping to create a single job, but a closed rule when it comes to

bringing up provisions helping to create American jobs and economic growth.

This is further evidence of what is really going on here in this Congress, a deliberate effort now increasingly undisguised to close the door on action to engender job creation and economic growth before the election.

November 6 is what is driving the Republican Congress. Politics, not people. That is only not cynical, it is, indeed, pernicious. We owe it to the American people to blow the whistle on this. Too much, indeed, is at stake.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 6, 2012.

Re Vote No on Protect Medical Innovation Act of 2011, H.R. 436.

DEAR REPRESENTATIVE: The National Women's Law Center writes in strong opposition to H.R. 436, the Protect Medical Innovation Act of 2011, because it would undermine a critical protection in the Affordable Care Act (ACA) and reduce financial security for women and families. The bill would pay for the elimination of the modest excise tax on medical devices and other revenue provisions of the ACA by increasing the tax liability of individuals and families receiving premium tax credits through the new insurance exchanges.

The modest excise tax on medical devices is a fair way to raise revenue to help finance affordable health care coverage for millions of Americans. The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well. The tax will have minimal impact on consumers, because it does not apply to medical devices that consumers buy at retail, such as eyeglasses or hearing aids, and spending on taxable medical devices represents less than one percent of total personal health expenditures. And the tax will not encourage manufacturers to shift production overseas: it applies equally to imported and domestically produced devices, and devices produced in the United States for export are not subject to the tax. Repealing this tax and forgoing \$29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage.

Increasing the tax liability of individuals and families receiving premium tax credits for health insurance coverage is unfair and would reduce coverage for hundreds of thousands of Americans. The ACA provides premium tax credits to families with household income at or below 400 percent of poverty who enroll in coverage through an exchange. An advance payment of the premium tax credit will go directly to insurance companies so that the monthly insurance premium paid by families is reduced, thereby making health coverage more affordable for millions of families. However, there is a "reconciliation" at the end of the year when a family files taxes to ensure that the right amount of credit was paid to the insurer on the family's behalf. The "reconciliation" is based on actual household income for the year, while the advance payment is based on a projection that could be based on current income or past tax returns. The ACA included an important protection by including a cap on the amount of repayment penalty a family would have to pay based on "reconciliation."

The proposal expected this week would entirely eliminate this protection, leaving families vulnerable to an unaffordable tax bill. Many families will be discouraged from enrolling in coverage because of the potential tax liability at the end of the year. Much of the savings from the proposal are achieved because hundreds of thousands of people are expected to refuse coverage if the cap is eliminated. Women will be particularly affected by the elimination of the cap. Women have lower incomes than men and experience larger income variability from one year to another. This suggests women will be more at risk for repayment penalties. Women also often make the health care decisions for the family and will be faced with the difficult decision of enrolling in affordable coverage or forgoing that coverage because of a potential tax penalty.

The cap on the repayment penalty has already been increased. Eliminating the cap would eliminate all protections for families that are doing their best to provide the right information to the exchange but face mid-year changes in income or family size. A server in a restaurant could gain new shifts or be promoted to manager. An employer may give unexpected bonuses in December. A couple could get married mid-year without fully understanding the impact on household income and poverty level. The cap on the repayment penalty needs to remain in place in order to protect families and provide the stability promised in the ACA.

We urge you to protect the security of families and the revenue provisions of the Affordable Care Act so millions of Americans can receive affordable health care by voting no on H.R. 436 and any proposal to eliminate the cap on the repayment penalty.

Very truly yours,

JUDY WAXMAN,
Vice President, Health
and Reproductive
Rights.

JOAN ENTMACHER,
Vice President, Family
Economic Security.

CONSUMERSUNION,
Yonkers, NY, June 6, 2012.

Hon. PETE STARK,
U.S. House of Representatives, Cannon House
Office Building, Washington, DC.

DEAR CONGRESSMAN STARK: Consumers Union, the advocacy arm of Consumer Reports, urges you to oppose H.R. 436. This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax under the Affordable Care Act (ACA). The Congressional Budget Office estimates that repealing the device tax would cost \$29 billion dollars over the next ten years. CU opposes measures that would undermine the Affordable Care Act's financing and thus jeopardize the expansion of health insurance coverage to currently uninsured or underinsured individuals.

Proponents of the device tax repeal argue that it would hinder the device industry's competitiveness and ultimately force manufacturers to move jobs overseas. But the excise tax was structured in such a way as to avoid this result. The 2.3 percent excise tax applies to imported as well as domestically manufactured devices but does NOT apply to exports. Thus, it should not disadvantage American manufacturers trying to sell products abroad. Nor would it disadvantage domestically produced products sold in the US, as foreign competitors are subject to the same tax.

When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector. The Affordable Care Act finances the expansion of cov-

erage by a range of payment modifications to other sectors of the health industry. The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring. The device tax does not apply to devices that individuals can buy retail such as hearing aids and eye glasses. The device industry makes the case that many devices are used in acute care settings, where care may be provided whether a person is insured or not. But this would ignore the many devices that are used for joint replacement, treatment of incontinence and other non acute surgeries and treatments. It is only fair that the device industry pays its share in exchange for significant new revenue opportunities.

Further, CU opposes the proposed offset for the legislation, the elimination of caps on subsidy repayments for individuals.

Under the ACA, eligibility for tax credits subsidies to purchase private plans through health exchanges will be based on an individual's annual income, determined retrospectively when taxes are filed. To ease the cash flow considerations associated with purchasing coverage, these credits are advanceable, meaning that families can receive an estimate of their credit and use those funds to pay for coverage earlier in the year. However, since many low- and middle-income families experience income variation throughout the year due to job changes, seasonal employment and the like, it may mean that too much or too little credit was awarded during the year.

The law currently current caps the amount individuals must pay back in the event of this circumstance. We believe that the current cap structure strikes a balance between discouraging individuals from abusing the system and taking money to which they are not entitled and not penalizing individuals for working hard to increase their family income so as not to need a subsidy. Last year Congress lowered these caps, exposing subsidy users to more liability. We fear eliminating these caps would have a chilling effect on low income family's willingness to use the subsidies to purchase insurance.

For these reasons Consumers Union urges you to reject H.R. 436. We look forward to working with you on more constructive ways to improve the ACA in the future.

Sincerely,

DEANN FRIEDHOLM,
Director,
Health Care Reform.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, Mr. PAULSEN of Minnesota.

Mr. PAULSEN. I thank the chairman for yielding, and I thank him for his leadership on the committee as well.

Mr. Speaker and Members, the medical technology industry is one of America's greatest success stories. This is an industry that has led the global device industry for decades with life-improving, lifesaving technologies that help patients and literally save lives.

This device industry employs 423,000 Americans across the country. Some of our States, like Minnesota, have a high propensity because we have a huge ecosystem of medical technology—35,000 jobs, alone, in my State.

But all that will change, Mr. Speaker, unless we act to stop a new medical device, a new \$29 million tax that is

going to be imposed in just a little over 6 months that was part of the President's new health care law. Now, this is an excise tax. It is not on profits. It is a tax that is going to be on revenue.

What does that mean? Well, we all know the names of the big companies that are successful and do really well across the country and sell throughout the world.

I will tell you this: almost every week I get a chance to tour a company that has five employees, that has 10 employees. You have never heard of these companies, but they are working on lifesaving and life-improving technologies. They are doctors. They are engineers. They are entrepreneurs. They are innovators. This tax will change all that because it's estimated that this tax will cost 10 percent of the workforce.

I talked to a company earlier this day, a CEO of a company earlier today, of a 13-year-old medical device company. It employs 1,500 workers here in the United States, and he's consistently added 300 jobs a year for the last few years. He said, point blank, if this tax goes into effect, it will cost the company \$14 million. That means 200 people less will be hired this next year.

Mr. Speaker, what is worse to point out, companies are already preparing right now for the impact of this tax. Companies are already laying off employees. We have heard of companies in Michigan that are laying off 5 percent of their workforce in anticipation of the tax. So, Mr. Speaker, jobs are clearly at risk.

And this will especially hit startup companies hard, companies that are not yet profitable, because this is a tax on revenue, not on profits.

We have a chance and an opportunity to stop this tax dead in its tracks because it's an opportunity to protect jobs. We passed the bill in committee just a week ago, under the chairman's leadership, with bipartisan support. We have 240 coauthors of support for this legislation with bipartisan support. I anticipate we will be successful moving forward.

I ask and urge support for the legislation.

Mr. LEVIN. I yield 3 minutes to the distinguished gentleman from California, a senior member of our committee, Mr. STARK.

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

Mr. STARK. I thank the gentleman for yielding.

I rise in strong opposition to H.R. 436, one more piece of Republican legislation that protects special interests at the expense of working with families. This is just another message in an attempt to undercut the Affordable Care Act. It repeals a small excise tax imposed on the medical device industry as their contribution to health reform in light of their expanded market.

I might remind you that repealing this tax costs \$29 billion in deficit losses.

□ 1450

How do they finance this legislation? Like they always do—take it out of the hides of low- and middle-income working families and give it to rich manufacturers.

The bill eliminates protections in the health reform law that prevent families from potentially being hit with an unexpected tax because of unforeseen income changes. According to the Joint Committee, this change by the Republicans would cost over 350,000 people to become uninsured.

It's important to note that the medical device industry stood with President Obama and others in the health care industry in May of 2009 and pledged to contribute their fair share toward making health reform a reality. Well, it's time to put your money where your mouth was.

The medical device industry gains more than 30 million newly insured Americans through health reform, many of whom will use medical devices at some point in their lives. Our analysis shows that the vast majority of this tax would be paid by the 10 largest device companies—and they're all highly profitable.

Protecting the very profitable medical device industry from paying a small contribution toward health reform should not be our priority in this Congress. We must create jobs, ensure patients maintain access to physicians and Medicare, and prevent student loan rates from doubling on July 1. Those are the priorities facing our Nation.

I urge all of my colleagues to join me in voting "no" on this Republican giveaway to special interests.

Mr. Speaker, I am submitting the following Statement of Administration Policy opposing H.R. 436, the Protect Medical Innovation Act, as well as letters in opposition to the bill.

STATEMENT OF ADMINISTRATION POLICY
H.R. 436—HEALTH CARE COST REDUCTION ACT OF
2012
(Rep. Camp, R-Michigan, and 240 cosponsors,
June 6, 2012)

The Affordable Care Act made significant improvements to the Nation's health care system that are helping to improve individuals' health and give American families and small business owners more control of their own health care. These important changes include: ending the worst practices of insurance companies; giving uninsured individuals and small business owners the same kind of choice of private health insurance that Members of Congress have; and bringing down the cost of health care for families and businesses while also reducing Federal budget deficits.

H.R. 436, which would repeal the medical device excise tax, does not advance these goals. The medical device industry, like others, will benefit from an additional 30 million potential consumers who will gain health coverage under the Affordable Care Act starting in 2014. This excise tax is one of several designed so that industries that gain from the coverage expansion will help offset the cost of that expansion.

This tax break, as well as other provisions in the legislation relating to tax-favored health spending arrangements, would be funded by increased repayments of the Af-

fordable Care Act's advance premium tax credits, which would raise taxes on middle-class and low-income families, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. This legislation would also increase the number of uninsured Americans.

In sum, H.R. 436 would fund tax breaks for industry by raising taxes on middle-class and low-income families. Instead of working together to reduce health care costs, H.R. 436 chooses to re-fight old political battles over health care. If the President were presented with H.R. 436, his senior advisors would recommend that he veto the bill.

CONSUMER GROUPS OPPOSE H.R. 436

"This bill would subject consumers seeking to afford health insurance to unfair penalties in order to pay for repeal of the medical device excise tax . . . When fully implemented the ACA is expected to create 30 million newly insured consumers in the health sector . . . The medical device industry also stands to gain from the increased demand for medical devices that a large newly insured population will bring . . . It is only fair that the device industry pays its share in exchange for significant new revenue opportunities."—Consumers Union.

"Medical devices are a \$65 billion industry that has seen double-digit growth in each of the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014. Repealing the [medical device] tax would be a gift to large corporations at the expense of middle-class families."—Health Care for America NOW!

"The Affordable Care Act established taxes on a wide range of industries that will benefit from the law . . . it is simply punitive to demand that low and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share."—American Federation of State, County and Municipal Employees, AFL-CIO.

"The expansion of health care coverage will benefit a wide range of health-related industries, including the medical device industry, by increasing demand for their products. Other industries in the health sector are contributing to financing an expansion from which they will profit; it is entirely appropriate to require the medical device industry to make a contribution as well . . . Repealing this tax and forgoing \$29 billion in needed revenues would be irresponsible—even without the outrageous step of imposing this cost directly on Americans without access to affordable health care coverage."—National Women's Law Center.

"The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status. Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage."—Families USA.

HEALTH CARE FOR AMERICA NOW,
June 6, 2012.

DEAR REPRESENTATIVE: On behalf of Health Care for America Now, the nation's leading grassroots health care advocacy coalition, we urge you to oppose H.R. 436, a bill to take away money from middle-class families who purchase health insurance with the assistance of premium tax credits and give it to

medical device manufacturers. The provision would raise taxes on families whose midyear changes in income or circumstances cause a year-end recalculation of their premium tax credit.

Medical devices are a \$65 billion industry that has seen double-digit growth in each of the last five years. A small 2.3% tax is reasonable considering the substantial sales growth they will experience when health insurance benefits are extended to an additional 33 million people beginning in 2014.

Repealing the tax would be a gift to large corporations at the expense of middle-class families. Under current law, families without an offer of affordable insurance at work will receive premium subsidies based on income. Changes during the year—when someone gets a new job or receives a raise or when a family member obtains other coverage—might cause the amount of the advance payment to differ from the payment calculated in the end-of-year reconciliation, even when income changes have been reported in an accurate and timely way. Under existing law, families are required to repay any excess credit, but that repayment is capped for low- and middle-income families earning less than 400% of the federal poverty level.

This legislation removes the repayment cap and jeopardizes the financial security of middle-income families who face unexpected lump-sum repayments. Fear of repayment will cause approximately 350,000 people to refuse the premium tax credit assistance and go uninsured and unprotected against potentially catastrophic health problems and medical bills. Over time, the consequence will be fewer families with insurance and higher premiums for everyone else who buys health insurance coverage.

This bill is another partisan attempt to undermine the Affordable Care Act and demonstrates troubling priorities. We should not increase the number of uninsured in order to give tax breaks to wealthy corporations. We urge you to oppose this measure.

Sincerely,

ETHAN ROME,
Executive Director.

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES.

Washington, DC, June 6, 2012.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to oppose H.R. 436 which is scheduled for consideration this week.

H.R. 436 would repeal the excise tax on medical devices that was enacted to help pay for health care reform. The Affordable Care Act established taxes on a wide range of industries that will benefit from the law, including hospitals, home health agencies, clinical laboratories, insurance companies, drug companies and the manufacturers of medical devices. In fighting to repeal the tax, the industry has made dubious claims about the impact it will have on jobs. In fact, an analysis by Bloomberg Government concluded that the effect of the tax "could be offset by demand from millions of new customers." No doubt, the prospect of millions of new paying customers led other industries to accept a share of the cost of achieving reform.

The Joint Committee on Taxation estimates that repealing the excise tax would cost \$29 billion over 10 years. In order to pay for this loss of revenue, H.R. 436 would eliminate the caps on repayments of subsidies received by families who later experience an improvement in their financial circumstances. Such an improvement might come about as the result of a new job or a marriage.

Because it is hard to predict the future and because the repayments could far exceed the penalty for failing to obtain coverage, many people will choose to forgo coverage. The Joint Committee on Taxation estimates that it would cause 350,000 people to choose to remain uncovered. As this is likely to be a healthier group, participants in the exchange risk pool would be less healthy, leading to higher premiums in the exchange. Moreover, it is simply punitive to demand that low- and middle-income families be asked to fund a tax cut for a profitable industry that refuses to do its share.

We urge you to oppose H.R. 436.

Sincerely,

CHARLES M. LOVELESS,
Director of Federal Government Affairs.

JUNE 7, 2012.

HON. PETE STARK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STARK: On behalf of the American Cancer Society Cancer Action Network, American Diabetes Association, and American Heart Association, we are writing to express our concerns about the offset used in H.R. 436, the Health Care Cost Reduction Act. Collectively our organizations represent the interests of patients, survivors and families affected by four of the nation's most prevalent, deadly and costly chronic conditions, cancer, diabetes, heart disease and stroke.

We are deeply concerned that repealing the repayment caps for low- and moderate-income families who are eligible to receive tax credits to help make insurance coverage affordable would undermine the goals of the Affordable Care Act and result in an estimated additional 350,000 Americans going uninsured, according to the Joint Committee on Taxation. This policy would discourage individuals and families from enrolling in health insurance coverage through state-based exchanges.

Moreover, the policy could disproportionately affect people with chronic conditions like cancer, heart disease and diabetes for two reasons. First, in the exchanges, premiums will be age adjusted, and because people with chronic conditions are generally older, their premiums will be relatively more. Thus, if they have to repay part of a subsidy that was used to purchase health insurance, the amount will be relatively large. Also, the fear of having to potentially pay back part of a subsidy may make them less willing to obtain the coverage they need. Second, some younger and relatively healthy people may also choose not to enroll and use a subsidy to help them purchase health insurance because they fear a change in income may put them at risk of having to return part of the subsidy to the government. The loss of young, healthy people in the insurance pools undermines the overarching goal of universal coverage and raises the premiums of those who remain in the pools.

Thank you for your consideration of our views.

Sincerely,

CHRISTOPHER W. HANSEN,
President, American Cancer Society, Cancer Action, Network;

SHEREEN ARENT,
Executive Vice President, Gov't Affairs & Advocacy, American Diabetes Assn.;

MARK A. SCHOEBERL,
Executive Vice President, Advocacy & Health Quality, American Heart Assn.

Washington, DC, June 5, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Families USA, the national organization for health care consumers, we are writing to express strong opposition to a proposal likely to be considered on the House floor this week that would undermine protections in the Affordable Care Act for middle-class families and put the financial security of these families at risk.

The proposal being considered as part of H.R. 436, the Protect Medical Innovation Act of 2011, would eliminate what remains of a "safe harbor" that protects individuals and families from substantial tax penalties. We urge you to reject this proposal.

Under the Affordable Care Act, families with annual income at or below 400 percent of poverty (\$92,200 for a family of four in 2012) are eligible to receive tax credits to help pay for the cost of their health insurance premiums. Families can get credits paid to insurance companies on a monthly basis to offset the cost of monthly premiums. At the end of the year, families face a "reconciliation" to ensure that the right amount of credit was paid, based on a family's actual—rather than projected—income. The Affordable Care Act protects consumers by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status.

Eliminating the caps on repayment will force lower- and middle-income individuals and families to make a difficult decision: Receive advance payments and risk having to pay back some or all of the premium assistance received at the time of reconciliation or go without coverage. The problem with this is threefold:

(1) Eliminating the safe harbor will likely result in millions of Americans remaining uninsured. The fear of facing sizeable repayment penalties at the time of tax filing would create a powerful disincentive for individuals and families to take up the premium credits and enroll in exchange coverage.

(2) Eliminating the safe harbor runs counter to the coverage and cost-containment goals of the Affordable Care Act. By undermining the affordability and availability of coverage for lower- and middle-income individuals and families, this proposal would also lessen the ability of the Affordable Care Act to help bring the cost of care and coverage under control for all Americans.

(3) Eliminating the safe harbor undermines the effectiveness of the tax credits. Families who choose to receive advance payments and then face a tax penalty at the time of reconciliation will be, understandably, angry. Likewise, those who choose to forgo the receipt of advance payments and cannot afford coverage as a result will be upset that they must go without coverage and pay a penalty because of it.

Sincerely,

RONALD F. POLLACK,
Executive Director.

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding, and I thank him for his leadership on this very important issue.

Mr. Speaker, last Thursday, H.R. 5842, the Restoring Access to Medication Act, which I authored and introduced, passed out of the full Ways and

Means Committee markup with bipartisan support. It is now included in this bill that is being considered on the floor today.

We all know the President's health care law is full of pitfalls that make health care more expensive for average Americans. While we await the Supreme Court's ruling on constitutionality of the entire health care overhaul, there is bipartisan, bicameral agreement that requiring folks to have a doctor's prescription to buy medicine as simple as Advil or cough syrup with their health savings account or flexible savings account is simply wrong.

This provision would repeal the unnecessary and punitive ObamaCare limitation on reimbursement of over-the-counter medications from health FSAs, HRAs, and Archer MSAs that took effect back in 2011. Given the economic climate where jobs are hard to find, families are struggling to make ends meet; and when every dollar counts, this provision ensures that consumers have the flexibility to use these savings accounts as they see fit to purchase over-the-counter medications they need, exactly when they need them.

Republicans are committed to looking for commonsense solutions that address the chief concern facing both families and employers: costs. This bill and this provision is about lowering costs so both families and job creators have some of the relief that ObamaCare failed to achieve.

I urge my colleagues to support H.R. 436 today.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another important member of our committee, the gentleman from Seattle, Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Speaker, I never cease to be amazed. I think I've seen the silliest thing in the world and then I come out here and they've done it again.

Sometime in the next 23 days, the Supreme Court is going to make a ruling on whether the Affordable Care Act is constitutional. If they throw it out, as the Republican Party at prayer is hoping, this tax will have never existed. It will be gone because it's never been implemented. It's not affecting anybody. This is a PR stunt for the election. The Republicans are helping the device industry back out of a deal they made during health care reform.

In May 2009, the president of AdvaMed, which is the professional organization of the device manufacturers, signed a letter to President Obama stating: "We are ready to work with you" to do health reform.

The industry later agreed to the excise tax, knowing the cost would be offset by the new demands for devices created by the 30 million new people who would be insured. That was the deal they made.

You can't make a deal with a Republican and think it's going to last. It surely won't. And all the other sectors of the health care industry made similar deals.

Unlike the Bush-era Congress, the Democrats insisted their legislation be paid for. We paid for the whole thing. Well, guess what? AdvaMed now wants out of the deal. They never meant it. They were a flim-flam operation when they came in in the first place. They also claim that, Oh, my God, we're going to lose 43,000 jobs. You know who did the study? AdvaMed contracted with somebody to do a study; and lo and behold, they lost 43,000 jobs. Bloomberg had an independent consultant look at it, and they find that there is no evidence that there will be any jobs lost whatsoever. That was entered into the RECORD during the earlier debate, and I won't do it again.

The demand for devices will remain steady even after the tax kicks in, and the tax does not only apply to devices made in America and shipped overseas. It applies to every one of them. There's no way you're going to get out of it.

So the argument about offshoring jobs is just political nonsense. They want to call this is a jobs bill—we're saving 43,000 jobs. They were never in doubt, never in question.

That a company is laying off somebody today in anticipation of a tax that goes in effect in 2013, folks, 6 months from now that might be repealed by the Supreme Court, you cannot tell me that the management of these companies are that foolish.

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

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. They're going to pay for it by having the IRS claw back the subsidy to middle-income families who will be in the new health plans. The Treasury will pay these subsidies directly to the health plan so the individuals won't even know it happened. So they will be invisible to the newly insured, but at the end of the year, middle class people are suddenly going to get a bill from the IRS for something they never knew went there.

So, in other words, we're going to let a hundred-billion-dollar industry pull out of a deal and pay for it by requiring working people across this country to write a check to the IRS. Welcome to Republican-style health reform.

Vote "no" on this bill. It's simply another way to try and repeal ObamaCare. Mr. Obama cares. He passed a bill. The Republicans have done nothing since they have been in charge.

Mr. CAMP. I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank Chairman CAMP for his leadership on this issue.

I rise in support of this bill. Let's be clear: successful health care reform efforts must begin by lowering costs,

promoting high-quality health care, and fostering innovation. ObamaCare does the opposite.

Even Medicare's own actuary warns that the President's medical device tax will increase Americans' monthly premiums. The tax will also eliminate more than 40,000 jobs. Passage of this bill will reduce costs and save jobs by repealing this tax.

Mr. Speaker, as a heart surgeon, I have used medical innovations that have saved thousands of life. I want to highlight something. Back in the 1950s, when we had no surgical treatments for heart disease, a surgeon watched a woman die helplessly. After 8 or 9 months, he actually devised the very first heart-lung machine in his shop. This led to an explosion in technology that has saved millions of lives the world over. This was an American innovation.

Eighty percent of device companies today have fewer than 50 employees. These are innovators. These are the people who create jobs. These are the guarantors of American innovation.

□ 1500

And without this, what are we going to have with our health care system? That's what's made American health care the best on the planet. We don't want to take a step back. Putting this tax in place will discourage these start-up innovators. They will not take risks, and we'll harm patients in the long run because of the lack of breakthroughs.

I'm also very pleased that this bill contains Ms. JENKINS's provision that will prevent a middle class tax hike. It will allow individuals to use their flexible spending arrangements to purchase over-the-counter medications without having to go see a doctor for a prescription, which is costly and time-consuming.

Finally, I'm pleased that the bill includes bipartisan legislation that I authored with Congressman JOHN LARSON of Connecticut to make it easier for Americans to save their pretax dollars in FSAs without losing the money if they don't use it at the end of the year. It's their money. They should be able to keep the money and use it for their own health care purposes or for whatever purposes they deem essential for their families.

Americans need tax relief to help them with the rising out-of-pocket costs of health care and other costs that they have. We should be encouraging and not punishing new medical breakthroughs.

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

Mr. CAMP. I yield an additional 30 seconds to the gentleman.

Mr. BOUSTANY. I urge my colleagues to support these commonsense solutions in H.R. 436.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another very distinguished member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCARELL. Mr. Speaker, I thank the ranking member. This bill repeals the 2.3 percent excise tax on medical devices used in the United States that was originally enacted as part of the Affordable Care Act. Now let's talk straight to the American people. How many bills do we have to go through until you will admit that all you're doing is trying to bleed the legislation, which is now law in the United States, so that the resources are not there to carry out the mandate? No industry gets a free pass when it comes to health care reform. All sectors of the health care industry, from pharmaceutical companies to hospitals to drug manufacturers and the medical device industry, contributed to the cost of health reform and were at the table during these discussions. How different is that? They agreed to this.

In fact, in a letter to President Obama in 2009, the medical device industry pledged to do their part in lowering health spending by \$2 trillion. What made them change their mind? They committed to making health care reform a reality. They put it in writing. It's all in—it's all in—to lower health care costs. Now we've had some kind of a moral change of sorts.

Many of these companies were present when it was discussed, and they understood the long term benefits. Thanks to health care reform, the medical device industry stands to gain a lot of customers and increase a lot of revenue. According to the RAND Corporation, an estimated 33 percent of newly insured adults will be of the age 50-64, an age group when many people will need medical devices. By bringing so many new people into the insurance market, the Affordable Care Act will provide patients the opportunity to access medical devices that save and improve their lives.

This bill that we have before us is not about patient care. It is not about saving money in our health care system. It's just another attempt by the majority to dismantle health care reform piece by piece. Repealing this provision from the Affordable Care Act once again undermines financing for the law and will unfortunately do more harm than good.

Unlike what happened in the previous 8 years, we want to pay for things so we don't get ourselves deeper into debt. You don't get it.

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

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. PASCARELL. And to pay for this change, the majority once again returns to the true-up provision—how many times are you going to go there?—which only hurts the middle class, who receive needed subsidies to enter the health insurance market.

So here's what's going to happen in the health care bill: insurance companies gain a lot of new customers, adding to free enterprise. We're not against that. Medical device companies

are going to get a lot of new customers, particularly in the age group which I mentioned before. We're not against free enterprise. But they agreed at the table, since they were all in, and they put it in writing, that they were willing to provide those lowering of costs of close to \$2 trillion. You can't go back on a deal—let's call it that. An agreement—let's make it better.

I urge my colleagues to protect the Affordable Care Act. Vote "no" on this legislation. It will not bring us any closer to health care reform in this country.

Mr. CAMP. Mr. Speaker, at this time I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. I rise in strong support of the Protect Medical Innovation Act.

Mr. Speaker, it's a well-known principle if you increase taxes on something, you get less of it. The medical device tax is a tax on innovation. It's a tax on creating good-paying American jobs, and it's a tax on the development of potentially lifesaving medical treatment.

Because it taxes sales instead of income, it will be especially harmful to new startup businesses that aren't turning a profit yet. My friends on the other side object to the offset in this bill even though it merely requires that people pay back benefits they make too much money to qualify for. Their view seems to be that we should make it as easy as possible for people to sign up for taxpayer-funded benefits. And if that means we waste some money along the way, so be it.

Mr. Speaker, at a time when we're borrowing 32 cents of every dollar we spend, I suggest we should be doubly careful to ensure that benefits go only to those who truly need them.

The question before us today is simple: do we want less innovation, less entrepreneurship, less high-tech jobs, and less medical breakthroughs? If you think America has too much of these things, vote "no." But if you want to see more jobs, more startups, and more health care innovation, vote "yes" and repeal this damaging tax.

Mr. LEVIN. It's now my pleasure to yield 2 minutes to the very distinguished Member from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan for the time.

Mr. Speaker, I want the Affordable Care Act to be fully implemented for the benefit of all Americans. I also support a healthy growing medical device industry in Minnesota and across America. I support eliminating this medical device tax, which should never have been included in the Affordable Care Act. But at the same time, I strongly oppose the offset in this bill.

This Tea Party Republican-controlled House has voted over and over again to eliminate health reform's protections and benefits, denying millions

of Americans access to lifesaving care, including medical devices. The Republican goal is to kill health care reform; my goal is to strengthen it.

Today, I will vote to send this bill to the Senate, where I know a responsible offset can be found. My two Minnesota Senators are committed to repealing this tax, and they will find an offset that does no harm. Eliminate this tax and strengthen health care for all Americans, that's my goal.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, we have been here before. We're here today to talk about the Health Care Cost Reduction Act, and it's an act reducing costs from a bill that's called the Affordable Health Care Act. So let's just bring a little bit of context into this, Mr. Speaker.

□ 1510

This isn't the first time, as I've said, we've been here. The 1099 reform, language included in the so-called Affordable Care Act, more commonly known as ObamaCare, a burdensome tax on small businesses. The Democrats agreed it needed to be removed from the bill. The President agreed and signed it into law.

The CLASS Act that was announced by the Secretary of Health, Secretary Sebelius, we can't afford to implement the CLASS Act. That was designed to help with long-term health care issues. Can't do it; can't afford it under the Affordable Care Act.

The Independent Review Board, we've passed a bill here in the House to eliminate that. What does that do? It takes away all the choice from the American people, especially seniors and veterans, on what you want to do with your own health care.

So, time after time after time we're finding language in this bill that is not affordable, that does not give Americans the opportunity to choose for themselves. It takes away choice. It takes away freedom.

Today we're talking about a 2.3 percent tax that will cost thousands of jobs—about 10,000 in the State of Washington—and it will increase the price of these medical devices on things that you may not even think about. For example, a filtration device on a dialysis machine, that's going to be a medical device that will be taxed. Who's going to pay for that? Well, the claim is that these companies that are making so much money, they'll be the ones to pay for it. This bill is paid for through those companies. Those costs are passed on to the customers, to the patients.

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

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. REICHERT. Thank you, Mr. Chairman.

So I would say, Mr. Speaker, this bill does not have a real good track record, and we should vote for this Health Care Cost Reduction Act. I encourage my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, I now have the privilege of yielding 2 minutes to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman for yielding.

Mr. Speaker, the medical device industry is a unique American success story, both for patients and for our economy. Within the last two decades, we have seen a rapid growth in medical technology companies in my home State of Pennsylvania, providing tens of thousands of jobs, billions of dollars in revenue, and contributing to better health outcomes for millions of Americans and patients globally. These are good-paying jobs that help sustain the middle class in our country, and we must create an environment that encourages 21st century innovative industries like medical device manufacturing.

As our economy continues to struggle, an additional 2.3 percent excise tax would be a burdensome charge on an industry that is steadily growing and creating jobs. One medical device company that employs hundreds in my district told me:

We are at full capacity and need to expand. This excise tax will prevent any plans for growth in the near future.

Mr. Speaker, we simply cannot allow the potential for job growth, the potential for further American innovation and competitiveness to be lost in today's economy.

Last year, I cosponsored the original version of the Protect Medical Innovations Act. There is bipartisan support to repeal this tax, but in the past week Republicans have muddied the process and decided to play politics with this bill.

While I strongly disagree with the path Republicans have decided to take, the issue at hand is about sustaining and creating American jobs, and I support the repeal of the excise tax on medical devices.

Mr. CAMP. Mr. Speaker, at this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Thank you, Mr. Chairman.

What I'd like to do is just reflect for a minute on some of the promises around President Obama's health care law.

You remember he said during the course of the debate about the health care law, Mr. Speaker, that if you like what you have, you can keep it. But what we've found is that some estimates say that up to 30 percent of employers will actually drop their health care coverage. So those folks that have that coverage, they don't get to keep that coverage, Mr. Speaker.

There was also a promise that the law would actually lower premiums, and yet family premiums are already increasing by as much as \$1,600 per year.

But there was one promise that was made that was actually kept, and it was a promise, Mr. Speaker, from the gentlelady from California, who, as Speaker of the House, said, in a nutshell, We've got to pass the bill so that you can know what's in it.

Well, she did, and we do.

What's in it was a cascading group of mistakes. One was the 1099 bill—big mistake. It wasn't found the first time around, but we were able to fix that. The second was the CLASS Act, a recognition that it was a failure and inoperable. It hasn't been dealt with by the administration, but at least they put the white flag up and said it's ridiculous.

Two other things now have come to our attention. The first is well discussed. That is the medical device tax. Even the gentleman from Washington, from the other side of the aisle, makes an argument criticizing the study, but at best he creates a Hobson's choice. At best, he says, well, it may not kill jobs; but then in the alternative, Mr. Speaker, it's just going to raise health care costs. That's what that study says.

The irony is now we have the chance, under the leadership of the gentlelady from Kansas (Ms. JENKINS), to make it so that working moms don't have to have the hassle of going to see a physician when their child is sick in order to buy an over-the-counter medication. This is well thought out. It makes perfect sense. We need to support this.

I urge an "aye" vote.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to another distinguished member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Well, Mr. Speaker, our long wait is over. A year and a half after their move to repeal the Affordable Care Act, the Republicans are back with the "replace" part of their "Repeal and Replace" slogan. And rather than offering an answer to comprehensive health care for 30 million more Americans, who need it, all they have to offer today is a tax break for Tylenol. Well, I'll tell you, health care in this country is more than a two-Tylenol headache, and it needs a more comprehensive response.

Of course, the real purpose of their action today is just this week's attempt to wreck the Affordable Care Act and to protect health insurance monopolies. Some of these are the very same health insurers that demand more than 20 cents of every dollar for their overhead—20 cents; 10 times the administrative cost of the Medicare system.

But our Republican colleagues never let reality get in the way of ideology when they question most any government initiative that is called "public," as in public education, or "social," as in Social Security. As usual, they con-

tinue to demand legislation that offers more comfort for the comfortable, while actually increasing the number of uninsured by 350,000. Understand that. If this legislation becomes law, instead of decreasing the number of uninsured American families, we'll have 350,000 more Americans that don't have health insurance. That's their plan.

Our country continues to face a real health care crisis. Too many small businesses and individuals are paying too much for too little health care. Millions of families are just one accident on the way home from work this evening, or one illness, one child with a disability, from facing personal bankruptcy. That has not changed.

The Affordable Care Act I believe is too weak. It should be much stronger. But it is so much better than the system we find ourselves in today with so many lacking so much. And it's far superior to the Republican do-little or do-next-to-nothing approach; give the American people half a life preserver, which is their approach.

As always, when there is a need for public action, whether it is building a better bridge or more bridges, or providing an opportunity for more young Americans to get a college education, or health care—be it preventive care, school-based care, long-term care—the Republican answer is always the same: No. No. And their excuse is always the same, too: "The deficit made me do it."

"I'd like to do something about long-term care, but we just can't afford to do it." What a contrast when it comes to bills like that of today.

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

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. DOGGETT. Because whenever it is about depleting the Treasury's ability to fund those affordable needs for our country, they don't worry too much about the deficit. \$46 billion earlier in the year; this bill is part of a package of almost \$42 billion of additional revenue depletion. Later in the summer, we are told they will come up with \$4 trillion of Bush tax cut extensions.

What this will ultimately lead to, if we pursue the irresponsible path,—of which this is just another step—is that vital public programs that work—Medicare and Social Security—cannot be sustained.

□ 1520

They cannot be financed. There is no free lunch to retirement and health security in this country. It requires that we invest in a responsible way, and that's what the Affordable Health Care Act does.

Reject this legislation today, which will undermine that reform, and set us back in our efforts to provide health care security to millions of American families.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Michigan, Chairman CAMP.

Mr. Speaker, I rise in support of the legislation before us to reduce health care costs and expand patient freedom in health care decision-making.

Speaker BOEHNER and I made clear yesterday that the House will not act to raise taxes on anyone. The bill on the floor today is one step of many that we will need to take this year to ensure that end.

Even though the medical device tax has not yet been applied, the tax has already led to job losses, and threatens to reverse America's role as a global leader and innovator in the life sciences industry. We know if we want to encourage innovators, we cannot tax them.

Mr. Speaker, with all of the bipartisan action in the House and Senate on legislation to improve the approval process for drugs, biologics, and medical devices at the Food and Drug Administration, it would be reasonable to assume that Congress could find common ground on issues that are core to promoting jobs and innovation.

Unfortunately, don't expect this bill to reach the President's desk in a timely fashion, even with Members from both parties calling for the repeal of this harmful tax. The medical device tax was created as part of the new health care law and, for that reason alone, the administration continues to defend this tax which was only created to fund an unworkable law.

In fact, Mr. Speaker, the President has threatened to veto our bill because the tax will pay for his health care law. We should not be increasing taxes to pay for a law that a majority of Americans want repealed, a law that even some ardent supporters admit will not work as intended.

Mr. Speaker, the real price is being paid by the American people. A tax on medical devices will harm patient care, not improve it. With this tax, it will now be more expensive for patients to walk into the exam room because the bed itself can be classified as a medical device. The tax will dramatically alter the research and development budgets of medical device companies.

Mr. Speaker, just yesterday, a constituent of mine from Richmond requested that Congress recognize the vital importance of research funding and the direct impact that it could have for her son, Joshua, who was born with a rare and serious heart defect. Only 8 years old, Joshua has already braved three open-heart surgeries. There's no medical procedure today that can help this little boy. We need to encourage the medical innovations, not stifle them with taxes, so that there can be hope for kids like Joshua.

Further, the tax is directly causing job losses and could directly impact small business growth, as the medical device companies often start with just a few employees. Overall, this tax could result in the loss of tens of thou-

sands of American jobs in an industry that is key to economic growth.

Mr. Speaker, the President's veto threat is notably silent on the other two major provisions of this bill, provisions championed by Representative LYNN JENKINS and Representative CHARLES BOUSTANY, to give patients more control over their health savings accounts and flexible spending arrangements, respectively. Are these provisions acceptable to the White House?

Will health savings accounts even be permitted if the President's health care law remains on the books?

The uncertainty caused by the law highlights, once again, how truly flawed it is, and why all of the President's health care law must be repealed.

Mr. Speaker, there are many difficult issues that Congress must address to ensure America remains a country of opportunity, innovation, and growth. Supporting this bill should be easy.

I'd like to thank Representative ERIK PAULSEN for his leadership in advancing this legislation to eliminate a harmful tax. And I want to recognize the leadership of Chairman DAVE CAMP, who is working to put forward pro-growth tax reform that will make our Tax Code simpler and fairer and result in a growing economy.

Mr. LEVIN. Could you please indicate how much time there is on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 17½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 26¼ minutes remaining.

Mr. LEVIN. I yield myself 30 seconds. It's the Republicans who've combined these three bills. The Republicans.

And the leader talks about jobs. I wish he would give instructions to the Ways and Means Committee to consider and bring up jobs bills that are just languishing from inaction. We need more than signals. We need action.

I yield 3 minutes to the gentleman from California (Mr. THOMPSON), a distinguished member of our committee.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker and Members, I rise today in opposition to this bill. And this is not a tax that I like. As a matter of fact, I don't like this tax at all.

The medical device industry has been on the forefront of creating jobs, pushing medical innovation, and keeping all of us healthier. But we didn't pass this provision in a vacuum, and today we're not voting to repeal it in a vacuum. We didn't pass it to be vindictive or mean or because we just felt like it.

This provision was passed as part of a larger bill that was a response to a national crisis in health care that we're experiencing in our country. In order to do this, we had to make some really hard choices so our grandkids and our great grandkids weren't stuck with the bill for this response, like they were for the drug benefits for seniors or the tax cuts their grandparents enjoyed.

This wasn't done lightly, and the device industry isn't alone in sharing in some of this responsibility. But the device industry will also see the benefits of having 30 million additional people covered by health care. Many of those will be customers of the device industry.

I'd vote to repeal this provision today, yesterday, or tomorrow if we were having a serious discussion about the provision with a serious pay-for. Instead, we're repealing a tax on an industry that had over \$40 billion in profits in 2010, and we're paying for it on the backs of middle class people, some of whom, for the first time in their adult lives, will have access to quality, affordable health care.

Now, this is probably the tenth time in this Congress that we've repealed, or we will vote to repeal, part of the Affordable Care Act. In addition to that, we've also voted to repeal the entire act.

This is not honest debate on policy but, rather, another political cheap shot at the Affordable Care Act. For these reasons, I urge a "no" vote on this legislation.

Mr. CAMP. I yield 2 minutes to the gentleman from Pennsylvania (Mr. GERLACH), a distinguished member of Ways and Means Committee.

Mr. GERLACH. I thank the chairman for his leadership and recognition.

Mr. Speaker, I rise today in support of this legislation and urge my colleagues to vote to stop now a \$30 billion tax increase on medical innovation. This pending tax means higher costs for doctors and hospitals, less investment in finding new ways to improve treatments for patients, and fewer jobs for American workers.

What's at stake in Pennsylvania are an estimated 20,000 high-tech manufacturing jobs. Approximately 600 medical device manufacturers have helped our Commonwealth's workforce transition from a rust-belt economy to a high-tech leader in life sciences, biotechnology, and medical device manufacturing. However, this looming tax on innovation threatens to bring a little bit of that rust back to our manufacturing base.

Some of the medical device manufacturers in Pennsylvania have said that forcing them to write larger checks to the Internal Revenue Service would mean facing decisions about cutting back on research and development or raising prices. Cutting research and development would mean patients wait longer for groundbreaking treatments and products.

Raising prices would put American workers at a disadvantage compared to their European competitors who are often propped up by huge government subsidies.

Now, I realize the President's in full campaign mode. He's traveling around the country talking about the importance of working together to create jobs. So I would respectfully submit then that passing this legislation to

protect American jobs we already have would be at the top of the to-do list that we keep hearing about from the White House.

□ 1530

Mr. Speaker, we should be providing incentives that spur innovation rather than the Federal Government's taking more out of the private sector, which will threaten to drive these manufacturers out of business or overseas.

I ask that all Members support this legislation today so that we can stop a \$30 billion tax hike in 2013 and prevent putting up new barriers that will cost American workers their jobs.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Mr. Speaker, I rise to talk about the simplicity of the medical device excise tax and to remind people, as the majority leader said, that this is really about repealing the Affordable Care Act. This is not a debate about just the medical device excise tax. This is an effort to repeal the entire action.

This is a tremendous industry. I've worked with them for years. There are 400 medical device companies that employ 24,000 people and about 82,000 people indirectly. It is critical to the Massachusetts economy.

We are debating the same issue we debated 2 years ago when I worked closely with colleagues. By the way, the way Congress once functioned was to work with labor and the respective industries and with Members on both sides of the aisle in order to have an outcome that everybody, if they didn't love it, could at least come to say that they liked.

I negotiated decreasing that tax from 5 to 2.3 percent, and I stood up to those who thought it ought to be 5 percent. The big request from the industry was that they wanted the devices that were imported to be subject to the same tax. They were absolutely correct. We reached a compromise with the industry that bought into this suggestion because they knew that they would benefit from the expansion of insured individuals under the Affordable Care Act. I should note something that is very important today, which is that the industry receives Medicare payments indirectly via payments from hospitals.

Now I worry about the impact of the tax on the medical device industry. If we had a good pay-for today and if everybody agreed that we were going to try to hold onto the basis of the Affordable Care Act, count me in. One medical device company recently said to me, If we're going to get hit with a new tax, it's going to cost our company \$100 million a year. To withstand that kind of tax increase, we're going to have to look at cutting jobs.

I understand that, and I'm concerned about the push for companies that are

going to cut back on research and development; but I cannot support this piece of legislation due to the offset which would repeal the true-up protections for lower- and middle-income families that use the Affordable Care Act's premium tax credits. According to Joint Tax, 350,000 fewer individuals will become insured if those protections are repealed, and I can't support that.

The reality is that this vote is simply another political stunt to chip away at the health care reform act. I am open to working with Chairman CAMP. If we can find a path forward, as I've indicated, count me in. This is not the path to pursue. This is not the way to do it. A reminder: This really is not the way that this Congress functioned when I came to it, particularly on the Ways and Means Committee, when you work with industry and labor to accomplish extraordinary things.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, last week, the House passed, by 387-5, major legislation that impacts millions of jobs by allowing the faster and safe approval of medical devices and pharmaceutical drugs.

Rather than sending those jobs overseas, they're staying here. The administration's impending tax on medical devices is a ticking time bomb for manufacturing jobs and innovation across the country and especially in Michigan, which is why we need to repeal it and pass this legislation.

Last month, I visited Stryker, a major device manufacturer that is headquartered in Kalamazoo and Portage, Michigan. They reinforced the harmful impacts that this tax will have on our corner of the State. Stryker employs about 2,500 workers in Kalamazoo County. They tell me that the tax is going to cost their company alone \$150 million, and that number does not include the millions of dollars and thousands of man-hours that they're going to have to expend on ensuring that they're in compliance with that tax. These are dollars that could be better spent on wages, research, development, and investments in lifesaving technologies, which would not only help the employment sector but, obviously, patients as well. Stryker also recently announced the elimination of 1,000 jobs worldwide, which is a 5 percent reduction in its global sales force. The cause of that reduction: making up the cost for this impending tax.

The President said earlier this year that he would do whatever it takes to create jobs in America. He needs to sign this bill because, without it, it's going to cost jobs—as has been proven in Michigan alone.

Mr. LEVIN. I yield myself 30 seconds. We very much favor the medical device industry. They agreed to pay for health insurance coverage. In 2011,

Stryker had revenue of \$8.37 billion on these products with a net income of \$1.3 billion. Everybody is going to have to participate, as they promised, to make health care work. If everybody ducks out, people will go uninsured.

It is now my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member on the Ways and Means Committee for yielding me this time.

Mr. Speaker, in the waning days of the work we were doing to get the Affordable Care Act in shape for consideration before the entire Congress, I wasn't an enthusiastic supporter of the medical device manufacturing tax as one of the pay-fors in order to pay for health care reform. I, however, agreed with the President wholeheartedly that health care reform had to be fully paid for. In fact, the idea was to pay for it, and then some, so that we had the ability to start reducing our budget deficits out into the future.

Because of the work that was done and because of the hard negotiations and the tradeoffs that were made, the Congressional Budget Office, in its analysis of the Affordable Care Act when it passed, said it would reduce the budget deficit by over \$1.2 trillion over the next 20 years. Now, that is a significant achievement—that we are able to start reforming a health care system in desperate need of reform, pay for it at the same time, work to improve the quality of care and the access of care for 33 million uninsured Americans, but also start bending the cost curve in healthcare.

I was concerned about the medical device tax as an element of the pay-for, however, because of the vital role that the medical device industry has in our economy. They play an important role when it comes to job creation. They enjoy certain competitive advantages here in the United States market. I was concerned about the tax applying to the sales of the products as opposed to profits because of the impact it will have on smaller manufacturers, which operate on a much smaller margin.

That's why I support the legislation before us today, but I do so under the proviso and with the understanding that the pay-for that is being used right now is controversial on our side. I don't think it's the ideal pay-for. I don't believe that it's going to be the pay-for that the Senate would consider if it takes this measure up. It certainly won't be the pay-for that the President will feel comfortable signing into law. So there is going to be additional work that we're going to have to do together to try to find an acceptable bipartisan pay-for if we're going to repeal this tax on an important industry in our country.

I would also submit to my colleagues on the other side that there are many proposals under the Affordable Care Act that have enjoyed wide bipartisan support in the past, proposals that can help find savings in the healthcare system. They include the build-out of the

health information technology system that our health care providers desperately need, which will not only improve the efficiency of care delivered and reduce medical errors, but will finally start collecting that crucial data so we know better what works and what doesn't work in the delivery of health care. There are delivery system reforms in the health care reform bill that are already proving effective and that lead us towards a system that is more integrated, that is more coordinated, that is more patient-focused, thus producing a much better outcome of care but at a better price.

Ultimately, we have to continue working together to change the way we pay for health care in this country so that it's based on the value—or the quality or outcome of care that's given—and no longer on the volume of services and tests and things that are done regardless of the results. There has been wide bipartisan agreement in the past over these issues which are included in the Affordable Care Act, but you would never guess it by listening to the terms of the debate today.

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

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

Mr. KIND. While I support the legislation and what it's trying to accomplish here, I still think, following today's debate, there is going to be a lot more work that we're going to have to do in dealing with the other side of the Capitol, with the Senate, as far as coming up with acceptable pay-fors, in its mind, and also in working with this administration.

□ 1540

So hopefully we can reduce this tax burden on an important industry. But we can do it in a more reasonable and commonsense fashion so we don't jeopardize the health care access of over 350,000 Americans, which may be adversely impacted with this "true-up" provision, that is being used today to pay for the repeal of this revenue measure.

I thank my colleague for the time I was yielded.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chairman, thank you for your leadership on this important piece of legislation.

Mr. Speaker, I rise today in support of the repeal of the 2.3 percent medical device tax created in the health care law.

This tax will have a devastating impact on jobs, estimated to be over 1,200 job losses in the State of Illinois, which already has an unemployment rate higher than the national average. Instead of working on policies that will incentivize economic growth, this tax will stunt it while adversely affecting small businesses and local communities.

Not far from my hometown is Canton, Illinois, an example of what can happen when device manufacturers partner with small communities. In May of 2013, Cook Polymer Technology, a raw material manufacturer, announced plans to open a second plant in Canton, Illinois, a town with a population of just under 15,000. These two facilities jump-started Canton's economy, leading to the creation of over 100 new well-paying jobs.

This partnership also led to a full percentage point drop in Canton's unemployment rate. According to Canton's mayor, private developers are now building more homes than at any time in the last 15 years combined in this little town's history. None of this would have been possible without Cook's decision to invest in Canton. Unfortunately for Canton, the looming medical device tax has already resulted in Cook's decision against building a new factory in the United States.

This tax will lead to future job losses as companies decide to close or cut back on their operations in R&D work. Communities like Canton will see their recent economic gains stalled, and it is why it is imperative that Congress repeal this device tax before job losses are realized and America finds it is no longer the leader in medical device technologies.

I urge passage of this bill and the repeal of the tax.

Mr. LEVIN. I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the ranking member for yielding time.

I walked in on the last two speakers, neither of whom said anything I disagree with, except that I can't support the bill because of the pay-for that is in the bill.

I'm convinced that we should repeal the medical device excise tax. I think it's driving jobs and innovation offshore, and a lot of that is happening in my congressional district. I also think it is counterproductive to talk about doing it and paying for it in the way that has been proposed in this bill. And I will therefore unfortunately not be able to support the bill as it is written today and introduced because of the manner in which it's being paid for.

I don't think there is anything complicated about this. We need to find a more acceptable way to do what I think a lot of us agree needs to be done, which is to repeal the medical devices tax. But this is not the way to pay for it, and we must find an acceptable pay-for.

I thank the ranking member for yielding time.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Chairman, thank you for yielding.

Mr. Speaker, I hope in the coming weeks, the Supreme Court strikes down this disastrous piece of legislation, but

the reality is that no one knows for sure what the court is going to do. So we must continue to do everything we can to get rid of this law.

Today, as a cosponsor of this Health Care Cost Reduction Act of 2012, I continue to fulfill my pledge to defund, repeal, and replace ObamaCare with commonsense solutions.

First, this bill defunds ObamaCare by getting rid of these job-killing taxes. The 2.3 percent Medicare device tax would cost the taxpayers almost \$30 billion, and the cost to the manufacturing industry would be about 43,000 jobs, forcing them either to close down or to ship these jobs overseas.

This bill also repeals ObamaCare's over-the-counter restrictions on flexible spending accounts. ObamaCare's government-must-know-everything mentality takes the flexibility out of the flexible spending accounts and drives up the health care costs. Most importantly, we're replacing it with real reforms that promote consumer choice, quality care, and reduced health care costs.

This is what the good people of the Sixth District of Tennessee expect me to do, why they sent me to Washington, and why I'm continuing to fight every day to defund, repeal, and replace ObamaCare with commonsense solutions.

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

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I certainly want to thank the chairman for his leadership.

I'm pleased to rise in support of this legislation because it will save jobs. We hear time and time again all across the country that the biggest issue that we face is jobs and the economy.

We've got an unemployment rate of 8.2 percent, and we need to be focusing in on growing our economy. This special tax increase on medical device manufacturers frankly would do quite the opposite. It would cost jobs. In the 10th District of Illinois, thousands of individuals are employed by manufacturers that provide medical devices. Frankly, we need to create an environment here in Washington, D.C., that promotes innovation, promotes these medical device companies from all around the globe to come here to our country.

So I'm pleased to support this legislation, and I urge my colleagues to support it as well, because we cannot have additional anxiety, uncertainty that is out there in the marketplace. We need to make sure that we are growing our economy, and we need to do that by providing an environment right here in Washington. Frankly, we're not doing that today. I support the legislation, and I urge my colleagues to do the same.

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

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of this legislation that will repeal the job-killing, innovation-destroying tax on medical devices. I want to thank Congressman PAULSEN for introducing this legislation.

Mr. Speaker, California, and particularly San Diego, is a hub of medical device activity. Companies such as NuVasive or Edwards Lifesciences Corporation are but a few of the companies that are located in my district in California, San Diego.

While considering this device tax, we've got to understand that the medical device industry in San Diego alone is a \$4.9 billion job-generating, job-creating industry. This industry represents one-third of all the life sciences industries, employing in my district 10,000 employees with an average income of \$100,000.

The medical device tax will cost jobs. That's not just in my district, but across the country. Hopefully we'll see this tax repealed. Because in the long run, this tax may not only cost jobs, but could cost lives.

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

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

Mr. BILBRAY. Thank you very much. I appreciate it, Mr. Chairman.

Let's join together and pass the repeal of this destructive tax and move forward with good legislation that will provide affordable health care while providing job opportunities for our citizens.

Mr. CAMP. Mr. Speaker, at this time, I yield 1 minute to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act.

The American people know that the President's health care law is costing us more in premiums and more in taxes. It's costing us our constitutional liberties, and it is costing us American jobs.

One of the tax increases that will support this law is a \$20 billion tax on our manufacturers that will result in thousands of lost American jobs at a time when our unemployment rate is over 8 percent for the third year in a row. Today's vote keeps faith with the American people as we continue working to repeal this law and to replace it with reforms that will deliver higher quality health care, lower costs, and that will preserve American jobs.

I urge my colleagues to support this bill, and I thank the chairman and the committee for its work on this bill.

□ 1550

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Thank you, Mr. CAMP. I appreciate your hard work on this.

Unemployment is the largest problem we face today, so why would any-

one want to punish innovation by forcing more taxes on American medical device companies. That is exactly what the President's health care law does, but we have a chance to repeal this tax today.

I hope the Senate will follow suit. This tax will hurt the medical device industry, including companies like Cook Medical, which has two facilities in my district in Canton, Illinois. Cook currently has 100 employees, but is looking to expand and provide more jobs for men and women in Illinois.

Support H.R. 436 to promote innovation, jobs and growth across our country.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Mr. Chairman.

Mr. Speaker, I strongly support the repeal of the ObamaCare medical device tax, which stifles research and costs jobs at a time when our economy is struggling to recover.

My bill, H.R. 1310, which repeals this tax on first responder medical devices, shares the goal of H.R. 436, the Health Care Cost Reduction Act.

In my community, Mound Laser and Photonics Center, which provides services to the medical device industry, was forced to layoff 10 employees as a result of this impending tax. Ferno, another company in my community which manufactures emergency health care products, says this tax will result in reduced research, development and production of new products.

Mr. Speaker, I urge all of my colleagues to support H.R. 436 and repeal this burdensome tax.

Mr. Speaker, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers, providers, or importers. This tax will place yet another burden on American businesses, stifling development of innovative life-saving products and costing jobs when our economy is struggling to recover, and will result in higher costs and inferior care for patients.

I strongly support the repeal of the 2.3 percent medical device excise tax. That is why I authored H.R. 1310, to repeal this tax on medical devices used by first responders. My bill shares the goal of H.R. 436, the Health Care Cost Reduction Act, which includes a provision to completely repeal the excise tax.

Earlier this year, a company headquartered in Miamisburg, Ohio in my district, Mound Laser & Photonics Center, MLPC, wrote to me about the negative effect of this new tax. MLPC specializes in laser-based micro and nano-fabrication and provides services to a number of markets, including the medical device industry. The firm is a tremendous research and development success story in southwest Ohio, growing from three employees to over forty. The majority of these workers have backgrounds in science and engineering, critical fields our country needs to compete in the global economy.

However, MLPC recently scaled back its operations and was forced to lay off 10 employees due to the loss of business from one of its medical device clients. Specifically, Dr.

Larry Dosser, President and CEO of MLPC wrote:

This is an unprecedented and devastating decision, which I believe is a direct result of Obama's Healthcare Reform Act. Not only does this impact the lives of these very good people, it also impacts MLPC's progress on a new facility that would be a major demonstration project for advanced manufacturing in the Dayton region.

I have also met with business leaders from Ferno-Washington Inc., a global leader in manufacturing and distribution of professional emergency and healthcare products based in Wilmington, Ohio. Ferno says the tax increase will cause the company to scale back research, development, and production of new products, hampering the company's ability to compete. The executives at Ferno estimate the cost of the tax is equivalent to 23 jobs.

Mr. Speaker, now is not the time to impose an extra burden on American businesses when our economy is struggling to get back on track. I urge all my colleagues to support H.R. 436 and repeal the 2.3 percent medical device excise tax.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, thank you for your leadership on this issue.

The economic news has been pretty grim lately. Last month, America created a mere 69,000 jobs, the lowest in a year. The job growth has been cut by two-thirds just the last few months. The unemployment rate, the only reason it went down is so many millions of Americans have just given up looking for work.

Now we learned today of all the 10 economic recoveries since World War II, this recovery ranks 10th, dead last, and dead last isn't acceptable to anyone.

This bill stops the killing of 43,000 American jobs; 43,000 American jobs will be lost if this new tax on our medical devices, on our stents and pacemakers and others, goes into place. This bill is all about saving jobs.

It also lowers the costs for patients because all those taxes get thrown right back on the patients and carried through, and it stops a tax on innovation in America, at which we are very good. It's key to our economic future. This bill prevents that attack. It also allows families the freedom to use their health savings accounts to buy over-the-counter prescriptions, which saves them money and allows them to keep more of their health savings account amounts the end of the year so that will they don't use it or lose it.

In Texas, we'll lose 2,000 jobs if this bill isn't signed by the President. I know he has vetoed it, but these are jobs, Mr. President. This is health care costs; this is innovation. This is what we ought to be rewarding in America, not punishing.

I support this bill strongly. I applaud Chairman CAMP and the members of the Ways and Means Committee who are bringing it to us.

By the way, to make sure it doesn't add to the deficit, if you get a Federal subsidy in health care for which you're not eligible, we'll have you pay it back. We just have you pay back what you didn't earn. That's the right way to do it, and that's the right way to pass this bill.

Mr. CAMP. I yield 2 minutes to the distinguished gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding.

Beginning in a few short months, a 2.3 percent excise tax on medical devices will go into effect as a result of the President's health care bill. As George Will recently wrote, this new tax will "tax jobs out of existence."

Last year, I had the opportunity to host a jobs and innovation roundtable discussion with leaders from the medical device industry. One of the CEOs that was a part of the roundtable stated that if you're trying to destroy an industry, you're doing a very good job of it.

He was referring both to the delays at the FDA, as well as the medical device tax. In my home State of Washington, there are 17 medical device companies that provide over 8,700 people jobs. These are high-paying jobs with an annual payroll of over \$500 million. These companies cannot hire new employees because of this job-killing new tax; 900 people would lose their jobs in Washington State. Nationally, it's estimated 43,000 U.S. jobs will be lost directly due to this tax.

This is one of 18 new taxes brought to you by ObamaCare. This one will cause medical device companies to reduce their research and development funds in order to pay for the new tax.

Who thinks that decreasing jobs in this economy is a good idea?

Patients deserve safe and effective medical devices, and Americans deserve the jobs that create medical devices. This legislation will help preserve what has been just a great American success story driven by our medical devices manufacturers that are developing lifesaving treatments.

I urge all of my colleagues to support H.R. 436.

Mr. CAMP. At this time we have no further speakers and are prepared to close, if the gentleman is prepared to close.

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

In a sense, there is much at stake in this debate. If this bill were to become law, it would unravel health care reform. What this industry seems to be asking is a reversal of their commitment to make health care reform work. If this Congress and the President were to say okay, every other industry that participated in saying they pay their share to make it viable, they'd come in line, and there would be no answer to them. In that sense, this debate, this issue is significant.

But in another sense it really isn't. This bill isn't going anywhere. The

Senate leadership has already said it's not taking it up. There's been issued a Statement of Administration policy. The recommendation is the President would veto it. There's a certain emptiness to this debate because the bill isn't going anywhere.

The real significance is that it's being brought up despite that, raising the question, Does the majority in this House want a bill that goes somewhere relating to jobs?

The word "jobs" has been mentioned here more than any other word. As mentioned earlier, there is no evidence that jobs would be lost, as indicated by the majority.

The only study says that the 43,000 claim is wrong. So what's really at stake here, the significance of this debate is this: Will the majority do more than signal in this session, in its remaining months, or will it take up jobs legislation? I think there's an increasing indication that they, the majority, do not want a jobs bill that will go anywhere.

I mentioned earlier the letter I wrote to the chairman of our committee. I mentioned in there six provisions clearly relating to jobs in America, the 48C Advanced Energy Manufacturing Credit that once had bipartisan support.

□ 1600

The production tax credit for wind power, the Republicans came before the Ways and Means Committee and said, Extend it. But, silence. The Build America Bonds program. It helped to create hundreds and thousands of jobs—\$180 billion in infrastructure investment. The 100 percent bonus depreciation that both sides say they support. But nothing but inaction. The proposal by the President for a 10 percent income tax credit for small businesses that could create jobs, not the illusory statements mentioned here. And then the R&D tax credit that the chairman of this committee and I have championed for years—and all we do is have a hearing.

And so this bill raises starkly this issue: Does this majority want bills going nowhere, or will they do more than signal and act to help create jobs that the people of this country badly need. That's the real issue before us today.

I urge a "no" vote on this bill on the merits. I urge the majority to start saying "yes" to jobs bills for the people of the United States of America.

I yield back the balance of my time.

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

I would just say to my friend from Michigan that we in the committee are in the process of reviewing all of the tax extenders. There's going to be about a hundred of them that expire at the end of the year, research and development being one of them—one I, obviously, have supported over the past.

Given our budget situation and given the record deficits run up by this ad-

ministration, we're taking a close look at all of these provisions to make sure that they're justified, to make sure that they really bring economic benefits and jobs to this country, not just pass them along because that's what's been done in the past, but to really take our oversight responsibilities, review responsibilities seriously to make sure the things that we're doing are efficient, are effective, and really get to the core of how do we get this economy moving again.

We had the jobs numbers last Friday. They were abysmal. Clearly, the economic policies of this administration have been a failure. We're, obviously, trying to address some of the other policies of this administration that aren't going to work. And clearly, there are flaws in the health care bill. We've had bipartisan support to fix some of them, like repealing that onerous 1099 provision that would have put a wet blanket over all small businesses as they try to file paperwork on every expenditure over \$600. It was a ridiculous provision. We had strong bipartisan support to repeal it. The President signed it. That is law.

We're now looking at today what we can do to improve other problems in this health care bill. One of them, clearly, is we need to help people save and allow them to afford the kinds of medications they need. For example, they tax over-the-counter medications by saying you can't use your tax-free savings account to buy cough syrup for your sick child.

So what's happening is many people are going to doctors. They're actually having to get a prescription so they can use their flexible spending account, the account that they have set aside to save for their medical needs. And don't we want parents to be able to try to find a least-cost alternative? If cough syrup will fix the problem that their child is having and meet their medical need, shouldn't we do that first, before going to the ER or before going to get a prescription? Again, what we want to do is keep parents in the driver's seat. Let them make the medical decisions that effect them and their children.

So we believe that it's so important that we allow over-the-counter medicines to be purchased out of an FSA. That is just a critical thing. And that has had strong bipartisan support.

The other issue is regarding medical devices. Clearly, taxing the medical devices is going to do one of two things. It's going to cost jobs. As Stryker Corporation in my home State of Michigan says, it's responsible for about a thousand layoffs as they try to plan for the future. Or, it's going to raise costs. Either one is a bad choice for those people who have medical needs that they need to meet.

And the last provision in this is, can people keep some of the money in their health care or flexible spending account if they don't have all their medical needs requiring the use of money out of that account? Can they save

some of it, or do they have to use it or lose it and buy extraneous things or things they don't really need. What this bill would do is say you can keep some of those dollars—up to \$500. You would pay tax on it. And that means that if you've overestimated what your medical needs are, you can get some of those dollars back and use those. Again, it's your wages. You've put it in there. It's yours. You should be able to get it back.

I think these are all strong provisions. They've all had good bipartisan support, both for the substance of them as well as for the pay-for in the bill. That has had strong bipartisan support as well.

So I would urge support for this legislation. I do think it has a lot of support in the Senate as well, and I think we're going to see this legislation move forward. So I urge a "yes" vote, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise today in opposition of H.R. 436. We find ourselves, yet again, going through another Republican dog and pony show as my colleagues attempt to repeal the Affordable Care Act bit by bit without replacing any of these pieces. I cannot even count how many of these circuses we have gone through this session. Instead of working for their constituents, my friends across the aisle are busy concocting schemes solely for political gain that will ultimately cost the American people, this time to the tune of more than \$29 billion. That's right, the non-partisan Congressional Budget Office estimates that if the medical device tax is repealed it will add to our deficit.

I think we would all agree that the medical technology industry is a critical industry, employing more than 400,000 workers nationwide and more than 9,000 in my home state. The work that they do is critical to keeping the American people healthy and to keeping our country competitive. During the drafting of the Affordable Care Act, the medical device industry, along with pharmaceutical companies, insurance companies and hospitals, committed to doing their part to make health reform a reality. Advocating to repeal the medical device tax appears to me to be going back on that commitment to the President and the American people.

Supporters of H.R. 436 like to say the medical device tax hurts small manufacturers, but the reality is the ten largest manufacturers will pay 86 percent of the tax. These same supporters claim the tax will result in the loss of jobs, but they seem to forget about the millions of new customers that the ACA will provide device companies. It seems to me that if you have 33 million more people with the ability to access medical devices, companies may need some employees to help them meet this new demand. I agree that it is important that the medical device industry can continue to succeed, and I believe that the Affordable Care Act will do so.

In addition to abolishing the medical device tax, H.R. 436 aims to repeal the definitions the Affordable Care Act put in place for tax-advantaged flexible spending accounts and health savings accounts. A small minority of workers benefit in minor ways from these accounts, whereas millions of Americans will be guaranteed access to comprehensive, affordable

health care through the ACA. By enacting these provisions the ACA raises over \$4 billion. The Republicans think they will pay for dismantling the ACA with changes they already used to finance two earlier pieces of legislation. Dipping repeatedly into a pot of money that will force hundreds of thousands of citizens to forgo health care coverage is not a viable solution. While my colleagues speak about wanting to balance our budget and reduce our deficit they are busy repealing a tax that would add to our precarious fiscal circumstances and taking away provisions enacted in the ACA that generate vitally needed dollars. And, my friends, we are all aware of the age old axiom that actions speak louder than words.

Mr. Speaker, this legislation is not a constructive use of this body's time. We cannot re-litigate the debates of the past. If we are to improve the health care that we are delivering to patients, and inspiring and encouraging innovation in our industry, I stand ready and willing to work with my colleagues on bipartisan legislation that will do so.

Ms. SCHWARTZ. Mr. Speaker, today's vote is nothing more than a political stunt by Congressional Republicans to once again undermine the health care reform law. Republicans included a "poison pill" to ensure limited Democratic support rather than work in a bipartisan manner on an important policy issue. This once again proves they are more interested in politics than policy.

We should take a serious look at corporate tax policy and its impact on innovation in this country. In Pennsylvania, the medical innovation industry is vital to economic growth, employing more than 80,000 people and pumping more than \$13 billion into the local economy. I am proud that Pennsylvania companies are on the front lines of this innovation, and it is essential that they have the ability to grow and thrive.

We must work together to strengthen America's role as a global leader in the medical innovation sector, which will yield the next generation of life-saving treatments and strengthen our economic competitiveness. I urge my Republican colleagues to work with us to implement tax policies that will preserve, promote and grow these innovative industries.

Mr. PENCE. Mr. Speaker, I rise today in support of the Health Care Cost Reduction Act of 2012, H.R. 436, offered by Rep. PAULSEN of Minnesota, which will repeal the 2.3 percent tax on medical devices included in ObamaCare that is set to take effect at the end of this year.

This tax will have a dramatic impact on Indiana, which is one of the leading states in the medical device industry. The "orthopedic capital of the world" is in Warsaw, and across the state 20,000 Hoosiers design, manufacture, and sell a multitude of life-saving and life-enhancing products, creating a \$10 billion economic impact.

The medical device tax threatens all of that success. Unless it is repealed, Indiana stands to lose more than 2,000 jobs in the medical device sector. This job-killing tax will stifle innovation, harm patients and raise the cost of health care for Hoosiers.

Repealing the medical device tax will ensure that Hoosiers can continue to lead in the medical device industry. Let us show our commitment to innovation and job growth today by passing the Health Care Cost Reduction Act and fully repealing the medical device tax.

Mr. MARCHANT. Mr. Speaker, this legislation will stop an impending tax created by Obamacare on medical devices. This tax stifles innovation, reduces jobs, and increases costs on patients. Congress must act to ensure that the medical device tax does not come in to effect.

Additionally, I support the new choices this bill gives consumers. Users of Health Savings Accounts will once again be able to access their HSA funds for over-the-counter purchases. This change reduces unnecessary doctor's office visits that are being made solely to obtain a prescription to use HSA funds. Lastly, this bill greatly improves Flexible Spending Accounts. Rather than forcing unneeded end of year purchases, this bill allows for a \$500 cash-out option to be considered as taxable income. This change makes FSAs much more attractive, giving consumers another choice to determine the health care plan that is best for them—rather than the government making that choice. I urge support of the bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H.R. 436, the "Protect Medical Innovation Act." This bill would repeal a 2.3 percent tax on the sale of medical devices that was scheduled to take effect in 2013 as a part of the healthcare reform legislation. The Joint Committee on Taxation, however, has said that this tax elimination would cost the government \$29.1 billion in lost revenue through fiscal year 2022.

This decrease in revenue would be offset by the elimination of the cap on repayments of advance premium tax credits. This provision had been introduced to aid low- and moderate-income families whose economic circumstances changed dramatically during the year. The current repayment cap on tax credits is important to millions of American families facing economic uncertainty because it offers a guarantee that they will not be hit with unexpected tax bills at the end of the year. H.R. 436 brings the threat of uncapped expenses and will effectively serve as a deterrent for families considering purchasing healthcare coverage.

The Joint Committee on Taxation has estimated that the loss of revenue will therefore increase the number of uninsured Americans by 350,000, and I fear that the 37th Congressional District of California will be particularly impacted. In the city of Los Angeles, it was reported this month that unemployment had risen to 8.2 percent, or 13.6 percent for African Americans and 11 percent for Latinos. In construction alone, 28,000 jobs were cut, along with 13,000 in government. As we debate the repayment cap, we must keep in mind these thousands of hardworking citizens and their families who might otherwise feel the security of affordable healthcare coverage in uncertain times.

Mr. Speaker, healthcare reform legislation does not unfairly target the medical device industry, as many are claiming today. In the spring of 2009, representatives from various healthcare sectors, including medical device companies, pledged in a letter to work with President Obama to accomplish the goal of a more affordable and efficient healthcare system. This tax serves as the industry's contribution to the cost of reform. It is not an unreasonable sum, especially when the industry stands to benefit from an additional 30 million insured customers. Of those, roughly 10 million will fall between the ages of 50 and 64,

an age group with a high proportion of people needing medical devices.

The passage of this bill would send a dangerous message to other healthcare sectors who are contributing to the cost of comprehensive healthcare reform. Pharmaceutical companies, health insurance companies, skilled nursing facilities, laboratories, and home health providers have all taken on additional costs and taxes. We should be wary of setting a precedent that exempts one industry from its promised contributions, should other sectors then push for a similar repeal.

Supporters of this bill have also aligned themselves with small businesses; however, any tax relief would be siphoned off to large corporations. Industry analysts predict that the ten largest companies manufacturing medical devices, who in 2011 had net profits of \$48 billion, will pay 86 percent of this tax. The medical device industry is already very profitable, and the benefit of ten million new customers will outweigh the cost of the tax.

I would like to take an additional moment to address the Republicans' claims that this bill will stop job loss and decelerated innovation. There is currently no incentive for medical device companies to shift jobs overseas because the tax does not apply to devices sold to other nations. Moreover, devices imported into the United States are subject to the same 2.3 percent tax. This means that there will be no unfavorable advantage for foreign-manufactured devices in domestic markets, and there will be no added cost to selling American devices in the international market.

Mr. Speaker, I was an original supporter of President Obama's plan for healthcare reform, and I believe that H.R. 436 would only be a step backwards. I will vote against this legislation, and I urge my colleagues to do the same.

Mr. RAHALL. Mr. Speaker, I believe that changes to the Patient Protection and Affordable Care Act are necessary and have cosponsored and supported several bills in this Congress to amend the health care law before it takes full effect.

West Virginians—our working families, our seniors on fixed incomes, our small businesses—are looking for and deserve substantive action from the Congress to address rising health care costs and access to quality care and I regret that the only thing the House majority in this Congress has brought to the floor is a slew of bills purposely designed to generate gridlock and stall in the legislative process.

While I do not support this measure, I believe that the Congress has a responsibility to address the concerns that have been raised by health care providers and medical device manufacturers, and I hope that it will do so.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting against H.R. 436, not because I believe that the current tax on the device industry is perfect, but because I object to the politicization of the issue and the use of a fundamentally-flawed offset.

As one of their first acts upon taking the majority, House Republicans voted to repeal the Affordable Care Act. Since then, they have voted to dismantle the law piece by piece. Today, they are at it again, and instead of addressing industry concerns in a concise and targeted manner, the majority has crammed together a politically-motivated bill designed to stick it to the President. Don't just take my word for it. Compare the bill we have before

us today with the 1099 repeal law. Both deal with problematic revenue raisers included in the health reform law, but the 1099 repeal bill took a targeted approach that represented practical policymaking at its best. This effort is purely political, and the result is a legislative goodby bag.

Moreover, while the 1099 bill's offset, a modification of the health insurance subsidy recapture cap, was a difficult pill to swallow, H.R. 436's offset is a poison pill. H.R. 436 would fully lift the cap, leading an estimated 350,000 people to forgo health insurance, according to the bipartisan Joint Committee on Taxation. These are working Americans earning between 133 and 400 percent of the federal poverty level. Why would the Majority ask working and middle income people to bear this burden alone? It is unacceptable.

As the representative from a part of our country known for its research and innovation, I fully understand the importance of the device industry. Medical devices have the potential to save and enrich the lives of Americans, and the companies that produce them are helping our economy recover by investing in new technology and providing high-paying, high-skilled jobs. Those companies also tried to be good actors in the health insurance reform debate. Like other industries, device companies understand that the skyrocketing cost of health care represents one of the greatest threats to families, small business owners, state and federal budgets, and the overall economy. Attempting to reverse this trend is one of the reasons Congress enacted the Affordable Care Act, and AdvaMed, the trade association representing medical device manufacturers, participated in the effort to ensure that the legislation would be deficit-neutral.

The final law brought the original \$40 billion levy on device manufacturers down to a \$20 billion contribution through a 2.3% excise tax on medical devices. However, as the ten-year budget window has shifted, industry reports that they expect to paying closer to \$29 billion. We need to monitor this carefully and find a fair solution that accounts for the additional business the device industry may acquire as a result of the Affordable Care Act, while underscoring the need to keep the industry vibrant and innovative. That is not the discussion we are having today, but I hope it is one House Republicans will be willing to have in the near future, and I stand ready to work with them to do just that.

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to support the passage of H.R. 436, the Protect Medical Innovation Act of 2012, legislation I agreed to cosponsor last year aimed at repealing yet another harmful job-killing provision put into place by the President's controversial health care reform law. Unless Congress moves to repeal it, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers or importers across the country.

The medical device tax will increase the effective tax rate for many medical technology companies. Unfortunately, the tax would be collected on gross sales, not profits, meaning companies could end up owing more in taxes than they produce in profits. As a result, device companies, many of which are small, entrepreneurial firms, are expected to pass the cost of the tax onto consumers, lay off workers, or cut R&D. These actions are unacceptable for an industry currently employing tens

of thousands of Americans, as well as leading the way in innovation and scientific discovery. And in Florida, which is home to one of our nation's largest medical device economies, the impact of this excise tax would be particularly devastating in a state hit hard by the economic downturn.

Throughout the past year we have been listening to our local business owners who tell us the economy will not grow and new jobs will not be created until there is more certainty in our economy and more certainty in government fiscal and tax policies. H.R. 436 is a great first step in doing just that by permanently preventing the medical device tax from being implemented.

Mr. Speaker, I urge my colleagues in the United States Senate to follow our lead and quickly pass this legislation and send it to President Obama for his signature into law. Further delaying the effort to repeal this harmful tax will only lead to greater uncertainty throughout the medical technology sector, causing business owners to delay crucial decisions about long-term investment and expansion.

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

Pursuant to House Resolution 679, the previous question is ordered on the bill, as amended.

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

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

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 436 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1621

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 4 o'clock and 21 minutes p.m.

HEALTH CARE COST REDUCTION ACT OF 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommend the bill H.R. 436 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Page 1, after line 8, insert the following:

(b) PROHIBITING TAX BENEFITS FOR COMPANIES THAT OUTSOURCE AMERICAN JOBS.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not apply to any sale of a taxable medical device by the manufacturer, producer, or importer which outsourced American jobs during the testing period with respect to such sale.

(2) DETERMINATION OF OUTSOURCED AMERICAN JOBS.—For purposes of paragraph (1), American jobs are outsourced by a manufacturer, producer, or importer, as the case may be, during a testing period if the manufacturer, producer, or importer has fewer full-time equivalent employees in the United States on the last day of the testing period as compared to the first day of the testing period and has an increase in the full-time equivalent employees outside the United States on the last day of the testing period as compared to the first day of the testing period.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) TESTING PERIOD.—The testing period with respect to a sale is the calendar year in which the date of sale occurs.

(B) EMPLOYEES OUTSIDE THE UNITED STATES.—An employee shall be treated as employed by the employer outside the United States whether employed directly or indirectly through a controlled foreign corporation (as defined in section 957) or a pass-through entity in which the taxpayer holds at least 50 percent of the capital or profits interest.

(C) EXCEPTION FOR EMPLOYEES SEPARATED VOLUNTARILY OR FOR CAUSE.—The number of full-time equivalent employees shall be determined without regard to any employee separated from employment voluntarily or for cause.

(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or guidance on employer aggregation, mergers and acquisitions, and dispositions of an employer and rules regarding the payment date for taxes owed if the offshoring occurs after the date of a sale.

Page 1, line 9, strike “(b)” and insert “(c)”.

Page 2, line 1, strike “(c)” and insert “(d)”.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

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

Mr. PAUL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. PAULSEN. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, this is the final and only amendment any Member has been given the opportunity to offer to this bill. It will not kill the bill or send it back to committee. If adopted, H.R. 436 will imme-

diately proceed to final passage as amended.

The amendment I offer is a simple, commonsense effort to discourage American employers from outsourcing American jobs. It conditions the repeal of the medical device tax on an employer keeping jobs in the United States. If a device manufacturer sends jobs overseas during a calendar year, then the repeal of the tax does not apply to that manufacturer for that year.

Both Democrats and Republicans want to create conditions that get American families back to work; both Democrats and Republicans agree that the Tax Code should discourage employers from shipping jobs overseas; and both Democrats and Republicans want American families to prosper and have the opportunity to achieve limitless possibilities. But we have different approaches to achieving that goal. While we have different approaches, I think all reasonable people can agree that the ultimate job destroyer is outsourcing.

I listened very carefully to the debate that took place on the underlying bill. Virtually every speaker on the Republican side of the aisle mentioned jobs, mentioned employment, mentioned job-killing regulations, job-killing taxes. I think the best way to kill a job isn't a regulation and it isn't a tax. The best way to kill a job and to kill American opportunity is to have that job done by someone overseas instead of by an American simply because it's cheaper to have that job done overseas.

This is an issue that weighs heavily on the minds of our constituents. A 2009 Harvard study found that half of all Americans are resentful of businesses that send jobs overseas, and over 80 percent have concern for their family's future due to outsourcing. No American should be fearful that their job will be shipped overseas, and this Congress should end those policies that provoke this anxiety.

The Tax Code still gives incentives to employers who create jobs in foreign countries rather than here at home. Our Republican colleagues rail against foreign aid, but isn't providing another country a job that an American could do the ultimate example of foreign aid?

I doubt we'll be able to eliminate outsourcing, but with this amendment, this Congress can discourage it. Adopting this amendment is our first step towards reforming our tax system in a way that benefits American businesses and American workers. Every time a U.S. business moves operations overseas, we lose opportunity, we lose economic growth, we lose competitiveness, and we lose desperately needed revenue necessary to reduce the deficit.

This bill was considered under a closed rule, so Republicans can't justify their opposition with the usual claim that Democrats are trying to subvert an open amendment process. An open amendment process simply

didn't exist for this bill. This time there is no hiding: Either you support American jobs for Americans or you don't.

I urge all Members to support this amendment and to protect American jobs.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I withdraw my point of order and seek time in opposition.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, this motion is nothing more than a distraction from the real issue, and that is stopping a massive, job-killing tax increase from taking place on the medical device industry. The legislation before us today is a bipartisan initiative to repeal that tax and make health care more affordable for all Americans.

House Republicans want to reduce health care costs and make coverage more affordable for families who are struggling. Democrats clearly rammed through a one-size-fits-all health care law that has made health care more expensive, and now they're back at it again attempting to thwart efforts to bring down health care costs.

This is about saving American jobs. This industry is one of America's best success stories that accounts for about 423,000 jobs across the country. It's made up of America's best innovators, entrepreneurs, engineers, doctors, and risk-takers who are improving and saving lives. This will all change, Mr. Speaker, unless we stop this tax, a \$29 billion tax in just a little over 6 months that will cost this industry over tens of thousands of jobs, according to studies.

There's also two other important provisions that are in this legislation, Mr. Speaker. First of all, Congresswoman JENKINS' legislation that ensures that all families with an FSA or an HSA account can use their own health care dollars for their own health care needs for simple, over-the-counter medications without having to go to a doctor for a prescription. And we've also got Congressman BOUSTANY's legislation, which will allow flexible spending account participants to withdraw their own unused, hard-earned dollars at the end of the year.

□ 1630

Mr. Speaker, this legislation has 240 coauthors. It's bipartisanly supported. I urge rejection of the motion to recommit and support of the underlying legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 179, nays 239, not voting 13, as follows:

[Roll No. 360]

YEAS—179

Ackerman
Altmire
Andrews
Baca
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chyu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowe y
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

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

NAYS—239

Adams
Aderholt
Alexander
Amash
Amodi
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggart
Bilbray
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
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)

Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Herger
Huelskamp
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston

Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullany
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Hastings (FL)
Kucinich
Lewis (CA)
Marino

NOT VOTING—13

□ 1656

Messrs. HUNTER, SHIMKUS, and SCHOCK changed their vote from “yea” to “nay.”

Mr. CARNEY and Mr. DAVIS of Illinois changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 360, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. LEVIN. 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 270, nays 146, not voting 15, as follows:

[Roll No. 361]

YEAS—270

Adams
Aderholt
Alexander
Altmire
Amash
Amodi
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggart
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Cardoza
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)

Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Rivera
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Wittman
Wolf
Womack

Woodall
Yoder
Young (AK)

Young (FL)
Young (IN)

NAYS—146

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummins
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Heinrich
Himes
Hinchev
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell

Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bass (CA)
Billirakis
Coble

Filmer
Gohmert
Hastings (FL)
Kucinich
Lewis (CA)

Marino
Paul
Schmidt
Shuler
Slaughter

□ 1704

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 361, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mr. AKIN. Mr. Speaker, on rollcall No. 360 and 361, I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 360 and "aye" on rollcall No. 361.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except (1) pro forma amendments of-

ferred at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; and (2) further amendments, if offered on this legislative day, as follows: an amendment by Mr. ADERHOLT regarding funding levels; an amendment en bloc by Mr. ADERHOLT consisting of amendments specified in this order not earlier disposed of; an amendment by Ms. BALDWIN limiting funds regarding Coast Guard Offshore Patrol Cutter class of ships; an amendment by Mr. BARLETTA regarding section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; an amendment by Mrs. BLACK limiting funds for the position of Public Advocate within U.S. Immigration and Customs Enforcement; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration employee training; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration teams used in any operation; an amendment by Mr. BROOKS regarding section 133.21(b)(1) of title 19, Code of Federal Regulations; an amendment by Mr. BROUN of Georgia limiting funds for Behavior Detection Officers or the SPOT program; an amendment by Mr. BROUN of Georgia regarding the Screening Partnership Program; an amendment by Ms. BROWN of Florida regarding funding levels for U.S. Customs and Border Protection; an amendment by Mr. CRAVAACK limiting funds for security screening personnel; an amendment by Mr. CRAVAACK limiting funds to pay rent for storage of screening equipment; an amendment by Mr. CRAVAACK regarding section 236(c) of the Immigration and Nationality Act; an amendment by Mr. CROWLEY regarding India; an amendment by Mr. CULBERSON regarding the Immigration and Nationality Act; an amendment by Mr. DAVIS of Illinois regarding cybersecurity; an amendment by Mr. ELLISON regarding the Civil Rights Act of 1964; an amendment by Mr. ENGEL regarding light duty vehicles; an amendment by Mr. FLORES regarding section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY limiting funds to restrict airline passengers from recording; an amendment by Mr. GARRETT limiting funds for VIPR teams; an amendment by Mr. GRAVES of Missouri regarding the rule entitled Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; an amendment by Ms. HOCHUL regarding unclaimed clothing; an amendment by Mr. HOLT limiting funds for aerial vehicles; an amendment by Mr. HOLT regarding scanning systems; an amendment by Mr. KING of Iowa regarding Department of Homeland Security policy documents; an amendment by Mr. KING of Iowa regarding Executive Order 13166; an amendment by Mr. LANDRY regarding aerial vehicles; an amendment by Mr. LOEBSACK limiting funds to deny assistance obligated by FEMA; an

amendment by Mr. MEEHAN regarding Boko Haram; an amendment by Ms. MOORE regarding a pending application for status under the Immigration and Nationality Act; an amendment by Mr. MURPHY of Pennsylvania regarding a Federal Air Marshal Service office; an amendment by Mr. PIERLUISI regarding section 1301(a) of title 31, United States Code; an amendment by Mr. POLIS regarding an across-the-board reduction; an amendment by Mr. PRICE of Georgia regarding immigration laws; an amendment by Mr. RYAN of Ohio regarding visas; an amendment by Mr. SCHWEIKERT regarding the Secure Communities program; an amendment by Mr. SULLIVAN regarding section 287(g) of the Immigration and Nationality Act; an amendment by Mr. THOMPSON of California regarding deportation of certain aliens; an amendment by Mr. TURNER of New York regarding surface transportation security inspectors; and an amendment by Mr. WALSH of Illinois regarding software licenses; and that each such further amendment may be offered only by the Member named in this request or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and that each further amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

GENERAL LEAVE

Mr. ADERHOLT. 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 H.R. 5855 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5855.

Will the gentleman from New Hampshire (Mr. BASS) kindly resume the chair.

□ 1715

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BASS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 6, 2012, an amendment offered by the gentleman from New York (Mr. BISHOP) had been disposed of and the bill had been read through page 99, line 17.

Pursuant to the order of the House today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Departmental Management and Operations—Departmental Operations—Office of the Secretary and Executive Management", and increasing the amount made available for "U.S. Customs and Border Protection—Salaries and Expenses", by \$28,400,000 and \$25,000,000, respectively.

Mr. ADERHOLT. I reserve a point of order.

The Acting CHAIR. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. BROWN of Florida. I'm going to offer and withdraw my amendment but would like to continue to work with the committee to ensure our busiest airports have the Customs and Border Protection personnel they need to operate efficiently.

It is clear from the amendment being offered and statements being made that we have a severe need for additional Customs and Border Protection officers at every point of entry into the United States. Airports across America are losing customers and alienating foreign visitors because of the lack of Customs and Border Protection officers and the major delays it causes. Many foreign tourists anxious to spend money in the U.S. are kept on the tarmac for hours waiting to get processed by Customs and Border Protection. This is unacceptable and is forcing tourists to travel to non-U.S. destinations. This is also causing significant economic harm to many of our country's busiest cities.

My home airport, Orlando International Airport, which is one of the busiest ones in the U.S. and the number one tourist destination, bringing tourists from all over the world to visit our amazing amusement parks, universities, and business centers, is a prime example of the problem.

Since 2009, Orlando International Airport traffic has grown by more than 17 percent without any increase in Customs and Border Protection personnel.

The results are waiting times that exceed 2 and sometimes 3 hours. However, this does not take into account those all too frequent instances where passengers are required to remain onboard the arriving aircraft, parked on ramps for up to an additional hour because the lines in the Federal Inspection Station are too long to securely and efficiently process them.

President Obama recognized this fact when he traveled to central Florida to announce his Executive order directing the Department of Homeland Security and the Department of Commerce to develop and implement a plan within 60 days to increase nonimmigrant visa processing capacities in China and Brazil by 40 percent in the coming year. Clearly, increased visitation to the United States means jobs, yet without additional Customs and Border Protection resources, Orlando International Airport will not be able to help the President achieve this goal.

With just 15 new Customs and Border Protection agents, the airport could accommodate additional flights that would generate 2,000 jobs and generate revenues of \$360 million a year. That is a great return on our investment and exactly the kind of shot in the arm that our region desperately needs.

I know we're not going to solve this problem today, but I want to encourage this committee and the Department of Homeland Security to make every effort to ensure that a simple lack of Customs and Border Protection personnel isn't costing thousands of jobs and millions in economic development.

I ask unanimous consent to withdraw the amendment, and I yield back the balance of my time.

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

There was no objection.

□ 1720

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. Mr. Chairman, I would yield to the gentleman from Nebraska (Mr. TERRY) to talk about an important cyber-critical infrastructure issue.

Mr. TERRY. Thank you, Mr. Chairman, for allowing me the opportunity to express my concerns with proposals that would allow the Department of Homeland Security to impose cybersecurity private infrastructure that it deems "critical."

The administration wants to expand DHS's role in designating private networks as critical infrastructure for the purpose of subjecting them to regulation, but it has yet to take care of its own networks. I commend Chairman ADERHOLT for including language in this bill that requires executive branch agencies to get their act together and formulate expenditure plans to protect their own networks. If they can't even secure Federal networks, why in the

world would we want to give them authority to regulate private sector networks?

I understand that DHS currently works with the private sector on a voluntary basis, but that should be the extent of their involvement with critical infrastructure. As a member of the Speaker's Task Force on Cybersecurity, as well as the co-chairman of the Energy and Commerce Working Group on Cybersecurity, I have the very firm opinion that DHS simply should not be allowed to regulate cyber-critical infrastructure in the private sector.

I have great respect for the chairman. I will not be offering my amendment. I look forward to continuing to work with my colleagues on this issue, and again thank the chairman for his courtesy.

Mr. ADERHOLT. I thank the gentleman for his comments. I am also a member of the Speaker's Task Force on Cybersecurity, and I understand the concerns that the gentleman has expressed this afternoon.

As the gentleman noted, this bill focuses on Federal network security by addressing the failure of the administration to protect its own networks. Again, I want to thank the gentleman for his comments, and I would be happy to work with him to address his concerns.

I yield back the balance of my time. The Acting CHAIR. Who seeks recognition?

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. I want to thank the chairman and Ranking Member PRICE for their hard work in writing a bill that keeps American families safe and prioritizes border and immigration law enforcement in a very tough budget environment.

In this bill, the Federal Air Marshal Service is under particular pressure to reduce costs, and we all share the common goal of pursuing the most cost-efficient and mission-effective air marshals to protect our skies.

In my district, there are over 80 dedicated and professional air marshals at the Pittsburgh International Airport, which is one of the country's 50 busiest airports. We all know about the air marshals' hard work, training, and risk to keep us safe; but I'm concerned about the potential impact on air marshals' cost and the impact upon families if the Federal Air Marshal Service moves forward with a restructuring plan. That's why I was going to offer an amendment with Congressman ALTMIRE to ensure no decision is made impacting Pittsburgh's air marshal workforce without first conducting a cost-benefit analysis that explores all potential options.

I'm concerned if the Transportation Security Administration proceeds with

closing the Pittsburgh office, any potential for savings would be dwarfed by the hundreds of thousands of dollars spent to relocate employees and their families.

Currently, taxpayers and the TSA pay almost nothing in commuting costs because the Pittsburgh air marshal office is less than 2 miles from the Pittsburgh airport terminal. Since air marshals are doing most of their work on a plane, the office exists mostly as a place for employees to go and complete their paperwork. Forcing air marshals to travel between a new office potentially much further from the Pittsburgh airport would dramatically increase costs and travel time.

What's most important for purposes of cost and security is the proximity of the air marshal workforce to the airport. I have asked the Federal Air Marshal Service to review alternatives to closure or transfer of the Pittsburgh field office, including co-locating its office on the grounds of the 911th Airlift Wing, which is an Air Reserve military base, part of the Pittsburgh International Airport.

Moving to the 911th would save the Agency a significant amount of overhead and rent costs while preserving the Federal Air Marshal Service operational mission to keep the skies safe.

I've been assured by the director of the Federal Air Marshal Service that he will look into alternatives to save costs, and I would like to get the assurance from the chairman that he'll work with me on securing that report.

Mr. ADERHOLT. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used in contravention of any of the following:

(1) The Fifth and Fourteenth Amendments to the Constitution of the United States.

(2) Title VI of the Civil Rights Act of 1964 (relating to nondiscrimination in federally assisted programs).

(3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to prohibition of discrimination).

(4) Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994 (relating to unlawful police pattern or practice).

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

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, I have an amendment that I believe should enjoy bipartisan support on all sides. America being the land of the free, home of the brave, where liberty and justice for all is how we live. We recite those words every day when we come to the floor to say the Pledge of Allegiance.

This is simply an amendment which says in America, law enforcement will respect the individual dignity of each person and operate on the basis of what would indicate criminal behavior, not race, not national origin, not religion.

The leaders of four separate important caucuses in this Congress have come together and are in support. That includes the Congressional Progressive Caucus, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus, which have all come together to say this is an important thing for all of us to support.

Everyone here in this body appreciates the hard work of DHS employees and what they do on a daily basis to keep our country safe. We thank them and value the work that they do. And we appreciate all law enforcement, especially when they put their lives at risk for our safety. No one questions law enforcement in general. But you should know, and there is no doubt and there is ample evidence to demonstrate, that there have been occasions in which individual Americans have been singled out, and this is not what our Nation is about. It's not the policy that we should support; and, therefore, we should support an amendment which says that discrimination has no place in the administration of the law.

Occasionally, reports of racial, ethnic, and religious profiling do surface. We see them in the media and reports in the civil liberty unions. In fact, I have reports in my hand, Mr. Chairman, "Immigration Enforcement: Minor Offenses With Major Consequences by the ACLU," and "The Growing Human Rights Crisis," which details how people have been singled out based on impermissible criteria. And so it is important for us to affirm in America, after all we have gone through to create liberty and justice for all, that we've got to affirm this principle here today.

Too many Americans who were simply going about their business have been discriminated against based solely on race, ethnicity, and religion. It's wrong when it happens, all of us can agree. And it's not what our country is all about. This amendment I'm offering today simply says it's contrary to our values. Our amendment is straightforward. It simply cites the Constitution and existing anti-discrimination laws to affirm that no funds made available by this bill can be used to engage in racial, ethnic, or religious profiling.

□ 1730

This is not a controversial amendment. It affirms core American values hard fought for not only in the civil rights movement, but many others, even including the Civil War. Nor it is partisan. In fact, it was a former Bush administration official who said, "Religious or ethnic or racial stereotyping is simply not good policing." So that's

not coming from me. That's an official from the Bush administration, and I quite agree with what he said.

So I urge all my colleagues to stand with me and vote in favor of this important amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. We would be happy to accept the amendment from the gentleman from Minnesota.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I want to second the chairman's willingness here to accept this amendment. We think it's a good amendment, straightforward, intended to achieve goals about which we all ought to be able to agree. It simply seeks to ensure that Federal funding for the Department of Homeland Security is not used by law enforcement to discriminate or to deprive individuals of their constitutional rights.

I commend the gentleman for offering this amendment and urge its acceptance.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today to offer an amendment which would prohibit funds from being used to enforce a rule proposed by this administration.

Under current law, certain spouses, children, and parents of U.S. citizens who are in this country illegally are not eligible to apply for a green card without first leaving the United States. These immediate relatives must travel abroad to obtain a green card from the Department of State and must also request from the U.S. Citizenship and Immigration Services a

waiver to the 3-year or 10-year ban that they received as a result of their unlawful presence.

The DHS-proposed rule would allow illegals with U.S. citizen relatives to stay in the United States while the Federal Government decides on their waiver requests. Specifically, the rule allows illegals to apply for and receive a provisional waiver to the 3-year or 10-year ban they received. The rule would simply allow them to remain in the U.S. illegally.

I'm a strong proponent of enforcing our current immigration laws, and this proposed rule allows illegals to circumvent Federal statutes that govern admission. It makes it easier for illegals to stay in our country unlawfully.

The core impact of the proposed rule will be to encourage relatives of U.S. citizens to come to the U.S. illegally. All an illegal individual needs to do is apply for a provisional waiver from the 3-year or 10-year ban and then apply for a green card.

What's even worse is if the U.S. Citizenship and Immigration Services denies an application for a provisional waiver, ICE will not prosecute that illegal for being in the U.S. unlawfully. In fact, ICE announced in August 2011 that it would seek to dismiss the prosecution of cases of illegals who have applied for a green card.

My amendment is going to block this proposed rule, known as the Provisional Unlawful Presence Waiver. I think it's going to send a strong message to illegals that are in our country unlawfully, you're not going to receive any form of benefits or leniency from our government.

My amendment also sends a message to this administration to start enforcing our current immigration laws, to support all efforts to control and defend our borders, and to stop giving breaks to those who have come to this country illegally.

I urge my colleagues to support my amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would be happy to accept the gentleman's amendment.

Mr. GRAVES of Missouri. I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, which would negate the recent rule that would grant certain immediate relatives of U.S. citizens to apply for a provisional unlawful presence waiver while still in the U.S.

Applications for the unlawful presence waiver can take months or even years to adjudicate. This change in processing, this new rule, would permit U.S. citizens to remain united with

their loved ones and ensure that the U.S. citizen is not subjected to the very harm—that is, prolonged separation—that the waiver, if granted, was meant to prevent.

To be clear, a pending or approved provisional waiver will not provide the interim benefits, such as employment authorization, it will not provide lawful status, it will not stop the accrual of unlawful presence, it will not provide protection from removal.

What it would do is eliminate the catch-22 faced by many American families who want to do the right thing by having family members already eligible for the waiver come forward to adjust to legal status. Under the current process, they're penalized if they come forward, penalized by long-term separation from U.S. citizens who are immediate relatives and who depend on them for emotional and financial support.

By allowing the processing of waiver applications in the United States, the proposed rule would improve the efficiency of the process and would save taxpayer money. It's a much needed change. It's a good rule. This change in processing is vitally needed. I see no reason to approve an amendment here tonight that would cancel out this beneficial change, and I urge the amendment's defeat.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, it has come to my attention that my amendment has a typo in it. It reads 2102 as the date. I ask unanimous consent that that be changed to 2012.

The Acting CHAIR. Is there objection?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902).

Mr. GRAVES of Missouri. Mr. Chairman, with that, I would urge my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Missouri (Mr. GRAVES).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYAN OF OHIO
Mr. RYAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to issue an immigrant or nonimmigrant visa to a citizen, subject, national, or resident of Brazil until

the President of the United States determines and certifies to the Congress that the Government of Brazil has amended its laws to remove the prohibition on extradition of nationals of Brazil to other countries, except that the President may waive the application of this section on a case-by-case basis if the President determines and certifies to the Congress that it is in the national interests of the United States to do so.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I have a heart-wrenching story to share with the Congress and the American people, of which I would like this amendment to help take some action: the egregious 2007 case of a decorated airman's murder in my congressional district, the State of Ohio v. Claudia C. Hoerig.

□ 1740

According to the affidavit, Mrs. Hoerig, wife of the deceased, purchased a Smith & Wesson .357, learned how to use it, practiced in Warren, in Trumbull County, Ohio, and days later, on March 12, 2007, she allegedly shot her husband, Major Karl Hoerig, twice in the back of the neck and once in the back of the head.

After being charged with aggravated murder by the Court of Common Pleas of Trumbull County, Ohio, Mrs. Hoerig fled to her native Brazil, where she has found sanctuary for 5 years.

The issue here, Mr. Chairman, is that I have a family in my district that has not seen justice served. She went to Brazil, in which we have an extradition treaty, but the Brazilian Constitution says that Brazilian citizens can't come back to the United States. But the issue here is that in 1999 Mrs. Hoerig renounced her citizenship in Brazil, became a citizen of the United States of America. So we have every right to ask the Brazilians to send her back to the United States.

She needs to have justice served. The Hoerig family needs justice served, and Karl Hoerig deserves that as he rests in peace.

The Brazilian Government has, on numerous occasions, pledged to internally investigate this matter and investigate the possible renunciation of Mrs. Hoerig's citizenship on the following grounds: in that, in her sworn, signed affidavit, Mrs. Hoerig renounced her Brazilian citizenship on the occasion of her U.S. naturalization in 1999, and that the Brazilian Government has stated that it may, in fact, honor Hoerig's renunciation, given the serious criminal nature.

So this amendment, because I cannot seem to get the attention of the Brazilian officials, after numerous letters,

numerous attempts, working closely with the State Department, can't get the Brazilians' attention. So this amendment is saying that we shall not use money to let Brazilians into the United States and allow them visas.

1.8 million visas are predicted to Brazilians in 2013. And I hope that some of us on both sides of the aisle can say that this man served our country. We have a woman who renounced her Brazilian citizenship, came to the United States, killed this airman, and went back to Brazil and now is in sanctuary there.

So I understand there may be some issues with this potential amendment here, but I will say, Mr. Chairman, that there are defense bills that will come to this floor, and I will attempt in some way to get the Brazilians' attention with the defense bills. There is foreign ops money, foreign aid that we use with Brazil. I will come to this floor as many times as I need to to try to get the attention of the Brazilian Government to make sure that Karl Hoerig and his family have the justice that they have earned, not just by being citizens of the United States, but also by serving this country so nobly for so many years.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and it constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment imposes additional duties.

I ask for a ruling of the chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Seeing none, the Chair is prepared to rule.

The Chair finds that this amendment includes language conferring authority. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, I'm here today to talk about my amendment that would prohibit funding for an ill-conceived lobbyist position at the Immigration and Customs Enforcement, or ICE.

The Obama administration announced on February 7 of this year that it would begin advocating on behalf of illegal aliens, illegal alien advocates and communities that harbor illegals.

When Congress established the Department of Homeland Security, it created an advocate position for immigrants in the legal immigration process, but it declined to create one for illegal immigrants. The President cannot continue to willfully ignore the laws and the intent of Congress.

Mr. Chairman, there are currently 10 million unauthorized aliens in this country, and in the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien population in their States. This has come to pass because of the Federal Government's failure to secure the borders and enforce our immigration laws.

Nevertheless, the administration has not only used taxpayer dollars to sue States for such laws, but now wants to use taxpayer dollars to act as a lobbyist for illegal aliens. My amendment would deny the Obama administration funding for the illegal alien advocate position at ICE.

Contrary to what the Obama administration seems to think, the Department of Homeland Security was not created to act as a lobbying firm for illegal aliens. Using taxpayer dollars to fund a position whose primary purpose is to advocate on behalf of individuals who have come into our country illegally is ridiculous and certainly a waste of precious taxpayer dollars.

The administration should be using this money instead for its intended purpose—to combat illegal immigrants.

Mr. ADERHOLT. Will the gentlewoman yield?

Mrs. BLACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. We believe this is duplicative, but we will accept the gentlelady from Tennessee's amendment. The position would be duplicative, but we do accept the gentlelady's amendment.

Mrs. BLACK. I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment. It would prohibit any funding for Immigration and Customs Enforcement's new Public Advocate, a crucial position formed just this past February.

The public advocate works directly with ICE's Executive Assistant Direc-

tor of Enforcement and Removal Operations to respond to acute and pressing concerns from those going through the immigration process, as well as family members and advocates. For example, the public advocate assists individuals and community members in resolving complaints and concerns with agency policies and operations, particularly those that are related to the use of ICE enforcement involving U.S. citizens. It proposes changes and recommendations to fix community-identified immigration problems and concerns. Without the public advocate, individuals proceeding through the immigration process would not have the same level of access to neutral, unbiased internal oversight, fulfilling the role of ombudsman for the public.

Since its inception on February 7, the public advocate has provided effective resolution of serious complaints, assisted in increasing public engagement at all levels, and acted as a good steward of the public dollar.

By adopting this amendment, we'd be saving ICE less than \$200,000 per year, while severely impeding community participation and commonsense enforcement strategies.

I can't imagine why we would want to cancel a position that is so effective in helping citizens, helping those who have a stake in all this, helping them penetrate the bureaucracy, helping them get a resolution of serious complaints, making this agency, in effect, more user friendly, more responsive. Why would we want to damage that or destroy it? But that's exactly what this amendment would do, and I urge its rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

□ 1750

AMENDMENT OFFERED BY MR. CROWLEY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. I, along with my colleague Mr. ROYCE of California, plan to

offer a bipartisan amendment to the measure, but I understand this is subject to a point of order. I appreciate the chair and the ranking member for supporting an opportunity to say a few words since I won't be asking for a vote on the amendment at this time.

My amendment is about the importance of cooperation on homeland security between the United States and India. I believe that one of the most important decisions the United States has made in recent years is to strengthen our relationship with the democratic nation of India. With that relationship, one of our most important decisions has been to cooperate and coordinate on matters dealing with homeland security.

The fact is that both the United States and India face threats of terrorist attacks. The people of India will never forget the tragedy of 9/11. After all, many of those who were killed were of Indian origin. The people of the United States looked on in horror as terrorists carried out the brutal Mumbai attacks. In those attacks, terrorists killed not only Indians but Americans as well. 9/11 and Mumbai remind us of why it is important that we work together with India, and the people of our two countries remind us of why we must sustain and deepen that cooperation even further.

So I want to urge the Department of Homeland Security to continue the important work that it is doing with regard to India to help ensure that both of our countries are safe from terrorist attack.

I also want to thank my colleague Mr. ROYCE, who had planned to offer this amendment along with me. Support in this area is bipartisan, and we will continue to work in a bipartisan way.

Mr. Chairman, at this time, I ask unanimous consent to withdraw my amendment, and I yield back the balance of my time.

The Acting CHAIR. Is there objection?

Seeing none, the amendment is withdrawn.

AMENDMENT OFFERED BY MR. FLORES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____ None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chair, I rise today to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Department of Homeland Security appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than jet fuel from traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel.

Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department, which is why I am offering this amendment again today to the Homeland Security appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix: to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop all of our domestic energy resources, including alternative fuels.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

Now, in some circles, there is a misconception that my amendment will somehow prevent the Federal Government and our military from being able to produce and use alternative fuels. Mr. Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal Government purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My similar amendments to the MilCon-VA and to the Energy and Water appropriations bills also passed by voice votes. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean and efficient American oil and gas. It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

I urge my colleagues to support the passage of this commonsense amendment.

At this time, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Yes, I would be happy to accept your amendment, and I look forward to working with you as we move forward in the process.

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

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I think it's fair to say, if we are talking about common sense, that the balance of common sense lies against this amendment and with section 526 of the Energy Independence and Security Act.

It's quite a straightforward provision intended simply to ensure that the environmental costs from the use of alternative fuels, whatever they may be, are at least no worse than the fuels in use today. Why shouldn't that burden of proof be placed on the use of alternative fuels? It requires that the Federal Government do no more harm when it comes to global climate change than it is already doing through the use of unconventional fuels.

So this is a commonsense provision. It escapes me as to why we would want to violate this or bypass it in this Homeland Security bill, so I urge the rejection of the amendment.

I yield back the balance of my time.

Mr. FLORES. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. FLORES. I appreciate the gentleman's remarks, but I do want to say this:

Again, my amendment does nothing to restrict the fuel choices of any Federal agency, in particular, those of the U.S. military. What it does do, for instance, is to allow the agencies to procure fuel that is refined from oil from Canada oil sands once the Keystone pipeline is built and once those fuels are refined. Today, theoretically, section 526 would restrict the use of those energy resources from our friendly neighbor—I think that is inappropriate—and it also causes our taxpayer funds to be spent less wisely.

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

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

The amendment was agreed to.

□ 1800

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to enforce Executive Order 13166 (August 16, 2000; 65 Fed. Reg. 50121).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment addresses Executive Order 13166. That was an executive order that was issued in August of 2000 that directed our Federal agencies to provide foreign-language services to anyone who might seek to engage with the American Government. When I say the American Government, I do mean, Mr. Chairman, not just the Federal Government, but also local government.

The order directs Federal fund recipients—meaning local government—to pay for the enormous cost of providing translation and interpreter services from their own funds. There is no Federal reimbursement for this executive order. Many of us support English as the official language. We understand that there are billions that are spent in an effort to facilitate access to government to people who do not have the language skills, but also understand it is impossible to meet all of those demands.

As we watch the proliferation in this government, I would look at what recently Secretary of Homeland Security Janet Napolitano released, a memorandum detailing a DHS language access plan, which expands Executive Order 13166.

In summary, Mr. Chairman, this amendment simply says that no funds available under this act may be utilized to enforce Executive Order 13166.

With that, I yield to the chairman of the subcommittee from Alabama.

Mr. ADERHOLT. I rise in support of the gentleman's amendment from Iowa, and we think this is a good idea.

Mr. KING of Iowa. Reclaiming my time, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. This is an amendment that it seems very clear would actually hamper DHS operations and make us less safe.

Every component of DHS has to communicate effectively in their daily operations in order to accomplish the mission of the Department. How can ICE enforce our immigration laws without being able to communicate meaningfully with foreign-born persons with limited English proficiency? This is a critical executive order. It was a top priority in the Bush administration.

There was a memorandum issued during the Bush administration to the heads of all Federal agencies that helped facilitate the development of limited English-language proficiency plans.

To elaborate on that further, I yield to the gentlewoman from California (Ms. CHU), a leading member on the Judiciary Committee.

Ms. CHU. Mr. Chairman, I rise to oppose this amendment.

If this amendment passed, it would have a negative effect on many immigrants, many of whom work hard and play by the rules and are here legally, but may not have the ability to speak English well.

If this amendment passed, innocent people could be harmed. Foreign-born naturalized citizens would be at risk of erroneous detention and deportation by ICE. Not only that, detainees with serious, possibly life-threatening, medical needs would be placed in great peril due to the inability to make medical requests and communicate effectively with medical service providers.

If this amendment passed, lives could be lost because DHS and FEMA would have difficulty issuing danger warnings and evacuation instructions, as well as other critical notices in other languages during times of national emergency or catastrophe.

If this amendment passed, it would be harder for people to become citizens. That is because DHS would be prevented from providing foreign-language assistance to the elderly and disabled immigrants and refugees seeking to naturalize and become U.S. citizens.

We want immigrants to be fully assimilated in American society. This amendment would stop this process and, in fact, potentially cause great harm to many who do not deserve it.

I urge my colleagues to oppose this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, just quickly in closing, I would point out that we got along fine without this executive order up until the year 2000, and we'll get along fine without this executive order after the year 2012.

The assimilation component of this doesn't take place if you facilitate foreign-language speaking within government. Eighty-seven percent of Americans support this policy, the policy of English as the official language. This is a component of it. There's nothing that prevents justice, health, or emergency services from utilizing multiple languages to take care of the people.

So I urge its adoption, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DICKS. Mr. Chairman, I yield to my good friend from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. DICKS. I will be brief.

I just want to point out that the executive order itself indicates that only actions that would not be unduly burdensome should be engaged in. And the true scope of this amendment is really quite broad and adverse to the enforcement of the law.

If you are ICE and you have people in custody, those people in custody may not be speaking English, and you may need to be able to communicate with them in a language other than English. The broad scope of this amendment could interfere with that.

I would like to note, also, as to the FEMA issue that my colleague from California referred to, we think of DHS as immigration. My colleague from Iowa has mentioned that frequently in our committee. But the Department of Homeland Security is very broad. This could be the Coast Guard dealing with sailors in the Caribbean Sea, either people they believe are out to do mischief or people who are in distress who may not speak English. This could be storm warnings, as has been mentioned. There are parts of Florida where Spanish is spoken. Certainly in Puerto Rico, Spanish is spoken and hurricanes come. You want to alert the entire population in a way that they can understand that danger is on its way.

I think this repeal of this executive order, which goes back almost 12 years and through many administrations, is ill-advised. It will make the country less safe, and certainly it is an amendment that we should not support.

With that, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have a King amendment at the desk, 322.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available in this Act may be used to finalize, implement, administer, or enforce the “Morton Memos” described in subsection (b).

(b) For purposes of this section, the term “Morton Memos” refers to the following documents:

(1) Policy Number 10072.1, published on March 2, 2011.

(2) Policy Number 10075.1, published on June 17, 2011.

(3) Policy Number 10076.1, published on June 17, 2011.

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

□ 1810

Mr. KING of Iowa. Mr. Chairman, this amendment, this second King amendment, addresses the Morton memos, and he would be the director of ICE, and he is quite well known for the memos that unfolded that are known as the Morton memos. There are three of them. These memos, compiled together, bring about the effect of administrative amnesty. We’ll remember that the President issued a policy sometime probably less than a year ago when he essentially announced that they were going to look for ways that they didn’t have to deport people that are already adjudicated for deportation.

At the time there were 300,000 people here in the United States here illegally who had been adjudicated for deportation. They were awaiting a final deportation order.

The President’s policy, as echoed through Department of Homeland Security Secretary Janet Napolitano, and acted on by ICE Director Morton, issued three memos that gave administrative amnesty this way.

Memo number one was the most significant, and it said this: that aliens who pose a danger to national security or are a risk to public safety, they might be deported. Illegal aliens who have recently entered the U.S., they might be deported if you catch them at the border, so to speak, Mr. Chairman. The third component of that memo number one was aliens who are fugitives or otherwise obstruct immigration controls might be deported. It really means the rest of them we’re not going to pay much attention to. That’s the administrative amnesty component.

Memo number two discouraged ICE agents from enforcing immigration laws against aliens, many who would qualify if the DREAM Act had been enacted—which is a pretty outrageous

policy when you consider that it has multiple times been voted down in Congress.

Number three discouraged ICE agents from enforcing immigration laws against aliens who were victims or witnesses of crimes.

Those are the Morton memos. This amendment prohibits the dollars from being used in this budget to enforce the Morton memos.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

March 2, 2011.

Memorandum for: All ICE Employees
From: John Morton, Director
Subject: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

A. *Priorities for the apprehension, detention, and removal of aliens*

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation’s civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency’s highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE’s civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

Priority 1. Aliens who pose a danger to national security or a risk to public safety

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE’s highest immigration enforcement priority. These aliens include, but are not limited to:

aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;

aliens not younger than 16 years of age who participated in organized criminal gangs;

aliens subject to outstanding criminal warrants; and

aliens who otherwise pose a serious risk to public safety.

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.

Level 1 offenders: aliens convicted of “aggravated felonies,” as defined in §101(a)(43) of the Immigration and Nationality Act, or two or more crimes each punishable by more than one year, commonly referred to as “felonies”;

Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as “misdemeanors”; and

Level 3 offenders: aliens convicted of crimes punishable by less than one year.

Priority 2. Recent illegal entrants

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as “catch and release,” the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

fugitive aliens, in descending priority as follows:

fugitive aliens who pose a danger to national security;

fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;

fugitive aliens with criminal convictions other than a violent crime;

fugitive aliens who have not been convicted of a crime;

aliens who reenter the country illegally after removal, in descending priority as follows:

previously removed aliens who pose a danger to national security;

previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;

previously removed aliens with criminal convictions other than a violent crime;

previously removed aliens who have not been convicted of a crime; and

aliens who obtain admission or status by visa, identification, or immigration benefit fraud.

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

B. Apprehension, detention, and removal of other aliens unlawfully in the United States

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

C. Detention

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of

mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm, person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

D. Prosecutorial discretion

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

E. Implementation

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

F. No Private Right Statement

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

June 17, 2011.

Memorandum for: All Field Office Directors, All Special Agents in Charge, All Chief Counsel

From: John Morton, Director

Subject: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

PURPOSE

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);

Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);

Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);

Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);

William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);

Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);

John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and

John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

The following memoranda related to prosecutorial discretion are rescinded:

Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and

Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

BACKGROUND

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise "prosecutorial discretion" if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term "prosecutorial discretion" applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

deciding to issue or cancel a notice of detainer;

deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);

focusing enforcement resources on particular administrative violations or conduct;

deciding whom to stop, question, or arrest for an administrative violation;

deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;

seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

settling or dismissing a proceeding;

granting deferred action, granting parole, or staying a final order of removal;

agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;

pursuing an appeal;

executing a removal order; and

responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

AUTHORIZED ICE PERSONNEL

Prosecutorial discretion in civil immigration enforcement matters is held by the Director and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;

attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and

the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or during the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

the agency's civil immigration enforcement priorities;

the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

whether the person poses a national security or public safety concern;

the person's ties and contributions to the community, including family relationships;

the person's ties to the home country and conditions in the country;

the person's age, with particular consideration given to minors and the elderly;

whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

whether the person or the person's spouse is pregnant or nursing;

whether the person or the person's spouse suffers from severe mental or physical illness;

whether the person's nationality renders removal unlikely;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration:

veterans and members of the U.S. armed forces;

long-time lawful permanent residents;

minors and elderly individuals;

individuals present in the United States since childhood;

pregnant or nursing women;

victims of domestic violence, trafficking, or other serious crimes;

individuals who suffer from a serious mental or physical disability; and

individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

individuals who pose a clear risk to national security;

serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;

known gang members or other individuals who pose a clear danger to public safety; and

individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

TIMING

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing communication with represented individuals³ and should always emphasize that, while ICE may be considering whether to exercise discretion in the case, there is no guarantee that the agency will ultimately exercise discretion favorably. Responsive information from the alien or his or her representative need not take any particular form and can range from a simple letter or e-mail message to a memorandum with supporting attachments.

DISCLAIMER

As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal immigration law. Similarly, this memorandum, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

June 17, 2011.

Memorandum for: All Field Office Directors,
All Special Agents in Charge, All Chief
Counsel

From: John Morton Director,
Subject: Prosecutorial Discretion: Certain
Victims, Witnesses, and Plaintiffs

PURPOSE

This memorandum sets forth agency policy regarding the exercise of prosecutorial discretion in removal cases involving the victims and witnesses of crime, including domestic violence, and individuals involved in non-frivolous efforts related to the protection of their civil rights and liberties. In these cases, ICE officers, special agents, and attorneys should exercise all appropriate prosecutorial discretion to minimize any ef-

fect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice. This memorandum builds on prior guidance on the handling of cases involving T and U visas and the exercise of prosecutorial discretion.

DISCUSSION

Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime. In practice, the vast majority of state and local law enforcement agencies do not generally arrest victims or witnesses of crime as part of an investigation. However, ICE regularly hears concerns that in some instances a state or local law enforcement officer may arrest and book multiple people at the scene of alleged domestic violence. In these cases, an arrested victim or witness of domestic violence may be booked and fingerprinted and, through the operation of the Secure Communities program or another ICE enforcement program, may come to the attention of ICE. Absent special circumstances, it is similarly against ICE policy to remove individuals in the midst of a legitimate effort to protect their civil rights or civil liberties.

To avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents, and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals pursuing legitimate civil rights complaints. Particular attention should be paid to:

victims of domestic violence, human trafficking, or other serious crimes;

witnesses involved in pending criminal investigations or prosecutions;

plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations; and

individuals engaging in a protected activity related to civil or other rights (for example, union organizing or complaining to authorities about employment discrimination or housing conditions) who may be in a non-frivolous dispute with an employer, landlord, or contractor.

In deciding whether or not to exercise discretion, ICE officers, agents, and attorneys should consider all serious adverse factors. Those factors include national security concerns or evidence the alien has a serious criminal history, is involved in a serious crime, or poses a threat to public safety. Other adverse factors include evidence the alien is a human rights violator or has engaged in significant immigration fraud. In the absence of these or other serious adverse factors, exercising favorable discretion, such as release from detention and deferral or a stay of removal generally, will be appropriate. Discretion may also take different forms and extend to decisions to place or withdraw a detainer, to issue a Notice to Appear, to detain or release an alien, to grant a stay or deferral of removal, to seek termination of proceedings, or to join a motion to administratively close a case.

In addition to exercising prosecutorial discretion on a case-by-case basis in these scenarios, ICE officers, agents, and attorneys are reminded of the existing provisions of the Trafficking Victims Protection Act (TVPA), its subsequent reauthorization, and the Violence Against Women Act (VAWA). These provide several protections for the victims of crime and include specific provisions for victims of domestic violence, victims of certain other crimes, and victims of human trafficking.

Victims of domestic violence who are the child, parent, or current/former spouse of a

U.S. citizen or permanent resident may be able to self-petition for permanent residency. A U nonimmigrant visa provides legal status for the victims of substantial mental or physical abuse as a result of domestic violence, sexual assault, trafficking, and other certain crimes. A T nonimmigrant visa provides legal status to victims of severe forms of trafficking who assist law enforcement in the investigation and/or prosecution of human trafficking cases. ICE has important existing guidance regarding the exercise of discretion in these cases that remains in effect. Please review it and apply as appropriate.

Please also be advised that a flag now exists in the Central Index System (CIS) to identify those victims of domestic violence, trafficking, or other crimes who already have filed for, or have been granted, victim-based immigration relief. These cases are reflected with a Class of Admission Code "384." When officers or agents see this flag, they are encouraged to contact the local ICE Office of Chief Counsel, especially in light of the confidentiality provisions set forth at 8 U.S.C. § 1367.

NO PRIVATE RIGHT OF ACTION

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

I would then at this point urge its adoption and yield to the acting subcommittee chairman, the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, the committee strongly supports the gentleman's amendment. It is entirely important and vitally important that the Congress defund the administration's unilateral attempt to bypass the laws of the United States and implement an amnesty program by Executive order. It's unacceptable. It violates the law.

As all of us in Texas know—I had brought with me tonight for this debate, because it's so important to remember, that the first image on the first coin of the Republic of Mexico states, liberty and law. There is a wonderful image of the liberty cap over the scales of Justice. It points out quite correctly, the Republic of Mexico's, the first coin they ever minted, that there can be no liberty without law enforcement.

We strongly support the gentleman's amendment. How vitally important it is that we restore law and order to the border, that we enforce the immigration laws in this country in a way that is evenhanded and fair and just, because only when the border is secure, only when the immigration laws are enforced, will we be able to actually have a healthy commerce with Mexico, will we be able to actually have a guest worker program with Mexico and allow people to come here legally to work so we can actually restore the back and forth trade that has made Texas and all the border States so prosperous.

We strongly support the gentleman's amendment and urge its adoption.

Mr. KING of Iowa. Reclaiming my time, Mr. Chairman, I would point out that the Morton memos, in effect, provide administrative amnesty potentially for millions.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit the use of funds to enforce memos, internal ICE memos, on civil immigration enforcement priorities and on prosecutorial discretion.

Now, our friend from Texas rightly talks about the importance of law enforcement, and I would just ask colleagues, is there any law enforcement agency in the land that does not set priorities?

Every law enforcement agency set priorities. They have to make the most effective use of limited resources.

No law enforcement agency can go after every violation indiscriminately. Every law enforcement agency has to prioritize its resources to decide what's most important, what's most protective of the public safety and go after the perpetrators that would do us the most harm. That's about as basic as it gets.

In a world with limited resources, it's dangerous and irresponsible not to prioritize the detention and deportation of people who pose a threat to public safety and national security.

Why would we want ICE to spend as much time and energy going after innocent kids in college who were brought to this country by their parents as it spends going after known, dangerous criminals? Why would we want ICE to focus on the detention and deportation of the spouses of U.S. citizens serving in our military, rather than on people who pose a threat to national security?

The answer is, we would not want them to do such reckless and indiscriminate things. We want them to set priorities, and that's exactly what the Morton memos are about.

I yield to the ranking member of the Immigration Subcommittee of the Judiciary Committee, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. It is true that every law enforcement agency in the land makes priorities for enforcement. You're going to go after the dangerous gang member before you go after somebody who is double-parked or who is jaywalking. That's what police do all over the United States.

What these memos do is to put some order into who we're going after first. It's important to note that in all of the memos there is a statement that this does not create any right for a person who is here without their proper papers. It is merely a set of priorities.

I would note also that these memos are not new. The prosecutorial discretion memos have been in effect since 1996. I recall in 1999 I was a member of the Judiciary Committee. Then-Chairman Henry Hyde, along with now Chairman LAMAR SMITH, asked the De-

partment of Homeland Security, actually, the immigration service at the time, to set priorities, and here's what they said.

The letter expressed concern about cases of apparent extreme hardship, such as removal proceedings against legal permanent residents who came to the United States when they were very young, many years ago, maybe committed a single criminal crime at the lower end of the spectrum, who have always been law abiding, and said to the INS that they should exercise discretion more regularly. That was done by the Clinton administration, the Bush administration, and now the Obama administration.

To suggest that deportations are not occurring is extremely misleading because, in fact, there have been more deportations during the Obama administration per year than at any time in the Nation's history. DHS has removed over 779,000 individuals in deportation proceedings, an 18 percent increase.

However, there is a limit to the number who can be deported per year. Surely, we would all agree that going after criminals and terrorists is a higher priority than going after grandma or little kids.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I would just make the point that I listened to a lot of discussion about something that we well know around here is prosecutorial discretion. We don't have the resources to prosecute every law breaker and we know that law enforcement has to use that discretion on those resources.

This, though, is the President's policy. This is the President's policy of administrative amnesty that's implemented through the White House, through Janet Napolitano down through Director Morton and his Morton memos, which are amnesty.

They said, we don't want to enforce the law. We want to have comprehensive immigration reform, which we know are code words for amnesty, and they are bringing it about through an executive administrative amnesty in the same way as they are trying to implement cap and trade rules through EPA rules and regulations.

□ 1820

I would add also they have a responsibility to enforce the law. It says in article II of the Constitution:

He shall take care that the laws be faithfully executed.

This Constitution doesn't give an exemption. It doesn't say you're going to enforce the ones you like and not the ones you don't like. We have to adopt this amendment so that we do direct the law.

I would urge its adoption, and I yield back the balance of my time.

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

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

Mr. PRICE of North Carolina. Mr. Chair, I demand a recorded vote.

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

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

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

Mr. CULBERSON. I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, we've all heard the words from law enforcement: I don't make the laws; I just enforce it. The trouble is the administration is now saying: I don't like the laws. I won't enforce them in this category. It would be equivalent to an officer saying, I'm not going to enforce any drug laws because I don't agree with them. I want to wait until I may see a bank robber.

The fact is the executive branch is trying to legislate from the White House and violate the separations clause by using what is basically a pocket veto after the time limit that is described by law. That pocket veto is not only wrong; it's unconstitutional.

I would ask that the Judiciary Committee hold a hearing and ask the ICE agents about the fact that they've been directed, even when they raid a place where they have a warrant for somebody's arrest, even if they know other individuals are committing a crime at the time that they're in those situations, they're not allowed to arrest those they're witnessing in the commission of a crime under direction of the executive branch, which is trying to legislate from the White House.

We need to send a clear signal. It is for the White House and the executive branch to execute the laws of this country, not to change them, not to erase them, and not to try to legislate from a branch that is constitutionally not supposed to be making those decisions.

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

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds made available by this Act may be used to provide to a Transportation Security Officer, Behavior Detection Officer, or other employee of the Transportation Security Administration

(1) a badge or shield; or

(2) a uniform with epaulets or a badge tab.

Mr. DICKS. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

We all know that the TSA is out of control and Congress does have an institutional role to rein them back in. In 2005, the TSA administratively reclassified airport security screeners' title to Transportation Security Officers, or, as they are called, TSOs; and subsequently they changed their uniforms to resemble that of a Federal law enforcement officer. In 2008, a metal badge was added to this uniform. This title and the uniform, the changes that were made, Mr. Chairman, were simply made to give the TSOs an authoritative appearance.

Despite the new title and appearance, the TSOs and the BDOs, or Behavioral Detection Officers, do not receive any Federal law enforcement training, they're not eligible for Federal law enforcement benefits, and the TSOs and the BDOs are in name only, I remind you. The problem is they were set in place as airport security screeners; and administratively, since 2005, they have moved through all of these changes.

As of November 2009, the TSA had spent \$1,027,560.10 on TSO badges. The current amount is unknown because TSA will not release the figure.

When Congress created the TSA, their presence at our Nation's security checkpoints at the airports was supposed to be in the capacity of airport security screeners, not transportation security officers or law enforcement officers. Almost every day of the week you can turn on the news and you see story after story where a TSO in uniform has been arrested or has acted inappropriately with a passenger. I believe many of these problems stem from the fact that the TSA does not consistently conduct what we would call routine preemployment or ongoing background checks of new and existing employees. Yet after inconsistent use of background checks and only 80 hours of classroom training, we are giving TSOs a badge and a uniform.

Meanwhile, if you were interested in joining most of our police departments, you would spend up to 6 months in an academy, where you would receive law enforcement training. This would come after you met certain application requirements and were accepted to that academy. And then, after you pass a test and complete that training, you would be given the right to wear a uniform and be called Officer. Here in D.C., the TSA has advertised for Washington Reagan International Airport TSOs on pizza boxes and on pumps at discount gas stations.

TSOs are abusing their uniforms and badges. Just days before Thanksgiving, a Virginia woman was raped after a

TSO from Washington Dulles approached her wearing a TSA-issued uniform and flashed his badge. This past March, the TSO supervisor at Washington Dulles was arrested for allegedly running a prostitution ring. However, it's been reported that the individual pled guilty to a second degree assault in 1999. Why didn't TSA catch that while performing that background check before they gave him a badge and a uniform?

TSOs are abusing this limited authority. I just released a report this week that details 50 arrests involving the TSOs. These are reasons enough that we need to take them out of the uniforms, disallow the uniforms, and put them back to their job title of airport security screener.

I urge my colleagues to join the American Alliance of Airport Police Officers, which represents rank-and-file airport police officers in Dallas, L.A., and New York, who are tired of the TSA's mission creep and to adopt and support this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is aimed at the people who protect us in our airports. It disparages their service, devalues their contribution, undermines our efforts to make this a more professional and competent force. Why would we do this? What an unnecessary and damaging amendment.

This amendment would prevent the Transportation Security Administration non-law enforcement personnel from wearing a metal badge or wearing a uniform that resembles the uniform of law enforcement. What an insult to these people. We count on these people to protect us. We put them in our aviation system as critical protection against terrorism and against others who could do us harm. How counterproductive is this to our efforts to develop a competent professional force?

□ 1830

TSA's current title and uniform policies are consistent with the skilled and professional nature of TSA's frontline workforce. These policies are aligned with policies for other security professional positions within the Department of Homeland Security.

So how gratuitous is it to disparage this workforce? These are skilled professionals. We want to make them more so. We want to boost their morale and show appreciation for their efforts. This amendment would be a backward step and, I think, a fairly petty backward step. It would hinder our efforts to develop a risk-based, intelligence-driven organization to secure our airports.

With that, I yield to our colleague from the authorizing committee, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank you very much.

Mr. PRICE is absolutely right, I serve as the ranking member on the Transportation Security Committee on Homeland Security, and a risk-based, well-trained professional team is what we have been working toward and what we are achieving.

I ask my colleagues to remember America pre-9/11 without a professional workforce. And I'd also like to say that in spite of the citations of inappropriate behavior, which none of us condone, there are thousands and thousands of untold stories of TSO officers doing their job, providing the safety lines for the safety of this Nation and providing assistance to the traveling public.

How do I know? Because I make it a habit of visiting airports and seeing our TSO officers work and interacting with them and asking them how long they have served. Many of them came in after 9/11 because they could not sit idly by while the Nation had been attacked. Many of them are former law enforcement officers, former military personnel who believed that they were serving their Nation.

What is a badge? It is a dignity that is allowed to those who are on the front lines of the Nation's security.

What is a uniform? It is a consistent statement that you are authorized to do your duty.

And I would simply say in the mistakes that occur in any body, whatever body it might be, local law enforcement, the United States military, do we strip them of their gear because of incidental or arbitrary incidents that individuals perpetrate? In this instance, we have a majority of heroic, first-line individuals who want to do better.

Can we do better? Absolutely. But it is not done through the removal of the badge or the removal of the uniform. I would just say to my colleagues that we have been blessed since the tragedy of 9/11, but I am reminded of the tragedy of 9/11, and I'm reminded of the heroic souls who lost their lives, families who still mourn. And I'm reminded of the effort of this Congress and the administration at that time, President George Bush, to answer the call. The TSA was part of answering that call. It is our duty, I believe, to ensure that professional service, to allow them to serve, and to ensure that they are serving the American public.

With that, I ask my colleagues to oppose the gentlelady from Tennessee's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. One point where I

think we all agree is that there are many good people that work with the TSA. I have some good friends that work with the TSA. But to my colleagues here on the floor, I would remind you, those that are our airport screeners and now called transportation security officers, they cannot detain anyone. If they find someone they want to detain, they have to call the airport police.

I would also remind you, in the legislation that was passed in this House, they are designated as an airport security screener to assist the traveling public. I will also remind you that these TSOs receive 80 hours of training—80 hours—and then 3 to 5 weeks of on-the-job training. Our air marshals, our policemen, those law enforcement officers are receiving much more training. And despite TSA's growing presence, more than 25,000 security breaches have occurred at U.S. airports in the last decade, and they are dealt with by the airport police.

Mr. ADERHOLT. Mr. Chairman, I rise regretfully to oppose the amendment. I think this amendment is very well-intentioned; but the amendment, unfortunately, would force the TSA to wear civilian gear and this could possibly confuse the public as to whether the screeners have the authorized duty to carry out their lawful inspection of screening. It would also require the TSA to discard millions of dollars' worth of current uniforms, and the bill does not fund any new uniforms.

I do think that there are some things we need to address, and I appreciate the gentlelady from Tennessee bringing it to my attention here, and I would be happy to work with her. Again, I have to oppose the amendment, but like I said, I would be happy to work with her and see if we can't come to some accommodation on this.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has reserved a point of order. Does the gentleman insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used for Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside an airport.

Mr. DICKS. Mr. Chairman, we do not have an accurate copy of the amendment, and we feel like we're at a disadvantage. This thing has been rewritten, and we don't have the final draft.

The Acting CHAIR. A copy of the amendment will be distributed.

Mr. DICKS. Thank you.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, that is the correct amendment, and I want to thank the committee for working with us to make certain that we get it right. One of the things that I have learned through my legislative career is that many times leg counsel will advise something is done one way and parliamentarians another way. And whether it was at the State level or the Federal level, it is good to say let's get it right and let's do it right the first time. You have less cleanup. If we did more of that in this House, we would be coming back to this floor to correct wrongs that have been done. Certainly our plate is full of them this year.

□ 1840

There are some great aspects in the DHS bill, but there is one I have a lot of concern on, and it is the funding that is there for these DHS VIPR teams.

Now, this is what has happened since 2005. The VIPR teams have begun conducting random searches and screenings at train stations, subways, bus terminals, ferry terminals, and other mass transit locations around the country.

The objective of VIPR deployments is to augment capabilities that disrupt and deter potential terrorist activity. However, to date, we have not received any report of a VIPR team successfully preventing a single terrorist activity, despite the fact that during this timeframe the FBI, the CIA, and police officers have been highly successful at discovering and apprehending terrorists here in the U.S.

Last year alone, VIPR teams ran more than 9,300 unannounced checkpoints and other search operations. This comes at a rate of approximately 170 to 190 deployments each week. This past October, Tennessee became the first State to conduct a statewide VIPR team operation with TSA transportation security officers. The VIPR team randomly inspected truck drivers on the side of Tennessee's highways. And I remind you, these are individuals that have no law enforcement training.

Recently, we even saw TSA TSOs at the Capitol South Metro station a few weeks ago randomly inspecting—

Mr. DICKS. Will the gentlewoman yield?

Just very briefly, we're confused again because the gentlelady is referring to section 1 of her previous amendment, which is now taken out.

The Acting CHAIR. The gentlewoman from Tennessee controls the time.

Does the gentlewoman yield?

Mrs. BLACKBURN. No, I do not yield. And I'm going to finish my statement and discuss the activity of these teams that are working outside of an airport.

What we have to remember is that TSOs were previously called airport security agents. Now they have become transportation security officers, and now they are working outside of the airport.

I want you to keep in mind this about what transpired at the Capitol South Metro. Passengers had their bags randomly inspected. Keep in mind that these TSOs did not inspect every bag that came in front of them. They entered the station looking through some random selections, and they ignored everybody that was leaving that station. They only took people going in, not people coming out. That should really give everybody concern right now. If there was some reason for actionable intelligence, you would have been searching everybody just a few steps away from this Capitol.

Funding for almost 200 VIPR deployments each week that are random and are not based on and driven by intelligence is not an effective national security policy, nor does it serve the American taxpayer well. Catching terrorists isn't a secret; it needs to be driven by intelligence, which is why the FBI, our Nation's law enforcement, and the Capitol Police have been successful at it.

I encourage my colleagues to support the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. I first want to express some puzzlement though, and perhaps the sponsor of this amendment can clarify this as she closes.

One of the early scribbled versions of this amendment did indeed refer to VIPR teams, and about two-thirds of her statement was about VIPR teams, but my understanding is that the copy of the amendment we now have has had that portion scratched out. So the amendment no longer pertains to VIPR teams.

Could I, just for a moment, get some clarification on that.

And I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And yes, all of these TSOs that are working outside of our Nation's airports, as I said, they were originally

put in place as airport security officers. As the gentleman well knows—

Mr. PRICE of North Carolina. Reclaiming my time, I asked a very direct question: Does the amendment include or not include VIPR teams?

I yield to the gentlewoman.

Mrs. BLACKBURN. At this point, the amendment is addressing those that are working outside of our Nation's airports. This is an overreach; it is a stretch. They are not put in place to do that, and I think the gentleman from North Carolina understands that very well.

Mr. PRICE of North Carolina. I thank the gentlewoman for clarifying that.

There is a lot of confusion about this amendment. The VIPR teams aside, let me just say that to put in this bill a blanket prohibition against TSA officers operating outside of an airport is overly broad and really would be damaging with respect to the things our screeners often are asked to do. Some screeners do assist in passenger screening at transit facilities, for example, and sometimes they are asked to help in screening at national security events. I am told there may be a role at the national conventions or events of that sort where a surge capacity is called for.

Now, some discretion, some good judgment is called for in the use of these personnel, but it escapes me why, in an appropriations bill, we would want to write in a blanket prohibition of this sort when there are demonstrable uses for these personnel outside the airport that are very valuable and contribute to our security.

So I urge defeat of the amendment, and yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. At this time, I would like to yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman. I'll be brief.

If you've ever travelled in an airport for the last 10 years, you're familiar with the TSAs and their invasive conduct in certain circumstances, whether it's the full body scans or the pat downs, what have you. One thing that most Americans thought is that, if you didn't want to go through that, you could still always travel simply by driving your own car, driving your own truck, and not have to go through such an examination. That is not the case anymore.

The TSA is not just for airports anymore, as the gentlelady has explained. They now go beyond the airports. They go onto the Nation's highways and they go onto the rest stops and they go onto the truck stops and the rest. And they are doing so in a manner that is not from the original intent of the Homeland Security bill that created the TSAs. They are going out there

where no identifiable public security threat has been posed and they're doing so in the most absurd manner.

Down in Savannah, Georgia, they went last year and they checked on the Amtrak trains. That sounds like a good idea. But you know when they did it? They did it when the people were getting off of the train as opposed to getting onto the train.

They went over to Texas a little while ago, in Brownsville, Texas, and they checked the cars there, private cars—your car, my car, trucks and what have you. And they did it over at a port, not when the people are going into the port when there might be a risk or a threat to the port; they did it when cars were leaving the port. And again, there was no identifiable risk or threat posed at that period of time.

There is support for the TSA in general, but let's focus it back at the airport again and let Americans know that you can still travel in this country, you can get in your own car and not be worried that there is going to be a TSA agent out there with no conceivable threat whatsoever and engaging in basically what really is security theater.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just like to make a brief comment, because I actually share the concern that's been expressed about TSA agents randomly going out. I had an incident such as that in the city of San Jose, and I find it improper and highly objectionable.

However, the concern I have in this amendment is, as Mr. PRICE has said, you could not utilize this workforce and say, Okay, we're having the Republican convention; we need an all hands on deck to do security. If this amendment passes, that would be off limits. If you had an actual articulable threat where you needed expertise, you couldn't use them.

So I think that is a mistake, even though I want to say I think the issue you've raised is a solid one and I agree with you. It's just I think the amendment goes way beyond the issue that we agree on.

I thank the gentleman for yielding.

□ 1850

Mr. ADERHOLT. I thank the gentlelady, and reclaim my time.

I appreciate the gentlelady from Tennessee working with us on this as we are trying to reword the amendment with the proposed changes. So with the proposed changes that have been given to the Clerk and handed out to the minority, we would accept the changes and accept the amendment.

Mr. DICKS. I move to strike the requisite number of words.

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

Mr. DICKS. It just seems to me that, we shouldn't be doing an amendment

here on the floor when we really don't have all the information before us. Your side is in charge of Homeland Security. PETER KING is the very able chairman of the Homeland Security Committee. There ought to be hearings on this issue if, in fact, TSA people are overstepping their bounds.

But to come here on the floor and try to cut off all funding, when we have no idea—the gentelady had to rewrite her amendment several times, for God knows what reason. I mean, this is hardly the way to legislate.

So I urge the defeat of this scratchy little amendment, and let's go to PETER KING and BENNIE THOMPSON and ask them to hold hearings on this. Do this responsibly.

This amendment will be dropped. It isn't going anywhere, frankly, so you might as well face the fact that when we get to conference this is gone. The Senate will never agree to it. The administration would never agree to it, and they shouldn't.

If you want to do something that's constructive, go to the Homeland Security Committee and let them deal with it.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 16 OFFERED BY MR. PIERLUISI

Mr. PIERLUISI. I have an amendment at the desk that was printed in the CONGRESSIONAL RECORD as Amendment No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce section 1301(a) of title 31, United States Code (31 U.S.C. 1301(a)), with respect to the use of amounts made available by this Act for "Customs and Border Protection—Salaries and Expenses" for the expenses authorized to be paid in section 9 of the Jones Act (48 U.S.C. 795) and for the collection of duties and taxes authorized to be levied, collected, and paid in Puerto Rico, as authorized in section 4 of the Foraker Act (48 U.S.C. 740), in addition to the more specific amounts available for such purposes in the Puerto Rico Trust Fund pursuant to such provisions of law.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, violent crime in Puerto Rico and the neighboring U.S. Virgin Islands has been on the rise since 2000, even though violent crime nationwide has decreased substantially during that same time period.

Puerto Rico's homicide rate is about six times the national average. Although there are a number of reasons for this alarming spike in violence, one of the most important factors is that the U.S. government has, to its credit, substantially increased resources along the Southwest border with Mexico in an effort to stem the flow of drugs into our Nation through the Central American land corridor and to reduce violence in U.S. border States.

As a result, drug trafficking organizations have adapted, increasingly utilizing air and maritime routes through the Caribbean in order to supply the U.S. market, just as they did back in the 1980s and 1990s. In 2011, Puerto Rico, with a population of 3.7 million, had nearly as many homicides as Texas, with a population of 25 million. According to estimates, 75 percent of these homicides were linked to the international drug trade.

Through various bills and accompanying committee reports, the Appropriations Committee has taken clear notice of this issue and directed Federal law enforcement agencies to prioritize counter-drug efforts in the U.S. Caribbean. Indeed, in the report accompanying the bill before us, the committee states:

The public safety and security issues of the U.S. territories in the Caribbean must be a priority. The committee expects that the Secretary will allocate the resources, assets and personnel to these jurisdictions in a manner and to a degree consistent with that principle.

I want to thank the chairman and the ranking member for including this important language.

U.S. Customs and Border Protection is on the front lines of the counter-drug fight. The agency has hundreds of personnel stationed in Puerto Rico. These men and women work for the various offices under the agency's umbrella.

My amendment is designed to address a problem that has recently arisen, one that compromises the ability of CBP to carry out its vital counter-drug mission in Puerto Rico. For over a century, Federal law has provided that the collection of certain duties and taxes in Puerto Rico by CBP or its predecessor agencies will be deposited in something called the Puerto Rico trust fund.

Pursuant to the law and an implementing agreement between the Puerto Rico government and the Federal Government, a significant portion of that money is also used to fund certain Federal operations, including the mari-

time operations of CBP's office of Air and Marine in Puerto Rico.

For many years this arrangement worked well enough. However, recently, because of a shortfall in the Puerto Rico trust fund of about \$1.7 million due to reduced customs collections, CBP closed a critical boat unit in San Juan that, in 2010, seized over 7,000 pounds of illegal drugs. This is because CBP has interpreted current Federal law to require that it use either the trust fund or general congressional appropriations to fund its operations, but not both.

My amendment would simply give CBP the authority to supplement any funding from the trust fund with general appropriations made in this bill, so that we will avoid a repeat of what happened in the case of the San Juan boat unit.

My amendment does not require CBP to spend a single additional dollar in Puerto Rico, or to prioritize Puerto Rico over other jurisdictions in any way, and the CBO has indicated the amendment has no budgetary impact. The amendment merely gives the agency the flexibility and discretion to draw upon general appropriations in the event there is a shortfall in the trust fund in order to fulfill its responsibilities in Puerto Rico.

Adoption of the amendment will ensure that the CBP's counter-drug mission in Puerto Rico is not unduly harmed. This, in turn, will promote the broader national security interest of the United States, since 80 percent of the drugs that enter Puerto Rico are ultimately transported to the U.S. mainland.

I want to thank the chairman and the ranking member for including language in the committee report on this subject, and I look forward to continuing to work with them to ensure that the Department of Homeland Security, including CBP, has the resources it needs to adequately address the drug-related violence crisis in Puerto Rico.

I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we withdraw our point of order, and we accept the amendment.

Mr. PIERLUISI. I thank the majority, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SULLIVAN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) that is

in existence on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, it is no secret that the Obama administration wants to phase out the 287(g) program. This program has successfully teamed up local law enforcement with Federal agents to pursue a wide range of investigations such as human smuggling, gang, and other organized crime activity and money laundering.

□ 1900

The President thinks this program is ineffective.

In order to phase out the 287(g), President Obama's FY2013 budget request struck \$17 million from the program by terminating agreements and by stopping any further agreements from being signed. Thankfully, the underlying bill restores funding to the 287(g).

The 287(g) program provides State and local law enforcement with the training to identify, process, and detain possible immigration offenders. This program extends the Federal Government's ability to enforce our immigration laws without the additional overhead.

This program has been highly successful at not only apprehending immigration offenders but in facilitating the incarceration of dangerous criminals, and it has contributed to overall public safety. Nationwide, more than 1,500 officers have been trained and certified to enforce immigration laws, and there are 68 active memoranda of agreements in 24 States. Altogether, since the program's inception, 287(g) has identified over 186,000 aliens for removal.

Mr. Chairman, let me tell you about some local 287(g) success stories from my district. In February of this year, the Tulsa County Sheriff's Office was able to bust a sex slave ring in Tulsa and rescue the female victims from having up to 22 men forced on them per day. This was possible because of the 287(g) partnership.

Because of this partnership, the Tulsa County Sheriff's Office conducted investigations into known large shipments of amphetamine, opium and powdered testosterone, resulting in successful prosecution and asset forfeiture. Because of 287(g), the Tulsa County Sheriff's Office assisted with an arrest of nine illegal immigrants, one of whom was a child, being smuggled inhumanely in the bed of a Chevy Avalanche. Since the inception of the program in Tulsa, the Tulsa County Sheriff's Office has identified, processed, and entered into immigration proceedings on over 14,000 aliens, representing those with dangerous criminal backgrounds.

Sex trafficking, drugs, and human smuggling are all part of what the

287(g) program helps to stop. These stories are from Tulsa, but every locality that participates in this program has similar and equally laudable results.

While full funding has been restored to 287(g) in H.R. 5855, the program needs further protection. In order to further insulate these successful agreements and protect them from being terminated for cost-saving purposes or political reasons, my amendment simply prevents the termination of standing 287(g) agreements. We cannot allow the Obama administration any loophole to phase out or terminate this important program and place more undue pressure on our communities already burdened by criminal illegal immigration. Simply put, until the Federal Government steps up and starts doing its job, local law enforcement will continue to pick up the slack and enforce our laws.

I encourage the adoption of my commonsense amendment by my colleagues today, and I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds from being used to terminate 287(g) agreements.

The 287(g) program, as many people know, is a well-intentioned effort to allow State and local law enforcement entities to enter into a partnership with Immigration and Customs Enforcement. It is well intentioned, but it has turned out seriously flawed in the practice. Nine years after the 287(g) program was first initiated, there has been a thorough documentation of abuses and of the poor management of the program. There have been three audits by the DHS Inspector General that have raised serious concerns about the program.

As a result, ICE has had to reform the 287(g) program to ensure consistency in immigration enforcement actions across the country. The agencies have also had to terminate some 287(g) task forces, notably in Maricopa County, Arizona, after the Justice Department clearly documented racial profiling and other program abuses. Two other counties were also terminated for cause. There are also questions about cost-effectiveness, in fact, very serious questions about cost-effectiveness. Under the 287(g) task force model, it costs \$13,322 to apprehend one alien and \$19,941 to remove that alien.

Because of these costs, as well as other concerns I've already mentioned, Assistant Secretary Morton began notifying communities this spring that ICE would no longer be considering any 287(g) task force model request from State and local jurisdictions. It, instead, will devote resources to the expansion of other ICE programs and to the continued deployment of Secure Communities. For comparison pur-

poses, under Secure Communities, it costs ICE \$649 to apprehend one alien, and \$1,321 to remove the alien. That's 10 times less than the 287(g) task force model.

Many communities across the country are agreeing with the transitioning away from the 287(g) program to Secure Communities. For example, the sheriff of Davidson County, Tennessee, questioned whether the 287(g) program was necessary given its low level of apprehensions and the fact that only 68 communities participated across the country. With Secure Communities being fully implemented nationwide in over 3,000 communities by the spring of 2013, I, frankly, see little need to continue the 287(g) program. Now, if this amendment is adopted, it's going to force ICE to fund this cost-prohibitive and questionable immigration enforcement activity in order to keep on doing what we know isn't working and wasting Federal taxpayer funds.

This is a time of fiscal restraint. This is a time when we should be applying cost-benefit standards, effectiveness standards. So Members need to oppose this amendment and allow the Assistant Secretary to prioritize funding decisions based on the most pressing immigration needs of this country and on reasonable standards of cost-effectiveness.

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

Mr. DICKS. I move to strike the requisite number of words.

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

Mr. DICKS. I yield to the distinguished gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I would just like to note that there is a difference—and obviously the gentleman has a right to refine his amendment—between the original version of the amendment that we saw, which had a provision that allowed for the termination in certain cases. For example, when the Inspector General determined that a term of the agreement was violated, the amendment before us no longer has that provision. I think it's an important distinction.

In addition to the very high costs of over \$33,000 to find and remove an alien under this program, there are complicated agreements that are engaged in between the localities and the Federal Government. If they aren't adhered to, there needs to be an enforcement action, and that would not be the case under this amendment.

I would note also that, if localities no longer think it's worth it—because, really, they're entering into agreements that cost them, too—it's time that might be better spent doing something else. If they say that this is not working out—we want to terminate it—I don't think, under this amendment, they would be able to do it because the Federal Government would need to respond to their requests and terminate.

Finally, as Mr. PRICE has indicated, this is a program that, although I think had good intentions, didn't work out the way people thought. That sometimes happens in law, and it often happens in immigration law. It's expensive. It's in fewer than 100 localities in the United States, and many of them are rethinking it. The terms and conditions have frequently not been adhered to. In some notorious cases, there have been flagrant violations of civil rights, and the Department has had to go in and yank contracts. Even in the cases where there haven't been really outrageous civil rights violations, there have been problems.

I think there are likely better and more cost-effective ways to enforce the immigration laws, which is why the Department has notified us that it is its intention to begin notifying communities just this spring that it's not going to be considering any further requests from State and local jurisdictions.

That current policy would be permitted under this amendment, and they don't have to accept any more, so we would be stuck with the 68 that we have—no more, no less. I don't think that's a sensible way to proceed on the enforcement of the immigration law; and I think the amendment, although I'm sure well-intentioned, would not enhance the enforcement of law.

□ 1910

Mr. DICKS. Mr. Chairman, I reclaim my time.

ICE itself has raised concerns about the cost effectiveness of the 287(g) program. With all due respect, this sounds like a program that both sides think isn't working that well. We ought to get rid of it. We could put this up on your wall as one of the things you've killed.

For example, under the 287(g) task force model, it costs \$13,322 to apprehend one alien and \$19,941 to remove them. If you compare that, as the distinguished ranking member did, with the Secure Communities program, it costs ICE \$649 to apprehend one alien and \$1,321 to remove them. That is more than 10 times less than the 287(g) task force model.

I would be glad to yield to my distinguished friend from Oklahoma to answer why you would want to keep the more expensive program if the Secure Communities program is working.

Mr. SULLIVAN. I believe the 287(g) program has been a huge success, and I disagree with my colleagues on the other side that it's not.

What we're trying to do is get rid of criminal illegal immigrants in our country that are raping people, involved in drug trafficking, that are murdering people, that are dangerous criminals. I think the program is a huge success, and I can just tell you stories in my area about sex slaves and human trafficking.

Mr. DICKS. Reclaiming my time, again, I would just ask the gentleman

to contemplate that if we have a Secure Communities program that is dealing with this same issue and doing it at 10 times less for the taxpayers and this 287(g) program has had the inspector general all over it, why wouldn't we get rid of it if it is that expensive to do and use Secure Communities? This is just a commonsense thought here.

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

Mr. SULLIVAN. This program actually cuts costs. It's a program that is very efficient. It's one that has to be implemented at the local levels because the Federal Government has failed to do its job.

The Federal Government doesn't do anything in immigration policy at all in this country, and it has been thrust upon local communities like my local sheriff's office. My local sheriff, Stanley Glanz, has instituted this 287(g) program in our community, and it's kept us safe and secure. We've taken it into our own hands to get people off our streets that are criminal illegal immigrants. It costs money to do that, but I think it's done in a very efficient way that cuts costs. It's done in a very efficient manner. These people are wreaking havoc on our communities, and there is a lot of cost involved in that that's not being talked about to the tune of millions and millions of dollars across this country.

I think for us, we would be abdicating our responsibility. Congressman DICKS, we would be abdicating our responsibility if we do not fund this 287(g) program. This is something we should embrace on both sides of the aisle. It's so important. Because of our location to other countries, we have people coming through our country every day smuggling people and drugs all the time. We have identity theft in our community, and it needs to be addressed. This is the only way we can do it until we have comprehensive immigration policy in this country.

I yield back the balance of my time.
Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I would like to add that we strongly support 287(g). As a matter of fact, we have increased 287(g) by 25 percent in this bill. We reject the administration's cuts to 287(g), and we agree with the amendment from the gentleman from Oklahoma.

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

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

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

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

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

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the chairman for yielding.

Mr. Chairman, my home State is still recovering from billions of dollars in damage after the floods of 2008, which were the worst disaster in our State's history and one of the worst disasters in our Nation's history.

Unfortunately, today we have communities that have been awarded funds through the FEMA Public Assistance program that are afraid that over a year after the funds were awarded to replace buildings, and local funds have been spent, FEMA may be required to take back that funding at no fault of the community. That's what those folks are afraid of.

We shouldn't leave our local communities holding the bag on a failed project, destroyed and decaying buildings, and a loss of local taxpayer funds.

I don't believe that FEMA should come into one of our communities and take back disaster recovery funding over a year after it's already been awarded and after our communities have already spent a large amount of their taxpayers' money with the understanding that the project was moving forward.

Communities recovering from disasters right now, as I know the chairman's has, are also struggling in the worst recession since the Great Depression. The last thing they need is to have even more uncertainty thrown at them by losing disaster recovery assistance.

Disaster recovery must be a collaboration. Our local communities should not have the rug pulled out from under them, after years of struggling to recover, because the Federal Government committed support for rebuilding a community and then later took back that support. We need to maintain a partnership with States and communities, which means confidence that the Federal Government's promise of recovery funding means something.

Mr. Chairman, I just hope that we can work together with FEMA to ensure that taxpayer dollars are protected, that we can work together at all levels to rebuild communities and economies destroyed by disasters all over this great Nation, and that a local community's recovery can continue to move forward while we address any issues outside the community's ongoing recovery process.

Mr. ADERHOLT. I want to thank the gentleman for raising these issues and bringing it to our attention.

Just this past year, the district I represent was devastated by tornados. So the people of the district that I represent know firsthand what it is to work with FEMA and the recovery from a horrific disaster.

I understand my colleague's concerns and agree that we need to be cognizant of the burden on local communities if they've been awarded recovery funds and then have those funds taken back through no fault of their own.

My colleague certainly raises some commonsense points and issues that we should look at to address and to make sure that communities across the country aren't expending local funds for no reason, so that taxpayer dollars are protected at both the local and at the Federal level, so there is a better and more cooperative partnership between the Federal Government and these recovering communities.

It is important that the State and the Federal partnership on disaster recovery is maintained in a collaborative and productive fashion, and I agree with my colleague from Iowa and hope that the issues like this don't disrupt the partnership that lead to communities doubting the sincerity or the ability of their government to come to their aid in such a time as needed.

I know that everyone wants favorable outcomes and for our communities to recover as quickly as possible and agree that communities shouldn't shoulder the burden of an agency's mistake.

As recovery continues in the district of my colleague from Iowa, I pledge to work with him and FEMA to address these issues and look forward to recovery in a timely manner.

Mr. Chairman, I yield back the balance of my time.

□ 1920

AMENDMENT OFFERED BY MR. BARLETTA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Speaker, every day we're in session, we create new laws. Some affect spending, some protect our citizens and country, some honor those who have fallen. All are important, all carry the same weight, and all are Federal laws. But there are some elected officials in the United States who believe that they can pick and choose the laws they follow.

In 1996, Congress passed and the President signed the bipartisan Illegal Immigration Reform and Immigrant Responsibility Act. This law says very clearly that no local government entity or official may prohibit or in any

way restrict any government entity or official from sending to or receiving from Immigration and Customs Enforcement information regarding the citizenship or immigration status of any individual.

Every day in cities across America, elected officials break that law and millions of illegal aliens benefit from the lack of enforcement. They benefit by taking jobs from American citizens and legal immigrants. They benefit by using taxpayer-funded benefits.

Some of our communities not only ignore the law, but many communities across our Nation willfully violate Federal law by encouraging illegal aliens to live in their cities, saying that they will be safe from Federal Government's reach.

Mind you, the Federal Government is not asking these cities to do anything extraordinary. The government is not asking cities to implement a radical new law. The Federal Government is merely asking these cities to obey the law, a law that has been on the books for 16 years. This is what the American people want.

According to a recent poll, an overwhelming majority of Americans want the Department of Justice to uphold the law and take legal action against cities that break existing Federal immigration law. But, once again, in the area of illegal immigration control, the Federal Government fails to act.

Instead, we send billions of tax dollars to these communities. That's why my colleagues and I rise to offer this amendment this evening. This amendment will prevent Federal funds from being given to cities and towns that do not follow Federal immigration law. This amendment will uphold existing Federal law. It will discourage the creation of a confusing national patchwork where some cities uphold the law and other cities willfully ignore it.

This amendment makes sense. It will keep us safe, and it cuts down on waste, fraud and abuse. I strongly encourage my colleagues to vote "yes" on this amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, this amendment is merely a restatement of existing law. It doesn't need to be in this bill. Moreover, there's no evidence that any State or local government has violated Federal law in this area.

In 2007, in fact, Homeland Security Secretary Michael Chertoff, a Republican, as we all know, testified that he wasn't aware of any city that interferes with the Department's ability to enforce the law. It's a largely fabricated problem, I believe, and the amendment itself would simply restate existing law.

I yield to Ms. LOFGREN, the ranking member of our Immigration Policy and Enforcement Committee.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I would, in joining my opposition to the amendment, note that the amendment before us actually does not prevent highway funds and other funds from going to so-called sanctuary cities at all.

Further, I would note, as Mr. PRICE has done, that these so-called sanctuary laws really very rarely, if at all, from the record, have to do with communicating between the locality and the Federal Government. They have to do with what the locality is doing and their own citizens.

In many urban parts of the country, police chiefs have made a decision that they need to trust their communities to be witnesses to crime, to come forward, to cooperate with the police, and that they do not want to play the role of immigration police. They want to be the real police. That is a decision that localities can make, provided that they do not run afoul of the 1996 act that prohibits the restrictions on sending and receiving information.

Here's the deal: you can say we're not going to disrupt this community because of our need to get the trust of the community, but you can't prohibit the communication with the Federal Government.

I think that this amendment will not achieve anything. The law is already clear. It passed in 1996.

I would further note that there is a case, it had to do with gun control. It's called the Prince case, and what it says is that the Federal Government cannot commandeer local and State governments to enforce the Federal law.

If that's really what the intent is here, it would violate the Supreme Court decision saying that you can't use the power of the Federal Government to force cities to enforce gun control laws. I would say you couldn't do that to force cities to enforce immigration laws either. That would be the Prince case.

This amendment doesn't matter, really, whether the amendment is approved or not because, as I indicated and Mr. PRICE has indicated, this has been part of our law since 1996.

Mr. PRICE of North Carolina. I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

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

Mr. ADERHOLT. I would simply like to rise in support of the gentleman from Pennsylvania's amendment and say that we agree with his amendment that he has brought forth tonight.

I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. This amendment is common sense. The city of San Francisco, for example, officially declared itself an illegal alien sanctuary city by the Board of Supervisors in 1989, and now lawmakers are taking that a huge step further by actually creating legislation to

grant illegal aliens official city identification cards.

The head of the Public Information Office of the National Association of Chiefs of Police reports that in California, illegal aliens in San Francisco are being assured through costly Spanish language advertising campaigns that they will never be reported to Federal law enforcement agents such as ICE, Immigrations and Customs Enforcement, or Homeland Security investigation, or the U.S. Border Patrol, or any other Federal agency that could initiate the deportation process. That's a direct violation of the Federal law that the gentleman from Pennsylvania just read.

I'm proud to coauthor this amendment with my friend from Pennsylvania because he's exactly right. This amendment will save lives.

If a local law enforcement agency refuses to follow Federal law, they should not expect to be rewarded with Federal grant money, and that's what this amendment would do—cut off Federal grant money to sanctuary cities across America. I suspect you'll see them repeal their sanctuary city policy very rapidly when they discover they don't have access to Federal money.

Most recently, in the city of San Francisco, a renowned gang member, a member of the MS-13 gang, was just convicted for three first-degree murders in 2008. A father and two sons were murdered by this illegal alien who had multiple run-ins with law enforcement authorities in San Francisco. But because of the sanctuary city policy in San Francisco, he was not deported.

□ 1930

I urge the Members of the House to support the gentleman's amendment. This amendment will save lives.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Arizona.

Mr. SCHWEIKERT. I thank the gentleman for yielding.

This is one of the moments where you get to stand up behind the microphone, and being from Arizona, embrace the irony.

Think of this. This Federal Government sues my State for actually enforcing the Federal immigration law. But yet in this particular case, in this amendment, as my friend here was just pointing out, we hand money to communities that are walking away from enforcing the very law. Does anyone see the irony of: You sue us for doing it, but yet we reward municipalities for becoming a sanctuary city and not living up to their obligations.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. BARLETTA. Thank you.

Again, to sum this up, I was a mayor of a small town in Pennsylvania, and when the problem of illegal immigration hit my city, I came here to ask for help because our small budget couldn't help defend the people in my commu-

nity. And when I came here and I talked to many experts, when I left here what I got was a nice coffee mug, a lapel pin, a pat on the back, and a Good luck, Mayor.

I finally decided after a 29-year-old city man was shot between the eyes by an illegal alien who had been arrested eight times before he came to my city, I said enough was enough. I had to protect the people in my community. And what happened was I was sued, and I was told that, We will bankrupt your city if you continue to fight.

But yet we have mayors across the country who are going to pick and choose what laws they want to defend. We're not asking for some crazy new law. We're asking mayors to defend the laws that they took an oath of office that they would defend. And that's what this bill would do. We should not reward those who are openly defying Federal laws that this Congress had passed.

Mr. ADERHOLT. Reclaiming my time, I would just like to say I support the gentleman from Pennsylvania's amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DICKS. I yield to the distinguished gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Washington.

I rise in opposition to this amendment.

I think this amendment is an opportunity for us to examine why this issue is being discussed. The fact that there is such a large illegal population in our cities, in our counties, in our States, is not their fault. It's not a mayor's fault. It's not a county commissioner's fault. It's not a Governor's fault. It is our fault. It is Congress's fault. It is the failure of our Federal policies' fault.

Many of our communities have large illegal populations, including many of the communities I represent. And they try to get by. They try to engage in community policing to keep their community safe and earn the trust of their immigrant populations. They try to ensure that their immigrant populations are well cared for. They're doing as best they can. But until we fix that policy here and replace our broken immigration laws with a system that works for this country and works for the private sector and is in touch with reality, it's counterproductive to prevent experimentation at the State and local level.

If the State of Utah wants to experiment with work permits because of the lack of Federal action, let's find a way to let them do it. If our cities and towns find a way to get by a little bit better with the burden that we in this body have placed on them by refusing to take up immigration reform, then let them do it. Let them try to get by a little better. And until this body ac-

tually has the courage to address fixing our broken immigration system, we should not consider measures that continue to symbolically or really continue to handcuff our State and local officials in dealing with the problems associated with illegal immigration.

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

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

The amendment was agreed to.

Mr. ADERHOLT. I move to strike the last word.

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

Mr. ADERHOLT. At this time I would like to yield to the gentleman from Rhode Island to talk about an important cyber workforce issue.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

I'd first like to thank Chairman ADERHOLT for his hard work. His efforts to support and strengthen cybersecurity activities within the Department of Homeland Security have been commendable, and I want to thank him and his staff, as well as Mr. PRICE and his staff, for crafting this important piece of legislation.

There can be no doubt of the importance of ensuring DHS has the resources it needs to execute its role in protecting against cyberthreats, and key to this is attracting and retaining a robust and skilled cyber workforce.

DHS has been delegated numerous critical responsibilities in securing Federal networks through Federal statute and OMB memorandum. These include operating the United States Computer Emergency Readiness Team, or US-CERT, and overseeing the Trusted Internet Connection initiative. DHS also has prime responsibility within the executive branch for the operational aspects of Federal agency cybersecurity with respect to the information systems that fall under the Federal Information Security Management Act.

While I applaud the chairman for delivering on the need to strengthen America's homeland security efforts in the face of reduced Federal spending, I would ask him if he gave consideration to the hiring, development, and retention of our top-tier cybersecurity talent charged with performing the aforementioned critical duties. An organization such as the Department of Homeland Security absolutely must be able to attract and keep these highly skilled and highly valued individuals in order to defend Federal networks and inform better policy.

Mr. ADERHOLT. I thank the gentleman for his continued leadership on cybersecurity matters and welcome the opportunity to engage him in this colloquy. Ensuring that the Department of Homeland Security has the resources needed to execute cybersecurity responsibilities entrusted to it is

extremely important to both the short-term and the long-term success of its critical cybersecurity roles.

I assure the gentleman that we will continue to examine how to best proceed to make sure the Department has adequately and effectively resourced to deter and defend against cybersecurity threats.

Mr. LANGEVIN. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman.

Mr. LANGEVIN. I thank the gentleman. In that spirit, I would like to encourage the gentleman to work together with Mr. PRICE on efforts to determine and address potential DHS cyber workforce challenges. Specifically, I believe it would be a great value to have DHS study a report on its efforts, challenges, and recommendations to address cyber workforce requirements at the agency.

Given their critically important roles with regard to Federal cybersecurity, I believe we absolutely must make sure that DHS can attract and, equally as important, retain the best and the brightest to defend our networks.

Mr. ADERHOLT. I appreciate the gentleman's views and I look forward to working closely with him in examining these issues as we move forward. I'll make every effort to address the workforce concern as we move toward conference on this bill.

Mr. LANGEVIN. I thank the chairman. I certainly look forward to working with my good friend to ensure that our Federal Government is properly addressing these critically important cybersecurity and cyberworkforce challenges. It's a very important issue, and I thank the chairman for all of his hard work and also thank Ranking Member PRICE for his outstanding work on this important bill.

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

EN BLOC AMENDMENT OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I have an amendment en bloc at the desk, and I would ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Homeland Security any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. ____ None of the funds made available by this Act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles.

SEC. ____ None of the funds made available under this Act may be used in contravention of immigration laws (as defined in session 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, this amendment combines three separate amendments which were outlined in our unanimous consent agreement earlier. The first, from Mr. ENGEL, has a limitation on funds for the lease or purchase of new light-duty vehicles that are not in accordance with the President's fleet efficiency standards.

□ 1940

The second amendment is from Mr. HOLT. It is a limitation on funds for the use of armored, unmanned aerial systems. And the third is from Mr. PRICE of Georgia. It's a limitation on funds being used in contravention of the Nation's immigration laws.

I would urge my colleagues to support the adoption of this en bloc amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

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

Mr. DICKS. If I can ask the chairman a question on this, it says none of the funds made available by this act may be used for the purchase, operation, or maintenance of armed unmanned aerial vehicles; is this from Homeland Security? Is this prohibition on Homeland Security?

Mr. ADERHOLT. That is correct.

Mr. DICKS. Has there ever been any plan to buy armed drones by Homeland Security?

Mr. ADERHOLT. No.

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

The Acting CHAIR. The question is on the en bloc amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

The en bloc amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

Mr. TURNER of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Except as provided in subsection (b), of the amounts made available by this Act, not more than \$20,000,000 may be made available for surface transportation security inspectors.

(b) The limitation described in subsection (a) shall not apply to the National Explosives Detection Canine Training Program and Visible Intermodal Prevention and Response Teams.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TURNER of New York. Mr. Chairman, my amendment today seeks to limit funding for the surface transportation inspection program.

Mr. Chairman, at a hearing held by the Transportation Security Subcommittee of Homeland Security, of which I am a member, industry witnesses raised serious concerns about the efficacy of the surface transportation inspection program. Here are some of the concerns raised at the hearing:

Most surface inspectors have no surface transportation experience or surface security background whatsoever. Many surface inspectors were promoted from screening passengers at airports;

These inspectors report to the Federal security directors at local airports who commonly also do not possess any surface transportation experience.

At least one local TSA official indicated he is always looking for things for his inspectors to do to occupy their time;

Most surface inspectors have two things to look for in a typical day: whether a transit system is reporting incidents to the TSA and a box is checked on their clipboard, and whether there is a security person on duty, another box to be checked on a clipboard;

The work of these inspectors is redundant, performed by employees of other agencies, such as the Department of Transportation, OSHA or EPA, and on and on. What they do is ultimately slow down commerce on our Nation's rails and highways.

Since 2008, TSA has more than doubled the size of the transportation inspection workforce and quadrupled the program's budget. Yet, according to the majority of stakeholders we heard from, there has been almost no tangible improvement in security as a result of these investments.

Last year, TSA's entire surface transportation security budget was \$126 million. Of this amount, surface inspectors cost taxpayers \$54 million, which does not even include headquarters, administration, oversight, and staff associated with the program. This means that the surface transportation inspection program, which has been labeled as ineffective by a number of freight, rail, passenger service, bus, and mass transit agencies, is consuming more than 40 percent of the entire surface transportation security budget.

Millions of Americans rely on surface transportation every day. More than 8 million people use public transportation in New York City alone. Despite this need, less than 2 percent of the TSA's nearly \$8 billion budget goes toward securing our Nation's surface transportation systems, and a large

portion of that limited budget is being squandered on this ineffective inspection program.

Surface transportation security is too important to our national economy and receives too small a portion of homeland security funding to waste a single dollar. Opponents of this amendment may argue that it will result in Federal inspectors being put out of work. It will not. We are transferring money to implement more productive security measures within TSA. The question is simply: Why should taxpayers, especially those who rely on surface transportation every day, have to fund a program that has no proven ability to enhance security?

My amendment today seeks to limit the inspector program budget to \$20 million, which would substantially reduce its size, and allow the saved money to be put forward in other more effective surface programs, such as canine detection units, particularly at bus and rail stations. This amendment strengthens security. It addresses concerns raised by the very transit systems the program is designed to protect.

Today, I ask you to join me in supporting this measure.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I confess to some puzzlement as to the intent of this amendment. Despite the gentleman's explanation, what he's doing here is, in effect, totally restructuring the surface transportation security program. He's limiting to \$20 million the funds available for surface transportation security inspectors. That's a potential decrease of \$70 million from the carve-out in the bill.

Now, he also, in the current draft of this amendment, excludes from the prohibition, excludes the national explosives canine training program and the VIPR teams, in essence shifting—he's not reducing funding overall. He's shifting a huge amount of funding to these two functions. I just don't understand the rationale for that, particularly when you consider the vital functions of the surface transportation security inspectors, why would we want to virtually phase them out? The mission of these individuals is to assess the risk of terrorist attacks for all nonaviation transportation, to issue potential regulations, to enforce existing rules and protect our transportation systems.

This proposed limitation could hinder rail inspections, baseline assessments, mass transit assessments, and risk mitigation activities. As I read the amendment, all these functions would be drastically compromised, and with them, I think the security of the traveling public. So I'm baffled by the amendment, but I feel constrained to oppose it and urge its defeat.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the gentleman's amendment.

I appreciate that he has brought this to our attention. I just found out about the matter today. I would like to work with the gentleman from New York. However, I do have concerns about the broadness of this amendment.

The TSA surface transportation security inspectors, or TSI, provide a number of security functions agreed on as a result of consultation with the State, Federal, local, and private stakeholders. In addition, the inspectors provide the subject matter expertise for FEMA to evaluate eligibility for surface transportation security grants.

The amendment that the gentleman brings up tonight would result in laying off about 240 inspectors, which is about 60 percent of the current workforce. This would be an excessive action to address what seems to be a need to better focus on the operations of surface inspectors. It would effectively take TSA out of the surface security realm at a time when we know terrorists and those interested in attacking our mass transit and other surface modes of transportation are focused on just that, so I urge my colleagues to reject the amendment.

I yield back the balance of my time.

□ 1950

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

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

Mr. TURNER of New York. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 2 percent.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

- (1) "Analysis and Operations";
- (2) "United States Secret Service—Salaries and Expenses";
- (3) accounts in title III; and
- (4) accounts of the Domestic Nuclear Detection Office.

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

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, our Nation continues to struggle under an increasing mountain of debt. My constituents sent me to Washington to do something about the budget deficit. That's why I was one of the handful of Members who voted for the Simpson-Bowles budget—the only budget, I might add, of the five budgets considered by the House of Representatives that had bipartisan support. Republicans and Democrats have voted for it. So, too, I joined my colleagues on the other side of the aisle, in some, but not all, of the across-the-board cuts and cuts that have been proposed to various agencies in different appropriations bills.

This amendment is simple. It's a straight 2 percent cut across the board to this bill, exempting counterterrorism accounts. We shouldn't choose between protecting our country and cutting wasteful government spending. This was designed to protect the most politically sensitive and important accounts in this bill, namely, FEMA and antiterrorism activities, which was, of course, the original purpose under which President Bush composed the Department of Homeland Security, and it's an area that we should not sacrifice.

My amendment is really about safeguarding the American people without continuing to squander taxpayer dollars. The best thing we can do to safeguard the American people is balance our budget. The longer we fail to take action with regard to making the necessary cuts, the more we make ourselves economically beholden to foreign countries such as China. During this time of budgetary constraints when our deficit is spiraling out of control, we need to take every opportunity to eliminate unnecessary government spending.

Now, cutting government spending is never easy. It might mean jobs in different agencies, it might mean missions that we agree or disagree on. But I think cutting \$640 million from an overall bill of \$46 billion is a reasonable first step.

Now, in particular, the Department of Homeland Security has significant waste and abuse that can be targeted for reduction. It's had massive failures; and in these economic times, we shouldn't continue to reward failure of an agency.

There are so many frivolous programs in the Department it's really hard to know where to begin. Now, in the 2011 report, the independent GAO suggested 11 actions that DHS or Congress could take to reduce the cost of government operations; and yet of those 11 actions, only one has been fully addressed.

Take, for example, one example from the report that GAO found is that CBP's Arizona Border Surveillance Technology Plan is not accomplishing

its goal to support Arizona border security. The GAO made three recommendations last year to the program, and DHS has not taken them into action. This year's GAO report suggests Congress should consider limiting future funding to the program until DHS can show that they have addressed the flaws and they're able to work in conjunction with Arizona border security.

We can't continue to increase funding for a Department that fails to deliver. If this Department succeeded, Mr. Chair, why do we have 10 to 15 million people in this country illegally? Is this Department making a dent in that number? I think not. Will they make less or more of a dent with 2 percent less funding? I think not. We can't afford to continue to throw money down the toilet trying to build virtual or real fences at the border that can't prevent crossing, hurting our own stalled economy trying to police our way to restore the integrity of our laws.

Look, this country needs to address our broken immigration system. There are 10 to 15 million people in this country illegally. The Department of Homeland Security has failed. They have failed. Are we going to reward failure by increasing their budget, or are we going to penalize failure? Maybe if we finally do a 2 percent cut, they'll get the message that they can't just keep telling Congress they need more money. Every agency tells Congress, we need more money, give us more money. That's why this country is in this mess.

Look, make no mistake, if my amendment passes, the bill would still appropriate tens of billions of dollars to this Department, enough to continue all necessary activities and fully continue the funding enhancements to our antiterrorist programs. But it's imperative to the future of this country that we take real action to achieve fiscal sustainability and spur economic growth. We can take that first step today—and I've joined my colleagues on the other side of the aisle in support of similar amendments in the past with regard to different appropriations bills—by reducing government spending in this bill.

I urge my colleagues on both sides of the aisle to vote for my amendment.

Mr. DICKS. Will the gentleman yield?

Mr. POLIS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 15 seconds remaining.

Mr. POLIS. I yield the final 15 seconds to the gentleman from Washington.

Mr. DICKS. The only thing I would say to my friend is, if you know where all these programs are, you ought to cut the programs and not do an across-the-board cut. That is the easy way out.

Mr. POLIS. Reclaiming my time, I thank the gentleman. I urge support of the amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

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

Mr. ADERHOLT. Mr. Chairman, I rise in opposition because the amendment would slash critical funding for our Nation's homeland security. For the third fiscal year in a row, this bill that we have before us accomplishes a dual goal that we have constantly worked on—fiscal discipline and necessary funding for the homeland security needs of this country.

The bill reduces the departmental management by \$191 million, or 17 percent, below the request and \$71 million below last year. It demands efficiency from all agencies, including an overall reduction of the TSA of \$147 million, or 3 percent. It cuts programs that are not performing and reduces bureaucratic overhead.

The Department is an Agency of 230,000 employees with an absolutely critical Federal mission. So I would urge my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, our colleague from Colorado is a persistent critic of the Department of Homeland Security, and I think often his criticisms have force—for example, his remarks a few moments ago on the unneeded so-called “sanctuary cities” amendment. This amendment, though, I believe is an overreach, is indiscriminate, and I do feel constrained to oppose it. It would reduce funding for every frontline agency within the Department of Homeland Security by 2 percent.

The bill already includes a 1 percent reduction for the budget request, and it reflects the third year in a row that funding for the Department of Homeland Security has decreased. I think this amendment would do damage to our security. If this reduction were adopted, critical programs such as border security, immigration enforcement and transportation security would no longer be shielded from ill-advised cuts throughout the bill.

The reduction would require the Department to lay off crucial staff we've hired over the past 3 years, including more Border Patrol Agents, CBP officers at the ports of entry—and many of those ports of entry are already backed up—ICE investigators along the Southwest border, and Coast Guardsman who work on environmental efforts such as oil spills.

This reduction would also mean the Department would need to abandon critical research and technology procurements, the science and technology program that we're painstakingly building back from unacceptably low levels in the current fiscal year. These

research efforts will better protect our aviation and transit systems, and we need to continue cutting-edge research.

□ 2000

We also need to protect our national security so that we can prevent or thwart attempted attacks before they occur. As we saw just last month, terrorists remain committed to attacking the United States, our citizens, and our allies.

Finally, with this amendment, front office and management activities would also be negatively affected. Already, this bill slashes funding by 21 percent below the administration's request.

I know that's an easy target, Mr. Chairman. There's no constituency out there for good management and for necessary administrative expenses. But believe me, cutting those front offices, cutting those administrative functions does affect front line operations at the end of the day.

The Secretary and her staff have to run the day-to-day operations of the Department. They need adequate personnel, adequate staff support. The offices are already operating on fumes. This additional cut would do great damage.

So this is an amendment that I believe, despite the offerer of the amendments good intentions and his conscientious critique of certain departmental operations, I believe the amendment is overly broad, would do damage, and should be rejected.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. I want to associate myself with the gentleman's comments and the chairman's comments on this amendment. We're talking here about homeland security, and we have been hit before. And we can't have a meat-ax, across-the-board approach. We would certainly oppose it if the other side was attempting to do it, and we have to have the same kind of discipline on our side.

I suggest, in good faith, to the gentleman from Colorado, if you've got all these reports and all these things about various programs that aren't functioning, offer amendments on each of those programs, and then we can vote on them and make a discerning decision. But just going across the board, I think, is the easy way out, and I urge rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. I thank the ranking member for his comments. I agree with them.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) add the following:

SEC. ____ None of the funds made available by this Act may be used to enforce section 44920(F) of title 49, United States Code.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment says that no funds in the underlying bill may be used to restrict access to the Screening Partnership Program, SPP program, of the Transportation Security Administration, TSA.

SPP is a pilot program that the Federal Government is using to test privatization at certain airports. Currently, there are 16 airports that participate in this program, and a 17th airport has just recently been approved. These airports have received overwhelmingly positive reports and feedback from passengers as well as security personnel alike.

In fact, last night I was talking with my good friend, Congressman CYNTHIA LUMMIS from Wyoming, and she was telling me about the success of the Jackson Hole Airport in Jackson, Wyoming, which is part of the SPP program. Almost three-fourths of all travelers in the State of Wyoming fly in and out of Jackson Hole, and Congresswoman LUMMIS said that the screening process there is top of the line. They've not had any problems whatsoever.

You see, airports can still be effective and do their due diligence without the Federal Government directing, dictating how their security should be set up.

I understand that the language in the underlying bill attempts to make access to SPP easier. However, the purpose of my amendment is to ensure that we don't ever use funds to restrict participation in the program, and here's an example of why.

Kansas City Airport is another airport that has been testing out privatization. They've been part of SPP for a few years and have received stellar customer reviews, with no reported problems.

Recently, though, the private contractor handling the security reapplied for the SPP program, but the administration denied their application. Even worse, the administration selected a different bidder that has no experience whatsoever in airport security. I don't

understand this. This makes no sense, and it's a perfect example of how the administration will shut out good private contractors in order to ensure a lasting place in the Federal Government for the TSA.

Mr. Chairman, the SPP program will not only spur our economy by creating good jobs in the private sector, but it will also relieve some of the burdensome costs that the TSA imposes on our Federal budget. I urge my colleagues to support this commonsense amendment so that we can take privatization of the TSA one step further.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition.

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

Mr. ADERHOLT. Mr. Chairman, I rise reluctantly to to oppose the amendment of my good friend from Georgia.

I do support privatized screening; however, I'm concerned how the amendment that has been proposed by the gentleman would be applied. The effect of the amendment would be to prohibit TSA from canceling a contract for cause, such as the case where a privatized screening airport fails to comply with applicable laws and security requirements.

The amendment may be intended to restrain TSA from capriciously canceling contracts, but it would go too far, and it would tie the TSA's hands.

So again, I reluctantly cannot support my colleague's amendment, and I would urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I want to associate myself with the remarks of the chairman.

I confess to some confusion as to the exact intent of the amendment. Like some earlier amendments we were dealing with, it seems to have gone through many drafts. I'm not sure if the idea is to say you can't terminate an agreement or that somehow you can't restrict access to the program. But, in any case, it seems to me the problem with this amendment is a tying of the Administrator's hands when some flexibility and some judgment is called for.

I certainly have no objections to the principle of the Screening Partnership Program. If a private company can provide screening in accordance with TSA standards and a local airport authority wants to contract with them, so be it. In fact, this bill increases funding for the SPP by \$15 million over current year levels.

But to say that under no circumstances can the TSA exercise discretion in granting these contracts or continuing them, I think, really goes too far. We need standards. We need

qualified professionals to screen passengers. We need for the TSA Administrator to have some flexibility to protect the flying public. So if a private company fails or doesn't meet the standards, then they shouldn't be given this contract, and we have to have the flexibility to make sure that they don't receive the contract.

So I associate myself with the position of the chairman, and urge rejection of the amendment.

I yield back the balance of my time.

□ 2010

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for Behavior Detection Officers or the SPOT program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. My amendment eliminates all funding for the behavior detection officers and for the Screening of Passengers by Observation Techniques program, better known as the SPOT program.

The SPOT program trains TSA behavior detection officers to monitor regular airline passengers for stress, fear, or deceptive behavior. The officers then are supposed to put any passengers who exhibit terrorist-like behaviors, such as stress, fear, and deceptive behavior, through a more rigorous screening process.

This seems to be reasonable, but actually, Mr. Chairman, it is laughable. These agents go through very minimal training, and they are hardly qualified to delve into the psychology of a possible terrorist.

This program was modeled after a very effective one used in Israel, but their agents go through a very extensive program of preparation for this line of work. Plus, they focus on a handful of airports in Israel as opposed to the hundreds that we have to worry about here in the United States. Moreover, almost any passenger having a bad day could be deemed a terrorist under the list of emotions that the agents are supposed to take note of. We've all stood in line and have seen the awkward, invasive pat-downs that many innocent passengers have to endure. Many of us have seen the crying children or elderly grandmas who suffer through these embarrassing protocols as we try to get through security. It has got to stop.

I would also like to point out that the SPOT program costs us a quarter of a billion dollars to operate annually, and it will require more than \$1.2 billion over the next 5 years. We don't have that kind of money to spend on a program that just simply does not work. Believe me, it doesn't work.

The Government Accountability Office has found that 17 known terrorists, all who are on the No Fly List, have been able to board airplanes over 24 different times from eight different SPOT-certified airports. There are 17 terrorists on the No Fly List who have boarded airplanes at least 24 times at eight different SPOT-certified airports. In fact, the GAO also found that not one terrorist—not one—has been caught by the SPOT program. The program has not been scientifically validated anyway.

Mr. Chairman, that alone is enough to convince me that the SPOT program is a waste of our time, a waste of our money, and is flat out not working. So let's get rid of it and, instead, invest our resources in intelligence and in technologies that help us catch terrorists before they ever step foot inside an airport in the first place.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. ADERHOLT. I do appreciate the gentleman's oversight concerns and his suggestions on how we can make this a better program. However, behavior detection officers are actually a meaningful layer of our Nation's risk-based approach to security.

While there have been questions about the overall size of the program and the science behind it, this committee has continued to address any concerns through robust oversight. I would welcome the opportunity to work with the gentleman from Georgia on how we might address these concerns, but this does not mean that we should completely destroy a program that is designed to counter new and evolving tactics being developed by terrorists and our adversaries as we speak.

As recently as last month, after a foiled terrorist plot that originated in Yemen, we learned that our enemies are still actively plotting to hit our aviation sector. These operatives are devising new methods for attacking this Nation, and some of them are more difficult to detect using the traditional screening methods that we normally see in the airports. This is where the behavior detection officers come into play. These officers serve as additional layers, as I mentioned, of defense to root out these adversaries who would try to slip through our defenses.

This committee will continue to make sure that the BDO program is

rightly sized and that the Department validates the science behind it. It is something that we have certainly focused on this year and that we need to continue to focus on. Again, cutting the entire program would be irresponsible and would open up holes in our Nation's security posture, particularly in light of the continued attempts to attack our Nation's transportation system.

I would urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. I would associate myself with the words of the chairman and also oppose this amendment.

The behavior detection program utilizes specially trained individuals to identify potentially high-risk passengers. It's not a new or a novel idea. In fact, it has been a cornerstone of the Israeli Government's aviation security for many years. Administrator Pistole, a man who has spent his entire professional career dedicated to protecting this country, does believe in this program. He is also attempting to refine it and to utilize it to its fullest potential.

Our committee has resisted greatly expanding the program. In fact, we don't fund the administration's request for an additional 75 officers, and we do reduce the funding by \$7 million. The program is important. It is part of a layered system of security, so it would, I think, not be wise to eliminate the program altogether. I think it would be unsafe, in fact, so I urge the rejection of the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. In my own State of Washington, we had Ahmed Ressam, the millennium bomber. He came across from Victoria on a ferryboat, and as he was going through the search procedures, he showed anxiety. Because of that, he was sent over for a secondary screening. He got out of his car and ran, and he was captured, actually, by former prosecutor Dan Clem from Kitsap County, my home county. This is an example. This was a guy who was going to go to Los Angeles and blow up Los Angeles' LAX Airport. Because of his behavior and the alertness of the officers to know that this person was showing signs of anxiety, we were able to thwart that.

So I'm with the chairman and the ranking member here. Let's not do something precipitous. Let's defeat, as we always do, the gentleman's amendment.

Mr. PRICE of North Carolina. I yield back the balance of my time, Mr. Chairman.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 2020

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment to the fiscal year 2013 Homeland Security appropriations bill to prohibit Immigration and Customs Enforcement, ICE, from using taxpayer dollars to process the release or administer alternatives to detention to illegal immigrants who commit a crime in violation of section 236(c) of the Immigration and Nationality Act.

Importantly, this section requires the U.S. Government to detain illegal aliens who have committed serious crimes until the illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed murder until the alien is deported.

I think this is a very commonsense provision. In fact, my opinion is that criminal illegal aliens shouldn't be in the United States in the first place, but that's a debate for another day.

Make no mistake, I believe that the vast majority of ICE employees are great Americans, and I personally appreciate the work they do to ensure the Nation remains a nation founded under the rule of law. However, ICE does not always operate in accordance with section 236(c). For example, ICE has allowed criminal illegal aliens who are waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with an ICE supervisor. This is very troubling to me, Mr. Chairman.

In August 2010, ICE policy for releasing dangerous criminal aliens proved deadly. According to a Freedom of Information Act report, illegal alien Carlos Montano was sentenced to over a year in jail for a second DUI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation of section 236(c) and is a violation that had tragic consequences. On August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. The head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce our immigration laws, especially section 236(c). Mandating the detention of dangerous criminal illegal aliens is plain common sense.

Last year, this amendment overwhelmingly passed the House in a bipartisan vote, but the provision was stripped out in conference. So I'm offering the amendment again this year.

I urge my colleagues to support this amendment.

Mr. ADERHOLT. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from Alabama.

Mr. ADERHOLT. I would like to say that we would agree with the gentleman from Minnesota's amendment and would support it and think it's a good idea.

Mr. CRAVAACK. I thank the gentleman.

And I also believe that this is a good use of taxpayer dollars. I do not believe in releasing illegal immigrants that commit serious crimes.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. PRICE of North Carolina. Mr. Chairman, I have read this amendment carefully, and we dealt with it, as colleagues may remember, on the floor last year.

The gentleman offering the amendment says it does nothing but restate existing law, but, at a minimum, it sends a strong anti-immigrant message.

The gentleman says the amendment prohibits the use of funds by ICE to process the release of illegal immigrants to administer alternative forms of detention to immigrants who have committed crimes which supposedly mandated incarceration. If we're following the existing law, I don't understand the need for this language, the need for this amendment.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Sir, ICE is not following existing law, and this would prohibit the funds to ensure that those funds would not be used to allow illegal immigrants that have committed heinous crimes to be readmitted back into the public for any reason.

Mr. PRICE of North Carolina. If ICE is not enforcing existing law, then ICE needs to be brought into line. But this amendment, you're saying, does not add to existing law.

Mr. CRAVAACK. Will the gentleman yield?

Mr. PRICE of North Carolina. Yes.

Mr. CRAVAACK. This would prevent illegal aliens from being released back into the general public that have com-

mitted crimes either on a bracelet or by "checking in" with their ICE supervisor.

Mr. POLIS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman for yielding.

This amendment highlights the flip side of this issue in some alternate reality university.

There is a real issue with detention. The issue is not that criminal aliens are being released. They are not. The real issue is we're continuing to pay for the ongoing and indefinite detention of noncriminal aliens at a great cost to taxpayers. We're putting illegal immigrants who have committed no crime—may have violated our civil code—up at detention facilities to the tune of \$120 a night when alternatives to detention, proven effective, cost \$15 to \$20 a night. It's like some alternate reality.

There is a real problem. It's not that criminal aliens are being released. They're not. By the way, if they are, then we need to focus on detaining criminal aliens. There's no disagreement in this body. But why are the noncriminal aliens caught up in this net?

At our detention facility of ICE in Aurora, which is outsourced to a private provider, it's only 40 percent of the detainees that are criminal aliens and 60 percent that are not. Why aren't we talking about saving money, spending \$15 or \$20 instead of \$120 per night putting illegal immigrants up at expensive hotels? Why aren't we talking about that? This is like some alternate reality that I simply can't understand.

The amendment doesn't do anything. We're not releasing criminal aliens nor should we. Nobody thinks we should.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, that's the point. There is no evidence that the gentleman has presented or that I've seen that ICE is, in fact, releasing or holding in alternatives to detention people who, according to the law, should be detained. The law is what it is. This amendment does not add or subtract to the law. It clearly insinuates that things are going on that we have no evidence that are occurring. For that reason alone, it seems redundant on one level, but has a misleading and hostile message on the other. I urge its rejection.

ICE isn't pursuing alternatives to detention in cases where they shouldn't be doing so. I see no evidence for that. In fact, I think alternatives to detention often are useful and certainly more cost effective, and the absconding rate is very low. If we have people who should be detained, then of course we should detain them. But the notion that ICE is not doing that, that ICE is pursuing these other alternatives with people who really shouldn't have access to them, is not accurate. For that reason, I urge rejection of this amendment.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I don't know what alternate reality they're speaking of. I'm speaking of the reality of this world. I'm speaking of Mr. Montano, who got drunk and got behind a wheel of a car because he is on a GPS tracking device after committing a heinous crime and being tracked, supposedly, by ICE.

□ 2030

I'm talking about illegal aliens that are let into our society, and the majority of whom don't come back to their supervisor, but they also just disappear into the fabric of the country. That's the reality that I'm speaking of to protect the American public from illegal aliens that are illegally in the United States that have created a heinous crime against Americans. This is the reality that I'm speaking of.

This law will defund ICE to ensure that illegal aliens that have committed heinous crimes that are not deported back into their home countries are kept detained until such time as they are deported or remain in custody.

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

Mr. DICKS. Mr. Chairman, I move to strike the last word.

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

Mr. DICKS. I yield to my good friend from Colorado. He will tell us more about the alternate reality, I think.

Mr. POLIS. I thank the gentleman from Washington.

Look, if criminal aliens are not being detained in accordance with the law, simply restating the law won't change that.

Again, what's happening today is noncriminal aliens are being detained. What does that mean? It means that mothers are torn from their sons. It means that fathers are torn from their daughters. It means that spouses and families are torn apart across our country who have not committed any crime.

Now, criminal aliens represent a significant percentage of the illegal immigrants in detention. We all agree that they should be detained. We're not talking about paroling, we're not talking about alternative detention for criminal aliens.

Now, how could we address this problem in a real way, in the real world, to ensure that we have enough beds to contain criminal aliens? The best way to do that is not detain noncriminal aliens. Then we have enough beds, we have enough security. We save money, and we can make darn sure that criminal aliens aren't exempted from detention.

Let's talk a little bit about Colorado. At our Aurora detention facility, we have about 450 beds. Now, we have more demand than that; and like in many States, our county jails are used as detention facilities.

Now, the counties are reimbursed by the Department of Homeland Security. By the way, it's another Federal bail-out of the prison industry. Many of them are private prisons. But, again, our Federal Government is paying \$120 a night, \$150 a night, \$100 a night for the detention of noncriminal aliens.

If people are being let go because there is no room for them, it's because we're filling the cells with innocent mothers, with innocent children, with families being torn apart. That's the only reason I could think of why anybody who has committed a crime might be let go.

Look, if we're serious about making sure that anybody who represents a threat to our society is detained until they are deported or sentenced, we need to do something about non-criminal aliens and make sure that we can fully embrace the successful alternatives to detention, which not only allow families to be together, parents to be with their kids, parents to participate in school conferences, parents who participate in making sure that their kids have food on the table, but also save taxpayer money and keep those beds open for criminal aliens about whom there is no disagreement whatsoever, who should remain safe from society and be kept behind bars.

This amendment restates something which already is the law and is not an actionable change. If we want to make an actionable change, I would be happy to work with my friend to do so to make sure these beds aren't being taken up by noncriminal aliens and that we could aggressively pursue alternative detention for those who have not committed any crimes in this country and whose only violation is a civil violation.

There is a legitimate issue here. We want to make sure that criminal aliens are detained and deported. There is no disagreement about that.

To do so, rather than simply restating something that's obvious and already the case, we should move forward in making sure that we target our resources. We target our limited resources after criminal aliens rather than the vast majority of our illegal population, which is engaged in a civil violation but are not threats to society.

We're talking about people that are important to our economy and important to our communities, the fabric of our communities. We're talking about the president of the student body in a high school in my district who happens to lack documentation. We're talking about families that play important economic roles in our district in agriculture, in service industries, across various sectors. We're talking about consumers in our stores, driving the

demand and driving support for job creation in the middle class.

Are there people who are a threat to society? Yes. Some are Americans, some are green card holders, some are here illegally. I think across the board we agree that those who are a threat to society need to be removed from society as expeditiously as possible.

We can do so more expeditiously and more efficiently if we can reform our detention system to make sure that we're not catching all the noncriminal aliens up in the system because they happen to be in the wrong place at the wrong time.

Mr. DICKS. Reclaiming my time, do you think they deserve a trial? Do these people deserve a trial.

Mr. POLIS. Absolutely, they deserve a trial.

Mr. DICKS. I mean, there has to be some kind of legal process.

Mr. POLIS. That's right. The way that they do this in our Aurora detention facility, they have criminal aliens who wear a red jump suit. Noncriminal aliens wear a yellow jump suit. So they wear different jump suits. They're in different areas of the detention facility, in part because we don't want the criminal element, including some gangs, to corrupt or taint the non-criminal aliens that are there too. They are separated out.

But we're paying 120 bucks a night for all of them. Why not focus that enforcement effort on the criminal element to detain and deport them, rather than separating and stripping the mothers of their child?

I oppose the amendment.

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

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

The amendment was agreed to.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield to our colleague from the authorizing committee, the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the ranking member of the full committee and ranking member of the subcommittee for their courtesies, and I think clearly over this process that we've had an opportunity, as authorizers, to work with our friends on the Appropriations Committee.

I wanted to have the opportunity to share what I think is important information, an amendment that I believe and hope that the policy aspect of these amendments we can work together in conference to ensure we've come to a meeting of the mind.

I look forward to working with the conferees and working with the Senate to make some corrections. Last

evening, my amendment to help to restore the mission of FAMS was, in essence, an amendment that needs to be clarified. I again rise with the policy amendment that would help FAMS, the Federal Air Marshals, which I think I could poll any American and ask them the question as to whether or not Federal Air Marshals are, in fact, a crucial element of our security.

Today in our hearing, Administrator Pistole, in a direct question that I asked of him as to whether a \$50 million reduction would reduce the mission and the security aspect of the Federal Air Marshals, his emphatic answer was, yes, that is what is happening.

I think that we should streamline and be efficient, but my amendment that we were hoping that would be discussed was an amendment to restore the \$50 million. It should be noted that this was taken from \$5 billion, and many Members thought we were, in essence, drawing resources that were taken away from a small pot; but of \$5 billion, we are simply asking that 50, 51 would be taken out to restore the mission of FAMS and to respond to concerns about cabin security.

Mr. Chair, I rise today to offer my amendment 404 to "the FAMS Appropriation in Fiscal Year (FY) 2013." The House Report has recommended reducing the FAMS budget by \$50 million. It is my sincere belief that this is a detrimental mistake. This recommendation ignores FAMS' integral part in the homeland security mission. If FAMS loses \$50 million to its budget it will result in the virtual shut down of the FAMS program.

Flight coverage is controlled by two outstanding factors: the number of FAMS available and the Mission Travel Budget which includes hotel and per diem costs. These constraints directly impact FAMS ability to perform optimally. They are outlined in the FAMS risk-based concept of operations (CONOPS). International flights are the highest risk followed by large plane and long haul flights.

With the reduction, FAMS will be forced to choose whether domestic or international flight coverage will be decreased. If domestic flights are maintained, then international flight coverage must be cut by 20 percent. Keep in mind that as I stated, international flights are the highest risk operations. By contrast, if international flights are maintained, domestic flight coverage must be cut by as much as 30 percent. This domestic reduction does not take into account the 10 percent decrease noted in the President's proposed budget. In total, FAMS domestic coverage will face a crippling 40 plus percentage reduction that FAMS has not experienced since Christmas Day 2009. I mention this date because on Christmas Day in 2009, a failed attack forced Congress to increase FAMS' size to cover both domestic and international flights. It was clear then that Congress recognized flight vulnerabilities that have since been all but forgotten. While we believe that we cannot afford the FAMS budget, what we truly cannot afford is a successful attack to our security.

It is important to note that FAMS is exploring alternative cost saving efforts. FAMS plans to extend its current hiring freeze into FY 2013 as mandated by the President's Budget. The reduction combined with limited employees

would severely undermine FAMS mission. The hiring freeze will extend to administrative personnel in FY'13. FAMS will also implement a furlough of all FAMS personnel of three to five days, reduce mission coverage, assess which offices can be shut down and consider a reduction in force (RIF) to strategically reduce on-board staffing levels. In addition, FAMS will undergo a significant decline in critical operational programs including travel, information technology and logistical support.

I must stress again that any reduction to the FAMS budget goes beyond the reasonable operational abilities of this program. It will severely impact our aviation security and impede the good work and progress of this program. For these reasons and more I urge my colleagues to restore the \$50 million to the FAMS budget.

AMENDMENT TO H.R. 5855, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

SEC. ____ . The amounts otherwise provided by this Act are revised by increasing the amount made available for "Security, Enforcement, and Investigations—U.S. Customs and Border Protection—Salaries and Expenses", by increasing the amount made available for "Federal Air Marshals", and by reducing the amount made available for "Research and Development, Training, and Services—United States Citizenship and Immigration Services" by \$25,000,000, \$25,000,000, and \$50,000,000, respectively.

In addition, we have an amendment that I hope the policy of it will be moved in conference, the overall look of adding resources to the Transportation Security Administration, particularly TSA, in the amount of \$50 million, that will help restore the reduced mission of the Federal Air Marshals, more training, professionalism; but there is no doubt we have to close offices, we have to furlough FAMs, and we have to be able to try to meet the concerns of, in essence, the question of cabin security.

□ 2040

It is very difficult to not have this \$50 million. I am going to work with conferees, and I hope to work with the ranking member and the chairperson to see the value of providing some restoration to the FAM dollars.

Mr. Chair, I rise today to offer my amendment to H.R. 5855, Making Appropriations for the Department of Homeland Security for the Fiscal Year ending September 2012. Jackson 405 amendment will increase the budget for the Transportation Security Administration by \$50 million.

The Transportation Security Administration, which was created in the aftermath of 9/11, nothing is more important to me than the safety of the traveling public. TSA, informed by the latest intelligence, researches and deploys technology and constantly evaluates and updates screening procedures in order to stay ahead of the evolving threats to aviation security.

The United States has a complex and interconnected transportation network that has developed primarily over the last 100 years, and is what makes our fast-paced lives possible. Our ability to travel efficiently from place to place and to transport materials and consumer

products around the world is essential to our modern lifestyle, and to our nation's security and economic health. At the same time, our transportation infrastructure (e.g., roads, bridges, bus stations, railways and railway stations, airports, inland waterways, seaports and pipelines) is vulnerable to damage from both natural and man-made disasters.

The transportation infrastructure in the United States includes: Aviation, 5,000 Public Airports; Passenger Rail and Railroads, 120,000 Miles of Major Railroads; Highways, Trucking, and Busing, 590,000 Highway Bridges; 4,000,000 of Public Roadways; Pipelines, 2,000,000 Miles of Pipelines; Maritime, 300 Inland/Coastal Ports; Mass Transit, 500 Major Urban Public Transportation Operators.

In the event of a natural disaster or terrorist attack, damage to transportation systems can result in injury and loss of life, hamper emergency evacuation from the scene of the disaster, and inhibit rescue workers' ability to get to the scene to provide aid. Sometimes, as in the case of Hurricane Katrina, the existing transportation systems, even if undamaged, are insufficient to effectively evacuate a disaster area. Recovery from a disaster can take years and be very expensive for individuals, private companies and government agencies.

Focusing on transportation security means that we are doing what we can to predict, plan for and prevent, if possible, these catastrophic events. This includes developing resilient transportation systems, mitigating the effects of a disaster, and planning for recovery.

I ask my colleagues to join me in increasing the budget for TSA.

Also, I think it is very important on this question of Buy America, and that is legislation that requires the Department of Homeland Security funds to, in this time of unemployment, be used for American companies only. One might say we already have a Buy America. Well, let me just educate my colleagues. In the issue of screening, where there is this desire to have a Screening Partnership Program through the FAA legislation that was passed in February, the prohibition of using foreign companies to screen Americans in United States airports was removed. And so foreign companies can now be our screeners. That, of course, is a question of jobs. It is particularly a question of Federal dollars dealing with security going to foreign-owned companies.

This amendment is a crucial amendment. I wish my colleagues would have allowed it on the floor of the House. But I believe that this should be a matter taken up under the security premise as to whether or not, even if there is a provision for the Screening Partnership Program, which, again, Mr. Pistole indicated that the \$15 million that was allotted out of our screening program was going to undermine the screening program, the federally based screening program, that our system should be federally focused. But if there is an SPP, if there is a Screening Partnership Program, the idea of having foreign-owned companies secure the contracts, take away American jobs, and then be screening Americans, is ludicrous at best.

I would encourage individuals that we can work together. I look forward to working together.

Mr. Chair, I rise today to offer my limitation, amendment 403 to H.R. 5855, the "Department of Homeland Security Appropriations Act in Fiscal Year (FY) 2013." Under my amendment, DHS funds will only be allocated to companies controlled by U.S. citizens. In the midst of an economy that continues to maintain a high unemployment rate, it is imperative that we do everything in our power to ensure that American tax dollars support American businesses which will in turn support our citizens and our families. Private companies that perform security screenings at our U.S. airports are no different. Security protection laws and private vs. federal screening disagreements aside, we must ensure that we hire our own American companies.

Unlike other aspects of aviation security that are subject to multiple hearings before Congressional committees, there have been no hearings or findings of fact to establish the security risk of allowing foreign owned companies to perform screening at U.S. airports. Prior to this year, the Screening Partnership Program (SPP) allowed some U.S. airports to opt-out of using federal screeners. In addition, 40 U.S.C. § 44920 prohibited TSA from entering into contracts to provide private screenings of passengers and bags by any company that was not owned and controlled by a citizen of the United States. Congress changed this requirement in February with the FAA Modernization Act that included a waiver of the requirement that private screening contracts only be awarded to U.S. owned companies.

According to the Defense Security Service, a U.S. company is considered to be under foreign ownership, control or influence "when a foreign interest has the power, direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the company in a manner which may result in unauthorized access to classified information or may affect adversely the performance of classified contracts."

By allowing foreign companies to conduct security screenings at our airports, we leave ourselves vulnerable to foreign interests taking precedence in the safety of our citizens and the security of our flights.

It is no secret that aviation security in the U.S. remains a focus of Al Qaeda. In thwarting attacks, it is not enough to merely mitigate a hostile, foreign influence. Any access to intelligence, technologies, policies or procedures that could be communicated to foreign terrorists must be avoided entirely. Concerns about national security have led to tighter guidelines for federal government approval of foreign acquisitions of U.S. companies by foreign investors and the granting of federal contracts to foreign owned companies. But they neglect the other important issue at hand—the loss of opportunities for American companies.

The law establishing the opt-out program in 2001 required the head of TSA to determine there are private screening companies owned and controlled by U.S. citizens to perform screening contracts. There is no evidence of any shortage of U.S. owned security companies to perform screening when an application is granted.

We must not allow foreign owned companies to perform screening at any U.S. airport. The U.S. should not reopen itself to a risk of

lives lost and damage to the aviation industry and the U.S. economy by opening the door to the risk of another attack by Al Qaeda or any other terrorist group outside the U.S. In addition, American tax dollars should support our American businesses and our people. For these reasons and more I urge my colleagues to include my limitation amendment to the DHS appropriations bill.

AMENDMENT TO H.R. 5855, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill (before the short title) add the following:

SEC. ____ None of the funds made available by this Act may be obligated for a contract entered into under section 44920 of title 49, United States Code, with a private company that is not owned and controlled by a citizen of the United States.

Mr. PRICE of North Carolina. I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

First amendment by Mr. KING of Iowa.

Second amendment by Mr. KING of Iowa.

First amendment by Mrs. BLACKBURN of Tennessee.

Second amendment by Mrs. BLACKBURN of Tennessee.

An amendment by Mr. SULLIVAN of Oklahoma.

An amendment by Mr. TURNER of New York.

An amendment by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 18, as follows:

[Roll No. 362]

AYES—224

Adams	Berg	Burgess
Aderholt	Bilbray	Burton (IN)
Alexander	Bishop (UT)	Calvert
Altmire	Black	Camp
Amash	Blackburn	Campbell
Austria	Bonner	Canseco
Bachmann	Boren	Ciçilline
Bachus	Boustany	Capito
Barletta	Brady (TX)	Carter
Barrow	Brooks	Cassidy
Bartlett	Broun (GA)	Chabot
Barton (TX)	Buchanan	Chaffetz
Bass (NH)	Buschon	Coffman (CO)
Benishak	Buerkle	Cole

Conaway	Johnson, Sam
Cravaack	Jones
Crawford	Jordan
Crenshaw	Kelly
Cuberson	King (IA)
Davis (KY)	King (NY)
Denham	Kingston
Dent	Kinzinger (IL)
DesJarlais	Kissell
Dreier	Kline
Duffy	Labrador
Duncan (SC)	Lamborn
Duncan (TN)	Lance
Ellmers	Landry
Emerson	Lankford
Farenthold	Latham
Fincher	LaTourrette
Fitzpatrick	Latta
Fleischmann	Lipinski
Fleming	LoBiondo
Flores	Long
Forbes	Lucas
Fortenberry	Luetkemeyer
Fox	Lummis
Franks (AZ)	Lungren, Daniel
Galleghy	E.
Gardner	Mack
Garrett	Manzullo
Gerlach	Marchant
Gibbs	McCarthy (CA)
Gibson	McCauley
Gingrey (GA)	McClintock
Gohmert	McCotter
Goodlatte	McHenry
Gosar	McIntyre
Gowdy	McKeon
Granger	McKinley
Graves (GA)	McMorris
Graves (MO)	Rodgers
Griffith (VA)	Meehan
Grimm	Mica
Guinta	Miller (FL)
Guthrie	Miller (MI)
Hall	Miller, Gary
Hanna	Mulvaney
Harper	Murphy (PA)
Harris	Neugebauer
Hartzler	Noem
Hastings (WA)	Nugent
Hayworth	Nunes
Hensarling	Nunnelee
Herger	Olson
Herrera Beutler	Palazzo
Huelskamp	Paulsen
Huizenga (MI)	Pearce
Hultgren	Pence
Hunter	Peterson
Hurt	Petri
Issa	Pitts
Jenkins	Platts
Johnson (IL)	Poe (TX)
Johnson (OH)	Pompeo

NOES—189

Ackerman	Cooper
Amodei	Costa
Andrews	Costello
Baca	Courtney
Becerra	Critz
Berkley	Crowley
Berman	Cuellar
Biggart	Cummings
Bishop (GA)	Davis (CA)
Bishop (NY)	Davis (IL)
Blumenauer	DeFazio
Bonamici	DeGette
Bono Mack	DeLauro
Boswell	Deutch
Brady (PA)	Diaz-Balart
Braley (IA)	Dicks
Brown (FL)	Dingell
Butterfield	Doggett
Capps	Dold
Capuano	Donnelly (IN)
Cardoza	Doyle
Carnahan	Edwards
Carney	Ellison
Carson (IN)	Engel
Castor (FL)	Eshoo
Chandler	Farr
Chu	Fattah
Ciçilline	Flake
Clarke (MI)	Frank (MA)
Clarke (NY)	Frelinghuysen
Clay	Fudge
Cleaver	Garamendi
Clyburn	Gonzalez
Cohen	Green, Al
Connolly (VA)	Green, Gene

Posey	Price (GA)
Quayle	Reed
Rehberg	Rehberg
Renacci	Matheson
Ribbe	Matsui
Rigell	McCarthy (NY)
Roby	McCollum
Roe (TN)	McDermott
Rogers (AL)	McGovern
Rogers (KY)	McNerney
Rogers (MI)	Meeks
Rohrabacher	Michaud
Rokita	Miller (NC)
Rooney	Miller, George
Roskam	Moore
Ross (FL)	Moran
Ryan (WI)	Murphy (CT)
Scalise	Nadler
Schilling	Napolitano
Schmidt	Olver
Schock	Owens
Schweikert	Pallone
Scott (SC)	Pascrell
Scott, Austin	Pastor (AZ)
Sensenbrenner	Pelosi
Sessions	Perlmutter
Shimkus	Peters

Shuster	Akin
Simpson	Baldwin
Smith (NE)	Bass (CA)
Smith (NJ)	Bilirakis
Smith (TX)	Coble
Southerland	Conyers
Stearns	
Stivers	
Stutzman	
Sullivan	
Terry	
Thompson (PA)	
Thornberry	
Tiberi	
Turner (NY)	
Turner (OH)	
Upton	
Walberg	
Walden	
Walsh (IL)	
Webster	
West	
Westmoreland	
Whitfield	
Wilson (SC)	
Wittman	
Wolf	
Womack	
Yoder	
Young (AK)	
Young (FL)	

Pingree (ME)	Serrano
Polis	Sewell
Price (NC)	Sherman
Quigley	Sires
Rahall	Smith (WA)
Rangel	Speier
Reichert	Stark
Reyes	Sutton
Richardson	Thompson (CA)
Richmond	Thompson (MS)
Rivera	Tierney
Ros-Lehtinen	Tipton
Ross (AR)	Tonko
Rothman (NJ)	Tsongas
Roybal-Allard	Van Hollen
Royce	Velázquez
Ruppersberger	Visclosky
Rush	Walz (MN)
Ryan (OH)	Wasserman
Sánchez, Linda	Schultz
T.	Waters
Sanchez, Loretta	Watt
Sarbanes	Waxman
Schakowsky	Welch
Schiff	Wilson (FL)
Schrader	Woodall
Schwartz	Woolsey
Scott (VA)	Yarmuth
Scott, David	Young (IN)

NOT VOTING—18

Filner	Neal
Griffin (AR)	Paul
Kucinich	Runyan
Lewis (CA)	Shuler
Marino	Slaughter
Myrick	Towns

□ 2107

Messrs. ISRAEL, PASCARELL, DAVIS of Illinois, and WOODALL changed their vote from “aye” to “no.”

Messrs. HARPER, PEARCE, GRIMM, NUGENT, and COFFMAN of Colorado changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:
Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. KING OF IOWA
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 175, not voting 18, as follows:

[Roll No. 363]

AYES—238

Adams	Barton (TX)	Boren
Aderholt	Bass (NH)	Boustany
Alexander	Benishak	Brady (TX)
Altmire	Berg	Brooks
Amodei	Biggart	Broun (GA)
Austria	Bilbray	Buchanan
Bachmann	Bishop (UT)	Buschon
Bachus	Black	Buerkle
Barletta	Blackburn	Burgess
Barrow	Bonner	Burton (IN)
Bartlett	Bono Mack	Calvert

Nadler	Ros-Lehtinen	Thompson (CA)	Camp	Himes	Pitts	LaTourette	Pastor (AZ)	Sewell
Napolitano	Ross (AR)	Thompson (MS)	Campbell	Holt	Poe (TX)	Lee (CA)	Perlmutter	Sherman
Noem	Rothman (NJ)	Thompson (PA)	Canseco	Huelskamp	Polis	Levin	Peters	Shuster
Nunes	Roybal-Allard	Thornberry	Cantor	Huizenga (MI)	Pompeo	Lewis (GA)	Peterson	Simpson
Olson	Royce	Tiberi	Capito	Hultgren	Posey	Lipinski	Pingree (ME)	Sires
Olver	Ruppersberger	Tierney	Cassidy	Hunter	Price (GA)	LoBiondo	Platts	Smith (NJ)
Owens	Rush	Tonko	Chabot	Hurt	Quayle	Lofgren, Zoe	Price (NC)	Smith (WA)
Palazzo	Ryan (OH)	Tsongas	Coffman (CO)	Issa	Rehberg	Lowey	Quigley	Stark
Pallone	Ryan (WI)	Turner (NY)	Conaway	Jenkins	Ribble	Lujan	Rahall	Sutton
Pascrell	Sanchez, Linda	Turner (OH)	Cravaack	Johnson (IL)	Rigell	Lungren, Daniel	Rangel	Thompson (CA)
Pastor (AZ)	T.	Upton	Crawford	Johnson, Sam	Roby	E.	Reed	Thompson (MS)
Pelosi	Sanchez, Loretta	Van Hollen	Culberson	Jordan	Roe (TN)	Lynch	Reichert	Thompson (PA)
Perlmutter	Sarbanes	Velázquez	Davis (CA)	Kelly	Rogers (AL)	Maloney	Renacci	Thornberry
Peters	Schakowsky	Visclosky	Davis (KY)	King (IA)	Rogers (MI)	Markey	Reyes	Tierney
Peterson	Schiff	Walberg	DeFazio	Kingston	Rohrabacher	Matheson	Richardson	Tipton
Pingree (ME)	Schilling	Walden	DesJarlais	Kinzinger (IL)	Rokita	Matsui	Richmond	Tonko
Platts	Schock	Walz (MN)	Duffy	Kline	Rooney	McCarthy (NY)	Rivera	Tsongas
Polis	Schrader	Wasserman	Duncan (SC)	Labrador	Ross (FL)	McCollum	Rogers (KY)	Turner (OH)
Price (NC)	Schwartz	Schultz	Duncan (TN)	Lamborn	Royce	McCotter	Ros-Lehtinen	Van Hollen
Quigley	Scott (VA)	Waters	Ellmers	Lance	Ryan (WI)	McGovern	Roskam	Velázquez
Rahall	Scott, David	Watt	Emerson	Landry	Sanchez, Loretta	McIntyre	Ross (AR)	Visclosky
Rangel	Serrano	Waxman	Eshoo	Lankford	Scalise	McNerney	Rothman (NJ)	Walz (MN)
Reed	Sewell	Welch	Farenthold	Latham	Schilling	Meehan	Roybal-Allard	Wasserman
Renacci	Sherman	West	Farr	Latta	Schmidt	Meeks	Ruppersberger	Schultz
Reyes	Shuster	Whitfield	Fincher	Loeb sack	Schock	Michaud	Rush	Watt
Ribble	Simpson	Wilson (FL)	Fitzpatrick	Long	Schrader	Miller (NC)	Ryan (OH)	Waxman
Richardson	Sires	Wolf	Flake	Lucas	Schweikert	Moore	Sanchez, Linda	Welch
Richmond	Smith (NJ)	Fleischmann	Moran	Luetkemeyer	Scott (SC)	Moran	T.	Whitfield
Rivera	Smith (TX)	Fleming	Murphy (CT)	Lummis	Nadler	Murphy (CT)	Sarbanes	Wilson (FL)
Roe (TN)	Smith (WA)	Flores	Napoltano	Mack	Olver	Schakowsky	Schiff	Womack
Rogers (AL)	Speier	Forbes	Rohrabacher	Manullo	Owens	Schwartz	Schwartz	Woolsey
Rogers (KY)	Stark	Fortenberry	McCarthy (CA)	Marchant	Pallone	Scott (VA)	Scott, David	Yarmuth
Rogers (MI)	Stivers	Foxx	McClintock	McCauley	Pascrell	Scott, David	Serrano	Young (FL)
Rohrabacher	Sutton	Young (IN)	Frelinghuysen	McDermott				

NOT VOTING—18

Akin	Filner	Neal
Baldwin	King (IA)	Paul
Bass (CA)	Kucinich	Runyan
Bilirakis	Lewis (CA)	Shuler
Coble	Marino	Slaughter
Conyers	Myrick	Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2116

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 364, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 210, not voting 17, as follows:

[Roll No. 365]

AYES—204

Adams	Bartlett	Boustany
Aderholt	Barton (TX)	Braley (IA)
Alexander	Benishek	Brooks
Amash	Berg	Broun (GA)
Amodel	Biggert	Buchanan
Austria	Black	Bucshon
Bachmann	Blackburn	Burgess
Bachus	Bonner	Burton (IN)
Barletta	Bono Mack	Calvert

Ackerman	Cleaver	Granger
Altmire	Clyburn	Green, Al
Andrews	Cohen	Green, Gene
Baca	Cole	Griffin (AR)
Barrow	Connolly (VA)	Grijalva
Bass (NH)	Cooper	Grimm
Becerra	Costa	Gutierrez
Berkley	Costello	Hahn
Berman	Courtney	Hall
Bilbray	Crenshaw	Hanabusa
Bishop (GA)	Critz	Hastings (FL)
Bishop (NY)	Crowley	Hayworth
Bishop (UT)	Cuellar	Higgins
Blumenauer	Cummings	Hinchev
Bonamici	Davis (IL)	Hinojosa
Boren	DeGette	Hirono
Boswell	DeLauro	Hochul
Brady (PA)	Denham	Holden
Brady (TX)	Dent	Honda
Brown (FL)	Deutch	Hoyer
Buerkle	Diaz-Balart	Israel
Butterfield	Dicks	Jackson (IL)
Capps	Dingell	Jackson Lee
Capuano	Doggett	(TX)
Cardoza	Dold	Johnson (GA)
Carnahan	Donnelly (IN)	Johnson (OH)
Carney	Doyle	Johnson, E. B.
Carson (IN)	Dreier	Jones
Carter	Edwards	Kaptur
Castor (FL)	Ellison	Keating
Chaffetz	Engel	Kildee
Chandler	Fattah	Kind
Chu	Frank (MA)	King (NY)
Cicilline	Fudge	Kissell
Clarke (MI)	Garamendi	Langevin
Clarke (NY)	Gerlach	Larsen (WA)
Clay	Gonzalez	Larson (CT)

NOES—210

Akin	Filner	Paul
Baldwin	Kucinich	Runyan
Bass (CA)	Lewis (CA)	Shuler
Bilirakis	Marino	Slaughter
Coble	Myrick	Towns
Conyers	Neal	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2122

Mr. COLE changed his vote from “aye” to “no.”

Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. LOEBSACK changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 365, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. SULLIVAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 164, not voting 17, as follows:

[Roll No. 366]

AYES—250

Adams
Aderholt
Alexander
Altmire
Amash
Amodi
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Kingston
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach

NOES—164

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell

Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Klaine
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
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
Murphy (PA)
Neugebauer

Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Ellison
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Conyers

Filner
Kucinich
Lewis (CA)
Marino
Myrick
Neal

NOT VOTING—17

Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Lofgren, Zoe
Lowey
Schiff
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2126

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for: Mr. THOMPSON of Pennsylvania. Mr. Chair, on rollcall No. 366 I inadvertently voted “no,” I meant to vote “aye.” Had I voted correctly, I would have voted “aye.”

Stated against: Mr. FILNER. Mr. Chair, on rollcall 366, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. TURNER OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 314, not voting 16, as follows:

[Roll No. 367]

AYES—101

Adams
Amash
Bachmann
Barletta
Barton (TX)
Benishek
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chabot
Chaffetz
Cravaack
DeFazio
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleming
Flores
Foxy
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar

NOES—314

Ackerman
Aderholt
Alexander
Altmire
Amodi
Andrews
Austria
Baca
Bachus
Barrow
Bartlett
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay

Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Harris
Hartzler
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Issa
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Marchant
McClintock
McHenry
McKinley
Meehan
Mica

Miller (FL)
Mulvaney
Neugebauer
Nunnelee
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Quayle
Ribble
Rohrabacher
Royce
Ruppersberger
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southernland
Stearns
Stutzman
Turner (NY)
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Young (AK)

Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly

Lance Owens Schrader
 Landry Palazzo Schwartz
 Langevin Pallone Scott (VA)
 Larsen (WA) Pascrell Scott, David
 Larson (CT) Pastor (AZ) Serrano
 Latham Paulsen Sewell
 LaTourette Pearce Sherman
 Lee (CA) Pelosi Shuster
 Levin Perlmutter Simpson
 Lewis (GA) Peters Sires
 Lipinski Peterson Smith (NJ)
 LoBiondo Petri Smith (TX)
 Loeb sack Pingree (ME) Smith (WA)
 Lofgren, Zoe Platts Speier
 Lowey Polis Stark
 Lucas Pompeo Stivers
 Luján Price (NC) Sullivan
 Lungren, Daniel Quigley Sutton
 E. Rahall Terry
 Lynch Rangel Thompson (CA)
 Maloney Reed Thompson (MS)
 Manzullo Rehberg Thompson (PA)
 Markey Reichert Thornberry
 Matheson Renacci Tiberi
 Matsui Reyes Tierney
 McCarthy (CA) Richardson Tipton
 McCarthy (NY) Richmond Tipton
 McCaul Rigell Tonko
 McCollum Rivera Tsongas
 McCotter Roby Turner (OH)
 McDermott Roe (TN) Upton
 McGovern Rogers (AL) Van Hollen
 McIntyre Rogers (KY) Velázquez
 McKeon Rogers (MI) Visclosky
 McMorris Rokita Walden
 Rodgers Rooney Ros-Lehtinen
 McNerney Roskam Wolf
 Meeks Ros (AR) Waters
 Michaud Ross (FL) Watt
 Miller (MI) Rothman (NJ) Waxman
 Miller (NC) Roybal-Allard Webster
 Miller, Gary Rush Welch
 Miller, George Ryan (OH) Whitfield
 Moore Ryan (WI) Wilson (FL)
 Moran Sánchez, Linda Wittman
 Murphy (CT) T. Wolf
 Murphy (PA) Sanchez, Loretta Womack
 Nadler Sarbanes Woolsey
 Napolitano Schakowsky Yarmuth
 Noem Schiff Yoder
 Nugent Schilling Young (FL)
 Nunes Schmidt Young (IN)
 Olson Schock
 Olver

NOT VOTING—16

Akin Kucinich Runyan
 Baldwin Lewis (CA) Shuler
 Bass (CA) Marino Slaughter
 Bilirakis Myrick Towns
 Coble Neal
 Filner Paul

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 2130

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 367, I was
 away from the Capitol due to prior commit-
 ments to my constituents. Had I been present,
 I would have voted “no.”

AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Colorado (Mr. POLIS)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 99, noes 316,
 not voting 16, as follows:

[Roll No. 368]

AYES—99

Adams Grijalva Neugebauer
 Amash Gutierrez Nunnelee
 Barton (TX) Hahn Pastor (AZ)
 Becerra Hartzler Pence
 Benishek Hastings (FL) Petri
 Black Hensarling Pitts
 Blackburn Herger Poe (TX)
 Brooks Huelskamp Polis
 Broun (GA) Huizenga (MI) Pompeo
 Buerkle Hultgren Price (GA)
 Burgess Hurt Quayle
 Burton (IN) Issa Ribble
 Camp Jenkins Rigell
 Campbell Johnson (IL) Rohrabacher
 Chabot Jordan Royce
 Chaffetz Kind Ryan (WI)
 Cooper King (IA) Schilling
 Deutch Labrador Schweikert
 Duffy Lance Scott (SC)
 Duncan (SC) Lankford Scott, Austin
 Duncan (TN) Larsen (WA) Serrano
 Eshoo Lee (CA) Sessions
 Fincher Lofgren, Zoe Speier
 Flake Lummis Stearns
 Flores Lynch Stutzman
 Foxx Mack Tiberi
 Franks (AZ) Manzano Upton
 Garrett Marchant Velázquez
 Goodlatte McClintock Walberg
 Gosar Miller (MI) Walden
 Gowdy Moran Walsh (IL)
 Graves (GA) Mulvaney Wilson (SC)
 Griffith (VA) Napolitano Woodall

NOES—316

Ackerman Clay Garamendi
 Aderholt Cleaver Gardner
 Alexander Clyburn Gerlach
 Altmiré Coffman (CO) Gibbs
 Amodei Cohen Gibson
 Andrews Cole Gingrey (GA)
 Austria Conaway Gohmert
 Baca Connolly (VA) Gonzalez
 Bachmann Conyers Granger
 Bachus Costa Graves (MO)
 Barletta Costello Green, Al
 Barrow Courtney Green, Gene
 Bartlett Cravaack Griffin (AR)
 Bass (NH) Crawford Grimm
 Berg Crenshaw Guinta
 Berkley Critz Guthrie
 Berman Crowley Hall
 Biggert Cuellar Hanabusa
 Bilbray Culberson Hanna
 Bishop (GA) Cummings Harper
 Bishop (NY) Davis (CA) Harris
 Bishop (UT) Davis (IL) Hastings (WA)
 Blumenauer Davis (KY) Hayworth
 Bonamici DeFazio Heck
 Bonner DeGette Heinrich
 Bono Mack DeLauro Herrera Beutler
 Boren Denham Higgins
 Boswell Dent Himes
 Boustany DesJarlais Hinchey
 Brady (PA) Diaz-Balart Hinojosa
 Brady (TX) Dicks Hirono
 Braley (IA) Dingell Hochul
 Brown (FL) Doggett Holden
 Buchanan Dold Holt
 Bucshon Donnelly (IN) Honda
 Butterfield Doyle Hoyer
 Calvert Dreier Hunter
 Canseco Edwards Israel
 Cantor Ellison Jackson (IL)
 Capito Ellmers Jackson Lee
 Capps Emerson (TX)
 Capuano Engel Johnson (GA)
 Cardoza Farenthold Johnson (OH)
 Carnahan Farr Johnson, E. B.
 Carney Fattah Johnson, Sam
 Carson (IN) Fitzpatrick Jones
 Carter Fleischmann Kaptur
 Cassidy Fleming Keating
 Castor (FL) Forbes Kelly
 Chandler Fortenberry Kildee
 Chu Frank (MA) King (NY)
 Cicilline Frelinghuysen Kingston
 Clarke (MI) Fudge Kinzinger (IL)
 Clarke (NY) Gallegly Kissell

Olson Schwartz
 Olver Scott (VA)
 Owens Scott, David
 Palazzo Sensenbrenner
 Pallone Sewell
 Pascrell Sherman
 Paulsen Shimkus
 Pearce Shuster
 Pelosi Simpson
 Perlmutter Sires
 Peters Smith (NE)
 Peterson Smith (NJ)
 Pingree (ME) Smith (TX)
 Platts Smith (WA)
 Posey Southerland
 Price (NC) Stark
 Quigley Stivers
 Rahall Sullivan
 Rangel Sutton
 Reed Terry
 Rehberg Thompson (CA)
 Reichert Thompson (MS)
 Renacci Thompson (PA)
 Reyes Thornberry
 Richardson Tierney
 Richmond Tipton
 Rivera Tonko
 Roby Tsongas
 Roe (TN) Turner (NY)
 Rogers (AL) Turner (OH)
 Rogers (KY) Van Hollen
 Rogers (MI) Visclosky
 Rokita Walz (MN)
 Rooney Wasserman
 Ros-Lehtinen Schultz
 Roskam Waters
 Ross (AR) Watt
 Ross (FL) Waxman
 Rothman (NJ) Webster
 Roybal-Allard Welch
 Ruppelberger West
 Rush Westmoreland
 Ryan (OH) Whitfield
 Sánchez, Linda Wilson (FL)
 T. Wittman
 Sanchez, Loretta Wolf
 Sarbanes Womack
 Scalise Woolsey
 Schakowsky Yarmuth
 Schiff Yoder
 Schmidt Young (AK)
 Schock Young (FL)
 Schrader Young (IN)

NOT VOTING—16

Akin Kucinich Runyan
 Baldwin Lewis (CA) Shuler
 Bass (CA) Marino Slaughter
 Bilirakis Myrick Towns
 Coble Neal
 Filner Paul

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 2133

Messrs. GARRETT and KING of Iowa
 changed their vote from “no” to “aye.”
 So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 368, I was
 away from the Capitol due to prior commit-
 ments to my constituents. Had I been present,
 I would have voted “no.”

The Acting CHAIR. The Clerk will
 read.

The Clerk read as follows:

This Act may be cited as the “Department
 of Homeland Security Appropriations Act,
 2013”.

Mr. ADERHOLT. Mr. Chairman, I
 move that the Committee do now rise
 and report the bill back to the House
 with sundry amendments, with the rec-
 ommendation that the amendments be
 agreed to and that the bill, as amend-
 ed, do pass.

The motion was agreed to.

Accordingly, the Committee rose;
 and the Speaker pro tempore (Mr.

REED) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 667, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT

Mr. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 5855 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 19, line 18, after the dollar amount insert “(reduced by \$16,630,000)”.

Page 32, line 16, after the dollar amount, insert “(increased by \$16,630,000)”.

Page 39, line 20, strike “\$150,000,000” and insert “\$490,300,000”.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, tonight I rise to offer the final amendment. I want to be clear that this is a final amendment to the bill. It will not kill the bill, nor will it send it back to committee. If it's adopted, the bill will be voted on immediately as amended.

Let me start by saying that it's unfortunate that the House Republicans unilaterally reneged upon the agreed upon discretionary caps that were established by the Budget Control Act. Their doing so—just to finance more tax cuts for people that were already tremendously well-off—has resulted in the Appropriations Committee having to absorb \$19 billion in reductions below the Budget Control Act. So I recognize, Mr. Speaker, that subcommittee Chairman ADERHOLT and Ranking Member PRICE did the very best that they could with this bill given the subcommittee's allocation. Nevertheless, I offer this final amendment that focuses on two important

areas: combating the increasing cyberthreat facing this country and protecting our urban areas from terrorist threats.

This week's Washington Post pointed out that in recent years, there have been numerous revelations about how the unknown vulnerabilities of our networks and cyberinformation were used to break into systems that were assumed to be secure.

□ 2140

One came in 2009 targeting Google, Northrop Grumman, Dow Chemical and hundreds of other firms when hackers from China penetrated the targeted computer systems. Over several months, the hijackers siphoned off oceans of data, including the source code that runs Google systems. According to the same article, another attack last year took aim at cybersecurity giant RSA, which protects most of the Fortune 500 companies.

But it's not only a problem for the largest companies. In fact, according to Reuters, 40 percent of all the targeted Internet attacks are directed toward more vulnerable companies with fewer than 500 employees.

Mr. Speaker, I expect the chairman will defend this bill's investments in cybersecurity and, again, I appreciate that. He did what he could do, and we should be doing more. While we spend more than China, Russia, and the next eight countries combined ensuring that our military superiority is intact, we have not taken that same sense of purpose to cybersecurity.

My amendment does precisely that, adding \$17 million in new funding to the National Protection and Programs Directorate for additional cybersecurity personnel, including training and education opportunities to grow the future cybersecurity workforce. With repeated and increasingly dangerous threats to our Federal and private cybernetworks, it's critical that we have staff with the utmost up-to-date training and skills to address these threats.

The final amendment also increases the bill's investment in Urban Area Security Initiative grants from \$150 million to \$490.3 million. This will not take money away from anybody; it just reallocates the distribution. This is the amount Secretary Napolitano devoted to the Urban Area Security grants in 2012. As my colleagues know, these grants are intend to protect the highest risk and highest density urban areas from terrorist threats. These grants have been substantially reduced under the Republican majority, and these reductions have put our Nation's most populated areas at greater risk.

With that, Mr. Speaker, I yield to my colleague from New York.

Mrs. LOWEY. While I appreciate language in the bill set aside for high threat areas, I fear that it's simply insufficient to combat the threats we know are facing our most populated cities.

This motion simply raises the floor that must be spent protecting our major population levels to be equal to current levels. The amount of money dedicated to urban areas has dropped from \$887 million in 2010, \$725 million in 2011, to now under \$500 million, yet the threats we face have not diminished.

I thank the gentleman for offering this motion and yielding, and I urge my colleagues to vote to protect our critical population and economic centers.

Mr. TIERNEY. Reclaiming my time, Mr. Speaker, this final amendment improves the underlying bill and hopefully will garner bipartisan support. Let's take these additional threats to combat cyberthreats, but step up our efforts to protect our urban areas from terrorist threats. Please support the motion to recommit.

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

Mr. ADERHOLT. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, this bill is already robust on cybersecurity. It provides a substantial increase in every cybersecurity program across the Department.

Furthermore, this bill already does more for grants to high-risk areas than any previous DHS appropriations bill, and we increase grants by more than \$400 million. Let me repeat that: By more than \$400 million we increase grants.

In short, this motion is not needed. This bill cuts spending overall, but it also fully sustains all frontline and high-risk operation. It is a balanced bill. It is a disciplined bill. It is a bill worthy of support.

Mr. Speaker, it's time to vote. It's time to meet our Nation's needs for security and fiscal restraint. I urge my colleagues to reject this unnecessary motion and to enthusiastically support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 165, noes 251, not voting 15, as follows:

[Roll No. 369]

AYES—165

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

NOES—251

Adams Cantor Franks (AZ)
 Aderholt Capito Frelinghuysen
 Alexander Carney Gallegly
 Amash Carter Gardner
 Amodei Cassidy Garrett
 Austria Chabot Gerlach
 Bachmann Chaffetz Gilson
 Bachus Chandler Gibson
 Barletta Coffman (CO) Gingrey (GA)
 Barrow Cole Gohmert
 Bartlett Conaway Goodlatte
 Barton (TX) Cravaack Gosar
 Bass (NH) Crawford Gowdy
 Benishek Crenshaw Granger
 Berg Culberson Graves (GA)
 Biggert Davis (KY) Graves (MO)
 Bilbray Denham Griffin (AR)
 Bishop (UT) Dent Griffith (VA)
 Black DesJarlais Grimm
 Blackburn Diaz-Balart Guinta
 Bonner Dold Guthrie
 Bono Mack Donnelly (IN) Hall
 Boren Dreier Hanna
 Boswell Duffy Harper
 Boustany Duncan (SC) Harris
 Brady (TX) Duncan (TN) Hartzler
 Braley (IA) Ellmers Hastings (WA)
 Brooks Emerson Hayworth
 Broun (GA) Farenthold Heck
 Buchanan Fincher Heinrich
 Bucshon Fitzpatrick Hensarling
 Buerkle Flake Herger
 Burgess Fleischmann Herrera Beutler
 Burton (IN) Fleming Huelskamp
 Calvert Flores Huizenga (MI)
 Camp Forbes Hultgren
 Campbell Fortenberry Hunter
 Canseco Foxx Hurt

Issa Miller (FL) Schilling
 Jenkins Miller (MI) Schmidt
 Johnson (IL) Miller, Gary Schock
 Johnson (OH) Mulvaney Schrader
 Johnson, Sam Murphy (PA) Schweikert
 Jones Neugebauer Scott (SC)
 Jordan Noem Scott, Austin
 Kelly Nugent Sensenbrenner
 King (IA) Nunes Sessions
 King (NY) Nunnelee Shimkus
 Kingston Olson Shuster
 Kinzinger (IL) Owens Simpson
 Kissell Palazzo Smith (NE)
 Kline Paulsen Smith (NJ)
 Labrador Pearce Smith (TX)
 Lamborn Pence Southerland
 Lance Peterson Stearns
 Landry Petri Stivers
 Lankford Pitts Stutzman
 Latham Platts Sullivan
 LaTourette Poe (TX) Terry
 Latta Pompeo Thompson (PA)
 LoBiondo Posey Thornberry
 Loeb sack Price (GA) Tiberi
 Long Quayle Tipton
 Lucas Reed Turner (NY)
 Luetkemeyer Rehberg Turner (OH)
 Luján Reichert Renacci Upton
 Lummis Ribble Walberg
 Lungren, Daniel Rigell Walden
 E. Rivera Walsh (IL)
 Mack Roby Walz (MN)
 Manzullo Marchant Webster
 Matheson Rogers (AL) West
 McCarthy (CA) Rogers (KY) Westmoreland
 McCaul Rogers (MI) Whitfield
 McClintock Rohrabacher Wilson (SC)
 Rokita Rokitka Wittman
 McCotter Rooney Wolf
 McHenry Ros-Lehtinen Womack
 McKeon Roskam Woodall
 McKinley Ross (AR) Yoder
 McMorris Ross (FL) Young (AK)
 Rodgers Royce Young (FL)
 Meehan Ryan (WI) Young (IN)
 Mica Scalise

NOT VOTING—15

Akin Kucinich Paul
 Baldwin Lewis (CA) Runyan
 Bilirakis Marino Shuler
 Cobile Myrick Slaughter
 Filner Neal Towns

□ 2159

Mr. CARNEY changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 369, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 182, not voting 15, as follows:

[Roll No. 370]

YEAS—234
 Adams Berkley Bucshon
 Aderholt Biggert Buerkle
 Alexander Bilbray Burton (IN)
 Altmire Bishop (UT) Calvert
 Amodei Black Camp
 Austria Blackburn Canseco
 Bachmann Bonner Cantor
 Bachus Bono Mack Capito
 Barletta Boren Carter
 Barrow Boswell Cassidy
 Bartlett Boustany Chabot
 Barton (TX) Brady (TX) Chaffetz
 Bass (NH) Brooks Chandler
 Benishek Broun (GA) Coffman (CO)
 Berg Buchanan Cole

Conaway Jenkins Price (GA)
 Cravaack Johnson (OH) Quayle
 Crawford Johnson, Sam Rahall
 Crenshaw Jordan Reed
 Culberson Keating Rehberg
 Davis (KY) Kelly Reichert
 Denham King (IA) Renacci
 Dent King (NY) Ribble
 DesJarlais Kingston Kingston
 Diaz-Balart Kinzinger (IL) Rigell
 Dold Kissell Rivera
 Donnelly (IN) Kline Roby
 Dreier Labrador Roe (TN)
 Duffy Lamborn Rogers (AL)
 Duncan (SC) Lance Rogers (KY)
 Ellmers Landry Rogers (MI)
 Emerson Lankford Rohrabacher
 Farenthold Latham Rokita
 Fincher LaTourette Rooney
 Fitzpatrick Latta Ros-Lehtinen
 Fleischmann LoBiondo Roskam
 Fleming Long Ross (AR)
 Flores Lucas Ross (FL)
 Forbes Luetkemeyer Scalise
 Fortenberry Lungren, Daniel Schilling
 Foxx E. Schmidt
 Franks (AZ) Mack Schweikert
 Frelinghuysen Manzullo Scott (SC)
 Gallegly Marchant Scott, Austin
 Gardner Matheson Sessions
 Garrett McCarthy (CA) Shuster
 Gerlach McCarthy (NY) Simpson
 Gibbs McCaul McCotter
 Gibson McCotter McHenry
 Gingrey (GA) McHenry Smith (NE)
 Gohmert McIntyre Smith (NJ)
 Goodlatte McKeon Smith (TX)
 Gosar McKinley Southerland
 Gowdy McMorris Stivers
 Granger Rodgers Stutzman
 Graves (GA) Meehan Sullivan
 Graves (MO) Mica Terry
 Griffin (AR) Miller (FL) Thompson (PA)
 Griffith (VA) Miller (MI) Thornberry
 Grimm Miller, Gary Tiberi
 Guinta Murphy (PA) Tipton
 Guthrie Neugebauer Turner (NY)
 Hall Noem Turner (OH)
 Hanna Nugent Upton
 Harper Nunes Walberg
 Harris Nunnelee Walden
 Hartzler Olson Webster
 Hastings (WA) Owens West
 Hayworth Palazzo Westmoreland
 Heck Paulsen Whitfield
 Heinrich Pearce Wittman
 Hensarling Pence Wolf
 Herger Herrera Beutler Petri
 Huizenga (MI) Pitts Womack
 Hultgren Platts Woodall
 Hunter Poe (TX) Yoder
 Hurt Pompeo Young (FL)
 Issa Posey Young (IN)

NAYS—182

Ackerman Conyers Grijalva
 Amash Cooper Gutierrez
 Andrews Costa Hahn
 Baca Costello Hanabusa
 Bass (CA) Courtney Hastings (FL)
 Becerra Critz Higgins
 Berman Crowley Himes
 Bishop (GA) Cuellar Hinchey
 Bishop (NY) Cummings Hinojosa
 Blumenauer Davis (CA) Hirono
 Bonamici Davis (IL) Hochul
 Brady (PA) DeFazio Holden
 Braley (IA) DeGette Holt
 Brown (FL) DeLauro Honda
 Burgess Deutch Hoyer
 Butterfield Dicks Huelskamp
 Campbell Dingell Israel
 Capps Doggett Jackson (IL)
 Capuano Doyle Jackson Lee
 Cardoza Duncan (TN) (TX)
 Carnahan Edwards Johnson (GA)
 Carney Ellison Johnson (IL)
 Carson (IN) Engel Johnson, E. B.
 Castor (FL) Eshoo Jones
 Chu Farr Kaptur
 Cicilline Fattah Kildee
 Clarke (MI) Flake Kind
 Clarke (NY) Frank (MA) Langevin
 Clay Fudge Larsen (WA)
 Cleaver Garamendi Larson (CT)
 Clyburn Gonzalez Lee (CA)
 Cohen Green, Al Levin
 Connolly (VA) Green, Gene Lewis (GA)

Lipinski	Pelosi	Serrano
Loeb	Perlmutter	Sewell
Lofgren, Zoe	Peters	Sherman
Lowey	Pingree (ME)	Sires
Lujan	Polis	Smith (WA)
Lummis	Price (NC)	Speier
Lynch	Quigley	Stark
Maloney	Rangel	Stearns
Markey	Reyes	Sutton
Matsui	Richardson	Thompson (CA)
McClintock	Richmond	Thompson (MS)
McCollum	Rothman (NJ)	Tierney
McDermott	Roybal-Allard	Tonko
McGovern	Royce	Tsongas
McNerney	Ruppersberger	Van Hollen
Meeks	Rush	Velázquez
Michaud	Ryan (OH)	Visclosky
Miller (NC)	Ryan (WI)	Walsh (IL)
Miller, George	Sánchez, Linda	Walz (MN)
Moore	T.	Wasserman
Moran	Sanchez, Loretta	Schultz
Mulvaney	Sarbanes	Waters
Murphy (CT)	Schakowsky	Watt
Nadler	Schiff	Waxman
Napolitano	Schrader	Welch
Olver	Schwartz	Wilson (FL)
Pallone	Scott (VA)	Woolsey
Pascarella	Scott, David	Yarmuth
Pastor (AZ)	Sensenbrenner	

NOT VOTING—15

Akin	Kucinich	Paul
Baldwin	Lewis (CA)	Runyan
Bilirakis	Marino	Shuler
Coble	Myrick	Slaughter
Filner	Neal	Towns

□ 2207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 370. Had I been present, I would have voted "aye" on rollcall vote Nos. 360, and 369. Had I been present, I would have voted "no" on rollcall vote Nos. 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, and 370.

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, June 7, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permissions 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 June 7, 2012 at 6:08 p.m.:

That the Senate passed S. 3261.

That the Senate passed without amendment H.R. 5883.

That the Senate passed without amendment H.R. 5890.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 2210

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BROUN of Georgia. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Broun of Georgia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on provisions that limit funding out of the Highway Trust Fund (including the Mass Transit Account) for Federal-aid highway and transit programs to amounts that do not exceed \$37,500,000,000 for fiscal year 2013.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. BROUN) and the gentleman from Oregon (Mr. DEFALZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that our country is facing an unprecedented fiscal emergency. We're broke as a Nation. While a number of us believe that the Federal Government's spending must be limited from the very start, it's clear to most of us here that any spending that we do must be offset. We cannot continue to build debt for our children and our grandchildren.

In most cases, when we wish to increase spending, we are presented with a very difficult choice: whether to increase taxes, as some would have us to do, or reduce spending in other areas of the Federal Government. But the case before us today, the Federal highway system, is different from most Federal programs.

Much of the spending in the underlying bill is filtered through the highway trust fund, which was built on a unique principle of "user pays." Unlike most government programs which rely on general tax revenues, the programs which provide for new roads and highway improvements are paid for by highway users through the 18.4 cents per gallon gas tax. It isn't a perfect system, but it was created with a built-in accountability measure in mind: that the highway trust fund may only give out in obligations the amount in which it takes in through gas tax revenues.

Until recently, this principle worked relatively well. But increasing construction costs, stricter federally mandated fuel efficiency standards, and a reluctance to increase the gas tax—especially during an economic downturn—have led to a decrease in the highway trust fund's purchasing power.

None of these problems should have been a surprise to Congress, Mr. Speaker, as many of them were direct results of actions taken by this body. Nevertheless, these obstacles should have led

us to some sort of congressional action in order to keep the highway trust fund—and the Federal highway programs as a whole—solvent.

So what did Congress do? Did we increase the gas tax? Did we reverse the fuel efficiency standards? Did we reorganize any of the programs or do anything to encourage the production of cheaper fuel here in the U.S.? No, absolutely not. When faced with the threat of bankrupting the highway trust fund in 2005, Congress did nothing to rein in spending or increase revenues. Instead, Congress passed the SAFETEA-LU law, which was the biggest, most expensive transportation authorization in history. Not surprisingly, by 2009, the highway trust fund was broke. Since then, we've passed three separate bailouts of the highway trust fund totaling nearly \$30 billion.

Mr. Speaker, I fear that the bill which is currently in conference will only lead to more of the same of that deficit spending. My fear is supported by numbers from the Congressional Budget Office which show that for each of the next 2 years, there is a projected \$8 to \$9 billion gap between the likely revenues and the expected outlays within the highway trust fund.

It is important to note, however, that these estimates are developed using current budgetary conditions. This means that changes could be made during the conference which would prevent this shortfall from happening again.

One approach which has been embraced by many Members is to tie U.S. energy production to highway financing. On its face, this approach looks like a win-win solution to both drive down gas prices and allow for increased investment in transportation infrastructure.

While I support language to authorize the Keystone pipeline and other domestic energy projects, I must caution my colleagues about combining such initiatives to pay for a transportation authorization. There are many regulatory hurdles that these projects must cross, as well as litigation, before they come to fruition. I don't agree with these burdens, but they are a reality. Even in the best case scenario, it will be years before we see any profits from Keystone or any energy development that many of us would like to see us undertake.

Indeed, using potential energy production to pay for other priorities is not new in this body. In fact, the House has voted to allow development of the resources in the Arctic National Wildlife Refuge more than 10 times since 1995. But as many of us know, policies that are passed here in the House, or even in both bodies, do not always take effect as intended.

While I agree that our Nation's infrastructure needs significant help, we simply cannot allow ourselves to spend billions of dollars that we simply don't have based on the promise of potential,

unrealized energy revenues. That's why I have brought this motion to the floor tonight.

My motion to instruct would restore the inherent limits which were built into the highway trust fund originally. It would ask that the conferees only obligate funds which are equal to what the Congressional Budget Office projects that the government will take in via the Federal gas tax over the course of fiscal year 2013.

If my language were added to the bill, it would return discipline to a broken program until either additional real revenue becomes available or policy changes are made which would relieve the pressure on the highway trust fund.

We are in a fiscal crisis, Mr. Speaker. As a House Member, when I evaluate legislation, I ask myself four questions. The first, is it right? Is it moral? The second, is it constitutional according to the original intent of the Constitution? The third, is it needed? And the fourth, can we afford it?

Given what the conferees are working with, I can't sign off on that last question. It is simply not affordable.

We cannot continue to create more debt. And I'm not the only one who feels that way, Mr. Speaker. In fact, likewise, just 2 days ago, the U.S. Chamber of Commerce sent a letter to House Members earlier this week expressing its fear of an "impending fiscal cliff." In part, the letter states that:

America is accelerating toward a fiscal cliff while at the same time Congress and the President are ignoring a growing long-run fiscal imbalance.

Mr. Speaker, it seems clear to me that passing the motion before us here today would be an important step towards reining in spending and allowing us to step back from the precipice on which we find ourselves, a precipice of total economic collapse of our Nation.

Unfortunately, as with every other issue, the debate over transportation spending has become "cuts for thee, but not for me." The time for such games has ended. My motion would attempt to rein in Federal spending and hold us to our honest limits for now. And if the best case scenario presents itself down the road, all the better.

I urge my colleagues to support this motion, and I reserve the balance of my time.

□ 1020

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I might consume.

Well, here we are in the dark of the night, voting on what is really, for the most part meaningless, which is a motion to instruct conferees, which is nonbinding. But in this case, since this might indicate the intent of the majority, should this motion prevail, this is a very significant discussion of the future of our country.

Now, the gentleman talked about runaway spending, and we have some substantial agreement there. I was the

lead Democratic sponsor on a balanced budget amendment which would force us to agree on ways to move toward fiscal responsibility, including both revenues, which that side denies, and expenditures.

But when we look at expenditures, we need to discriminate between consumption and investment. Investment is transportation and infrastructure, giving the United States of America a 21st century, competitive infrastructure system to compete with the rest of the world.

Our competitor nations get it. China's spending almost 10 percent of their gross domestic product on transportation investment so they can be more competitive, get their goods to market more quickly, more efficiently, more fuel efficiently, move their people more efficiently.

India, 5 percent. Brazil, 6 percent. United States of America, a little bit less than 1 percent—and the gentleman's amendment would cut it to zero for the next year. Yes, zero.

Now, how does that happen?

Well, the fact is that as we incur obligations to spend money on infrastructure, there's a tail, there's a lag. We only reimburse the States once the projects are finished. And it happens that, over the next year, the past obligations to which the Federal Government has committed, would equal the amount of money to which the gentleman would limit us, which would mean no new investment in transportation and infrastructure in this country, despite the fact we have 150,000 bridges on the Federal system that are at the point of collapse or need substantial rehabilitation.

We have 40 percent of the miles on the national highway system that don't just need an overlay; they need to be dug up. They need to be totally rebuilt. And a \$70 billion backlog on our transit system. That's the 19th and 20th century system, let alone a 21st century transit them.

And guess what? If we make these investments with the "Buy America" requirements, which many on that side of the aisle are opposed to, we would put millions to work in this country. So we are, on this side, fighting for more investment. There are many on that side fighting for reduced investment. But this motion would actually propose zero, zero investment for the next year in transportation and infrastructure in America, with the deteriorating system. And that's somehow fiscally prudent.

The gentleman talked about the Chamber of Commerce. Kind of interesting because actually I have a letter dated June 5, pretty recent, from the Chamber of Commerce:

Passing transportation reauthorization legislation is a concrete step Congress and the administration can take right now to support job, economic productivity without adding to the deficit. The Chamber strongly opposes the Broun amendment, the motion to in-

struct conferees, and urges you to vote against this effort to slash funding for highways, transit, and safety programs. The Chamber may consider including votes on or in relation to this Broun amendment to instruct in our annual how they voted score card.

That's good. I might end up at 5 percent or 10 percent because I am going to oppose it. A lot of time I'm kind of zero with the Chamber. So that's good. They get it.

There's a long list of businesses and others that are opposed to this amendment. They understand for America to compete in the modern 21st century world we need an up-to-date transportation system. We don't have it, and the 20th century system we have, the legacy of Dwight David Eisenhower, a Republican President, is falling apart.

At the levels the gentleman would mandate with this motion to instruct, according to the Congressional Budget Office, there would be zero new investment in the coming year. That is hundreds of thousands of jobs lost, opportunities lost.

Now, I understand that on their side of the aisle they're having a very robust debate—I didn't bring my poster tonight—about the issue of devolution. And devolution is a theory that the Federal Government shouldn't be involved in national transportation policy. It should be delegated to the 50 States, and they should be responsible for paying for it.

Well, guess what? We had that system until 1956. Dwight David Eisenhower and the surface transportation legacy he gave us with the national highway system. And I have a great poster—I wish I'd brought it—which is a great photo from the air of the new, brand new, spanking new, beautiful new Kansas Turnpike, 1956. And guess what?

It ends kind of abruptly, and you go, wow, what's that line? Why does it end there?

Well, that was a farmer's field in Oklahoma, because Oklahoma said, well, we'll build our section too. We'll have a new, coordinated thing. But they said, well, we don't have the money, and they couldn't do it. And it wasn't done until the Eisenhower bill was adopted and we had a national investment in a national transportation highway system.

They want to go back to the good old days, a 50-State system funded by the 50 States that's disconnected. So freight comes into L.A., which is going to all of the Western United States, well, even some of it further to the east, maybe, probably not all the way to Georgia, who knows. Some of it. And well, I guess California would have to pay for moving all the freight for the rest of the country. Well, maybe they're not going to do that, and maybe the other States aren't going to do that under this kind of new, bizarre theory of devolution.

We need a 21st century, efficient, competitive, world-class national transportation system. The bill that

the Senate passed won't get us there. I would vote for it. Won't get us there.

The bill that was proposed on the Republican side of the aisle, which they couldn't even get out of conference, would move us backwards. This bill would take us back to essentially, not quite even Third World status because Third World countries are investing more of their GDP in transportation and infrastructure than us. It would be Fourth World, formerly First World, vaulting over everybody else saying, hey, we're just going to let it fall apart. We're going to leave it up to the 50 States, and maybe they can get it together for a national system. Maybe they can't. This is nuts.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. To begin with, I yield myself as much time as I may consume, and then I'll yield to my good friend, MO BROOKS from Alabama.

But prior to yielding to Mr. BROOKS, I want to say that my good friend, who I have utmost admiration and good feelings towards personally, my friend from Oregon is just factually incorrect. If this motion to instruct is indeed put into the conference report that, hopefully, they will get out, there will continue to be new investment in our infrastructure. The difference will be that we just won't create any more debt.

And the argument I got from my colleague on the other side just shows the very drastic difference in philosophy between my Democratic colleagues and me and many on our side, and that's that it seems to me that the philosophy of the Democratic party is that only government creates jobs.

The government doesn't make any money. They just take money from those who are creating jobs and spend it on whatever government decides that they want to spend it on. We spent a tremendous amount of money, which is going to wind up being over \$1 trillion in a stimulus package that our President gave us. And where are the jobs? He created some temporary jobs. Created even temporary infrastructure jobs, but our economy is no better.

The American people are asking, where are the jobs? Where's the stronger economy?

There is none. And there is none because the philosophy of my Democratic colleagues just simply does not work. Socialism has never worked under any socialist particular regime in the history of this Nation, and it's not going to work under the socialistic regime of Barack Obama and my Democratic colleagues.

I believe in transportation. It's one of the few truly constitutional functions of the Federal Government under the original intent. In our Founding Fathers' time they called it a postal road system.

□ 2230

But what I am against is creating more debt for my two grandchildren,

who are 6 and 7. Their names are Tillman and Cile Surratt, and they live in Oconee County, Georgia. What we are doing here in this body and what we've been doing in the 5 years I've been here is creating more debt that they and their children and their grandchildren are going to have to pay. They're going to live at a lower standard than we do today.

It's because of this philosophy of Big Government spending; it's because of a philosophy of government knows best for America; and it's a philosophy of government is going to take away from those who are producing and creating jobs and give it to government bureaucrats to try to tell us how to run our lives.

It has to stop. America is broke, and we have to stop this deficit spending. Where are the jobs?

We can create some part-time jobs. I'd like to see us have a transportation bill. I'd like to see us have a 10-year transportation bill based on highway trust fund spending—nothing else—and not going into debt any further. So the philosophy of my good friend from Oregon and his colleagues on the Democratic side is a philosophy of economic failure as a Nation, and we've got to stop it.

I would now like to yield 10 minutes to my good friend from Alabama (Mr. BROOKS).

Mr. BROOKS. I support Representative BROUN's motion to instruct. Let me explain why.

For six decades, America has been the greatest Nation in history. We are blessed with a standard of living envied by the world, a military unmatched in history, freedoms that others can only dream of.

Why is America great? Because Americans before us sacrificed so that their children, their grandchildren, their country would enjoy a better future.

Our Founding Fathers exemplified America's spirit when they stated in the Declaration of Independence:

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

In contrast, today's Washington abandons America's foundational principles. Today's Washington supports unsustainable spending binges that abandon our children and grandchildren and America's future.

Perhaps a refresher is needed to emphasize America's financial plight.

Mr. Speaker, let me first direct your attention to this deficit chart. As the chart reflects, America suffers from three consecutive, record-breaking, and unsustainable trillion-dollar deficits, and we are in the midst of a fourth trillion-dollar deficit that is projected for this year.

Think about that for a moment.

In fiscal year 2011, Washington borrowed 36 cents for every dollar it spent. No household or business could survive

borrowing 36 cents for it to operate. Similarly, no nation can survive that either. As a result, America blew through the \$15 trillion accumulated debt mark in November of last year. This year, America is going to blow through the \$16 trillion debt mark.

Mr. Speaker, the next chart reflects spending for FY 2010 and FY 2011. In FY 2010, the cost of America's debt service was \$196 billion. In FY 2011, the cost of America's debt service was \$221 billion. They're relatively small slices of those pies. However, in just 1 year, the cost to American taxpayers to service America's debt increased by \$25 billion.

To put that into perspective, \$25 billion is more than NASA's entire budget—and this is at record low interest rates. If America's creditors become as insecure as the creditors of Greece, Spain, Italy, and any number of other nations and if interest rates go up accordingly, America's debt service would jump to the \$800 billion-a-year range, making debt service more costly than our entire budget for national defense, our entire budget for Social Security, or our entire budget for Medicare. Consequently, if we had this small slice of the pie increase to \$800 billion a year, every other service provided by the Federal Government would have to shrink.

So that we are clear, reckless, out-of-control spending is the cause of America's deficits.

In fiscal year 2007, when NANCY PELOSI became House Speaker and when HARRY REID became the Senate Majority Leader, America spent \$2.7 trillion. In FY 2011, America spent \$3.6 trillion. In just 4 years, Federal Government spending went up \$900 billion—a 33 percent increase. Simply stated, there is no end in sight to Washington's reckless and irresponsible spending.

Mr. Speaker, if Washington does not gain wisdom and backbone, if Washington does not change its reckless spending habit, then there will be an American insolvency and bankruptcy. For emphasis, the question is not "if." The questions are "when?" and "how much damage will be done to our Nation from that insolvency and bankruptcy?" President Obama's Chairman of the Joint Chiefs of Staff, Mike Mullen, gave insight when he stated, "I think the biggest threat we have to our national security is our debt."

And he is right. Already, America's out-of-control spending threatens to force the firing of 700,000 national defense personnel starting in a mere 7 months, on January 1 of 2013. Let me emphasize that: threatened with 700,000 lost jobs. No enemy has ever undermined America's national defense so badly.

But it does not end with the decimation of America's national defense, which may leave America at the mercy of our enemies abroad. America's insolvency and bankruptcy risk the elimination of Social Security and Medicare, thereby breaching our obligations

to our elderly and leaving them impoverished and without medical care.

To summarize the danger to America, think back to the Great Depression in the 1930s and imagine how bad it would have been if then the Federal Government had been insolvent. As you do this, remember the result of the Great Depression—an ensuing war that killed tens of millions of men, women, and children worldwide.

All of this brings me to PAUL BROUN's motion to instruct. The transportation bill is a microcosm of what threatens America. We enjoy, roughly, \$37 billion in expected highway revenue, yet some in Washington seek to spend, roughly, \$51 billion. That's \$14 billion a year that we don't have.

Now, there are solutions to this budget gap that I could support. We could cut \$14 billion in foreign aid and spend it on American roads, but my colleagues across the aisle oppose that. We could cut welfare and stop paying \$14 billion a year to people to not work and instead pay \$14 billion a year to people to work on buildings and bridges, but my colleagues across the aisle oppose that. There are plenty of solutions out there, but simply borrowing another \$14 billion a year we don't have is not one of them.

Mr. Speaker, I cannot in good conscience support a transportation bill that spends, roughly, \$14 billion we don't have, thereby accelerating America on its path to insolvency and bankruptcy.

In that vein, I thank Congressman PAUL BROUN for filing his motion to instruct and for displaying the leadership America so sorely needs. Congressman BROUN is a man of principle. He has the intellect to understand the economic disaster that awaits America if Washington does not live within its means. More importantly, Mr. BROUN has the backbone to do something about it. It is an honor to stand with Congressman BROUN and to support his motion to instruct.

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

I appreciate and I certainly do respect the gentleman from Georgia, and he is a gentleman, but let's get a few things straight here.

We're not talking about government jobs. We're talking about private sector jobs. The Federal Government does not build bridges. The Federal Government does not restore the condition of our highways. The Federal Government does not build transit vehicles or invest in transit systems. What the Federal Government does is to invest with strong "buy America" provisions to the best low-cost bidders to make and restore these products to make America more competitive.

□ 2240

One of the things that underlays our system, the most basic thing—I mean, George Washington, he started to build canals; Abraham Lincoln, the transcontinental railway; Dwight David Ei-

senhower, the national highway system, which is now falling apart; and Ronald Reagan put transit into the highway trust fund, because we shouldn't neglect our urban areas and the needs of those people.

The effect of the Broun amendment would be zero new Federal expenditures beginning October 1 next year on transit highways and other investments in transportation in this country. You can't get around that. That's what they're proposing. Because we have past obligations and the way they've written, this would limit us to only pay for past obligations, not any new obligations.

They rattled on and prattled on a bit about the Obama stimulus. I voted against it. Why did I vote against it? Because 7 percent was transportation investment and 40 percent was tax cuts. And guess what? Those damn tax cuts didn't put anybody back to work, and they won't put anybody back to work in the future. That's all you guys want, is tax cuts. We need investment in our country. We need investment in moving people and goods. We need to compete with the world, and you don't want to do it. That's nuts.

I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak against this motion to instruct.

Mr. Speaker, I've been through this movie before as a member of the Budget Committee. This is not new ground. When it was first unveiled before us and I looked at the transportation provisions, I asked the Republican staff to pin down exactly the amount of money that is available. This essentially is what the Republican budget is, and it was not enough to meet the current obligations. It meant that there would be no new programming. And now we're bringing it to the floor with instructions to make sure that this is what the conference committee enacts.

Let us be clear. What my friend and colleague from Oregon pointed out is that this is an opportunity for us to empower the private sector. Republicans and Democrats alike have been visited time and time and time again—first of all, you could hear from people in your district that the Recovery Act kept businesses afloat, kept people working, made a huge difference in every State in the union. Even though I agree with my colleague from Oregon that it wasn't enough infrastructure, but the contractors, electrical contractors, unions, and pavers were thankful for it to help many of them not go out of business.

The list of people who oppose this amendment are not opposing it because our proposal is socialism. To the contrary. The Amalgamated Transit Union, the American Coal Ash Association, the American Concrete Pavement Association, the American General Contractors, the Laborers' Inter-

national, the Portland Cement Association, the Carpenters, and the U.S. Chamber oppose this because it would add to the depression that we have in the construction cycle in the United States right now. We would not be able to keep pace, and it would result in hundreds of thousands of jobs being lost.

We had a proposal that passed the Senate with 74 votes—half the Republicans—that would enable us to have two construction cycles. The Republicans, who could not get the votes to even have the courage to bring their proposal to the floor—it fell apart, having been brought to the Transportation Committee. And I am a proud alumni member of that committee. For the first time in history, it was a blatantly partisan bill that had never even had a hearing. They somehow got it out of committee, and they got it out of our Ways and Means Committee, but the support within the Republican Party completely fell apart before it came to the floor. They were afraid to have it voted on because it would have been defeated because it was bad for America. I had a list of 600 groups when I was arguing against it in our Ways and Means Committee that thought it was terrible policy.

We requested the Republican leadership to at least allow the Senate bill to be voted on, and they were afraid to do that. So we're in conference now merely because the Republicans just had a short-term extension, unwilling to allow this body—and I know there would be a number of my Republican friends who would have joined with us. Not a majority of Republicans, but enough that it would have passed comfortably, and we wouldn't be caught in this Never Never Land.

My good friend from Georgia is concerned that his two grandchildren will be facing debt. Well, the Republican budget would force us to increase the debt ceiling. It will force us to borrow in order to have more unfunded tax cuts, even while it undercuts investment in infrastructure. This was admitted by the Republican chair of the committee in our budget hearing yesterday. He admits that it's not going to balance any time in the foreseeable future, and that it will require the increase in the debt ceiling.

But there's a very different philosophy. It has nothing to do with socialism. My Lord, I thought that the John Birch claim that Dwight Eisenhower was a Communist or a socialist was discredited. The partnership we've had with the highway trust fund and investing in America's future is something that is the opposite of socialism. It is a public-private partnership that has involved people at all levels in government in things that made a difference.

I had a meeting today with 80 stakeholders primarily from the private sector, including environmentalists and unions and businesses and trade associations, who are apoplectic over the

prospect that this House would go on record to shut down all new investment for the next year and further undercut the opportunity of moving a bipartisan Senate bill to at least give us two construction cycles and move forward.

I agree that we need to be concerned about a debt burden, and independent analysis of why we've had an exploding debt includes unfunded tax cuts. Remember, Mr. DEFAZIO and I served here when the big fear was that we were going to pay off all government debt. What would the insurance companies do? What would the pension plans do if there wasn't government debt to invest in? This is part of the rationale for the Bush tax cuts of 2001 and 2002, because we were looking at a \$5.3 trillion surplus.

Well, they solved that problem. They solved it with tax cuts, primarily for people who need them the least. Yet, we have serious problems with increasing health care costs, and now they are trying to dismantle the Affordable Care Act, which would actually, over 20 years, start reining those costs in. They had not one, but two unfunded wars, which my colleague and I from Oregon opposed. There is the collapse of the economy.

It is interesting that Mr. Romney's adviser, when there was criticism of the Romney record in Massachusetts for debt and problems of job loss, said:

Well, you know, part of that is that's not really a good criterion, because a lot of those jobs were lost in Governor Romney's first year in office, and you shouldn't count those.

□ 2250

There is a certain merit to that, but if you use the Romney standard of not being accountable for the first year as Governor of Massachusetts, the problems with employment and the problems with the debt look much, much different, because this President inherited one of the worst situations in American history.

It is important that we focus on where we need to go forward. We actually had a much higher percentage of the gross domestic product in public debt immediately after World War II. It's much higher than the debt burden today.

How was that solved? Was it solved by cutting taxes to zero? No. They had much higher tax rates for 20 years until the Kennedy-Johnson tax cuts. They invested in America, as my friend from Oregon pointed out. They invested in education for returning veterans, they invested in the highway, the transcontinental highway fund, they invested in America's future.

That's what we should be doing now. The absolute worst thing, the worst thing would be to shut down investment this next year in transportation and infrastructure.

That's why companies from A to Z oppose this motion to instruct. I hope, instead, we pass the Senate bill, get 2 years of construction cycle, reject this

wrong-headed approach, and get on with the business of rebuilding and re-energizing America.

Mr. DEFAZIO. I thank the gentleman. I would point out that the Senate, the proposed Senate bill, which we could pass tonight, if we call people back, or tomorrow, or next week if we stayed in town to work, but we have breaks every other week now—39 legislative days until the election. America doesn't have any problems. We don't need to be here. Right? Come on.

But the bottom line is the Senate bill would not create a penny of new debt and would fund current levels of investment, which are not what we need; but we could get by with that for 2 years until we figure out a way to make more robust investments.

The gentleman would reduce that investment to zero, zero, not exaggeration. That's the Congressional Budget Office—zero. No Federal spending for transit, no Federal spending for highways next year. That's hundreds of thousands, millions, probably a million jobs, probably 1.6 million, we would sacrifice on the altar of what? Again, back to the principle, investment consumption.

Certainly you can understand that on your side of the aisle. It's been a Republican tradition to invest in America, to invest in a more efficient transportation system for America, to make us more competitive in the world, to move our people and our goods more efficiently, to avoid importing foreign fuel and all the other things we have to do with an inefficient system. This would defy all that and say, no, United States of America, we're not going to invest in our national transportation system.

We're going to devolve that to the 50 States. We're going to go back to 1956 when one State decides to make an investment and the other State doesn't and the road ends at the border. I can't understand what this is all about.

With that, I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Georgia has 10 minutes remaining, and the gentleman from Oregon has 8½ minutes remaining.

Mr. Speaker, I want to say my friends from Oregon are just factually incorrect. This would not cut out all new spending, and they are using scare tactics to promote their Big Government agenda.

I yield 5 minutes to my good friend, the gentleman from South Carolina, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. I want to thank my friend from Georgia for yielding to me tonight.

I think our colleagues on the other side of the aisle are in denial about deficits and debt. What it means—I put the debt clock right here in front for everyone to see, but if you can't see it, America is \$15.74 trillion in debt.

In fact, we've had over \$30 million added to the Nation's debt just since we have been talking this evening and the clock's running right now; \$50,000 per American citizen in this country is your share of the Nation's debt.

You know, back in July of 2010, my wife and I, we took our boys, it was after a campaign, and we went out across the Nation. In 17 days we went through 19 States, and we visited no less than 11 national parks. Now, this was after the \$1.2 trillion stimulus package passed by President Obama in the Democrat-controlled Congress.

But what did I see as I drove through the 19 States of this country's heartland? Where did I see the construction projects on the road, the \$1.2 trillion in deficit spending to get the jobs we never got?

I saw the construction happening, road construction happening on roads leading into national parks. I didn't see it on the interstate highways that would allow transportation of commerce around this land. I saw it in the national parks.

We're \$15.74 trillion in debt, and all the gentleman is asking to do is let's live within our means. Let's collect the highway tax, and let's just spend that. Let's not continue to perpetuate deficit spending. But, you know, we throw words around like "millions" and "billions" and "trillions" around this Nation, and we lose track of what a trillion is.

But let me just tell you, if we decided to get serious about paying back our Nation's creditors, and we did it at the rate of \$20 million a day, and we did that every day, 7 days a week, 365 days a year—and, ladies and gentlemen, listen up—if we did that every day of the year, from the time Jesus Christ was born until now, we have only paid back \$14.9 trillion of our debt, less than what we owe, at the rate of \$20 million a day, for 746,000 days that it's been.

Now it's time to get serious about what we're doing in this country with regard to revenue and with regard to deficit spending. This the fourth year in a row we will be in excess of a trillion dollars, spending a trillion dollars more than we're bringing in as a Nation. All we're doing on the Republican side is saying, you know what, it's time America lives within its means. It's time we have a balanced budget.

We need a balanced budget to the Nation's Constitution to require this body, which shows no fiscal restraint, require this body to live within its means just like we have to do at home in our family budgets and our small business budgets. It's time to get serious in this country about our Nation's debt and about what our deficit spending means.

Quit spending money for jobs we never got from the Obama stimulus package.

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

The language limits the funding out of the highway trust fund, including

the mass transit account for Federal aid highway and transit programs, to amounts that do not exceed \$37.5 billion, about a third of the cost of the continuing war in Afghanistan, which I would like to bring to a close. But the existing obligations of the Federal Government for past construction, we reimburse States once the project is done, transit project, highway project, bridge project, done, we reimburse them. We don't pay them in advance. Our current obligations for the next year are \$38.8 billion.

So, if we limit the outlays to \$37.5 billion, and we owe \$38.8 billion to the States when they deliver their completed contracts in the coming year, that means we would have negative spending on Federal investments in transportation and infrastructure.

While competitive nations around the world are investing dramatically to more efficiently move goods and people, we would spend less than zero.

I don't know how we spend less than zero, but that's what this amendment would do. You keep prattling on about the Obama stimulus. I voted against it. I was one of the few Democrats who did. I voted against it not because of investment in infrastructure, but because it didn't invest in infrastructure. The President talked about it. Larry Summers hated infrastructure.

□ 2300

Timmy Geithner hates infrastructure. Old-school Jason Furman, all his advisers, they hate it. Seven percent of the money we borrowed was invested in infrastructure. Seven percent of that \$800-some billion dollars. And guess what? I can justify that borrowing because I can say to my kids and my grandkids, We built that bridge, we built that transit system, we built that highway, and you're still using it, and it made America more competitive.

But over 40 percent was tax cuts. He adopted the Republican approach. How many jobs did the tax cuts create? Nada, zero, none. You guys want to do more tax cuts, and you don't want to do any investment. That's what this would lead us to. You want to continue the Bush tax cuts—all of them—and you want to invest less than zero in Federal infrastructure.

I reserve the balance of my time.

Mr. BROUN of Georgia. I am not sure where my friend gets his mathematics from, but it's certainly not in reality.

I yield such time as he may consume to my friend, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. I thank the gentleman for yielding and I thank the gentleman for offering his motion. We've heard all kinds of emotional stuff and language here. But let's just cut to the chase. This doesn't cut anything. It doesn't slash anything. This is a motion to instruct conferees in the transportation bill, the conferees on that legislation, to limit spending in the transportation legislation to the amount of money that's in the highway trust fund. It's as

simple as that. Here's the money that came in. All you can do is spend what you have.

Imagine that concept. Imagine government actually just following that simple concept. Here's what came in. That's all you can spend. If we'd been doing that, we wouldn't have this debt that Mr. DUNCAN so eloquently spoke about. We wouldn't have the problems we see. You can say all the things you want, but it is that simple. This is apple pie, this is baseball. This is as plain as it gets. This is what every family has to do. This is what every small business has to do. This is what every township has to do. This is what every village has to do, every county has to do, every city has to do, every State has to do. The only entity that doesn't have to do this is, Oh, by the way, that entity that happens to have a \$16 trillion national debt.

This is as simple as it gets. What you take in is all you can spend. You can't do what the politicians love to do: borrow from someone else. Borrow from some other program, which means you have to sell bonds to run up the debt. You can't do what politicians love to do: spend more than you have. You can only spend what you have.

And yet the other side says, This is terrible. This will ruin everything. This will make us Third World status. I'll tell you what will make us Third World status is a debt larger than our GDP. That's where Greece is. That's where they are. That's what will make us Third World status.

This is as simple and as plain as it can get, and I appreciate the courage of the gentleman to bring the motion forward to have this debate. This is a debate that we need to have in this country. If we can't even limit spending in this program to what comes in from the dedicated revenue, if we can't even do that, how are we ever going to cut spending elsewhere to get a handle on our deficit and our debt problem, if we can't even do this?

The American people get this. And you can try to confuse them with all the fancy language you've heard from the gentleman from Oregon—you can try to—but the American people get it.

I want to commend the gentleman for offering his motion, and I plan on supporting it tomorrow when we have a vote.

Mr. DEFAZIO. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 6 minutes remaining. The gentleman from Georgia has 3½ minutes.

Mr. DEFAZIO. I yield myself 3 minutes.

Again, we're failing to discriminate between investment and consumption. The Republicans were all for consumptive tax cuts, i.e., give people the money, they'll spend it on consumer goods, that will somehow put people back to work, as opposed to investing in the future of our country. That's what I'm talking about here.

It's interesting that they're on the wrong side from the Chamber of Commerce, the Association of General Contractors, and other groups that are incredibly generous to them during the campaign season who think they're very wrongheaded with this amendment.

This isn't fancy language. I have the statistics from the Department of Transportation. Over the next year, the Federal Government is legally obligated for past construction projects authorized under law to pay \$38.8 billion to the States. This amendment would say we can spend no more than \$37.5 billion in the coming year. That means we cannot even meet our legal obligations for past construction which will be completed by October 1. That means an end to all Federal investment in transportation in this country on October 1 for the next year.

It's not fancy language. It's a fact. It comes from the Congressional Budget Office, which the Republicans control, and the Department of Transportation, which the Obama administration controls. It's pretty much the consensus in the business community, the Chamber of Commerce, the Association of General Contractors, and everybody else. This would mean an end to investment for 1 year. That's a minimum of 1.6 million jobs lost. It's an incredible lost opportunity for the future of our kids and grandkids.

You need to understand the difference between—you're supposedly the party of business. It's like people borrow money when they're in business if they have a good investment to make, if they can make their company more competitive. We can make our country more competitive if we invest in our transportation infrastructure. If we neglect it and people have to detour around the 150,000 bridges that are weight-limited and about to collapse like the one in Minnesota, if they have to detour around the 40 percent of the deteriorated national highway system, if people can't get to work or get killed like they did here in Washington, D.C., on a deficient mass transit system because we have a \$70 billion backlog, and all of these investments, when made by the private sector, for the private sector, and for the people of America, are made in America. And you would defer instead to more tax cuts.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I have the right to close, and I am going to reserve the balance of my time until the time to close.

Mr. DEFAZIO. How much time do I have remaining?

Mr. BROUN of Georgia. The gentleman from Oregon has 3 minutes remaining.

Mr. DEFAZIO. Again, I wish this wasn't the dark of the night because this is a debate America should and would like to have. I'll reiterate: the United States Chamber of Commerce, with whom I frequently disagree, strongly opposes the Broun motion. We

have a long list of groups, private sector business groups, who oppose this motion because this is not about government jobs. It's about private sector jobs. This is not about government gone wild.

I wish it had been different. I wish that the stimulus had been half as large and 100 percent invested in the infrastructure of this country. We would have put millions more people back to work, and we would be on the road to recovery today. But instead, in deference to three Senate Republicans, the President, who wanted to look bipartisan, gave in to six times as much money for tax cuts as investment in infrastructure. And you want to blame infrastructure for the debt and the deficit, or the Obama failed stimulus? No, guys, no. It's your policies. We implemented them. And they don't work. We need to invest in the underpinnings of the country.

When I was first elected to office, I served with a very, very conservative Republican, a guy named Bill Rogers on the Lane County Commission, and he would always say, Government's for two things. I'd say, What's that, Bill? He'd say, Roads and rope. Roads and rope. That is public safety and infrastructure.

And there has been bipartisan agreement since George Washington that the Federal Government has an obligation to more efficiently move goods and people in this country. That's a long time before the incredibly competitive 21st century and what we're dealing with today with our huge trade deficits and everything else. That was George Washington.

Abraham Lincoln, a Republic President: Build the transcontinental railway. Borrowed money to do it, by God. What do you know? And then, Dwight David Eisenhower, the National Highway System, National Defense Highway System. And Ronald Reagan: We need to invest in transit in our cities.

□ 2310

And you would turn back the clock to pre-George Washington and say the 50 States—we didn't have States then, but, you know, you guys are going to at least allow us to keep federalism and that intact. But "they should create somehow a Federal system. They should coordinate. They should raise the money. This is not an obligation of the Federal Government."

This is not imaginary. This is not play. It's not ideology. It's simple hard numbers and facts. The number you would allow for the next year is deficient to the previous obligations.

Now, I know you guys took us—and there are a number of you on that side who say, hey, it doesn't matter if the Government of the United States of America defaults. I think it does. I've been good for my debts. I think our country has got to be good for our debts. And I think we would be in a disaster if we weren't.

So you can say that. Oh, yeah, you know, it's meaningless. It's facts.

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

Mr. DEFAZIO. This is reality. Invest in America. Why do you hate this country so much?

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

Mr. BROUN of Georgia. Mr. Speaker, I was just charged by this gentleman for hating America, and I challenge those words, and I ask that his words be taken down.

The SPEAKER pro tempore. The gentleman will be seated, and the Clerk will report the words.

Mr. BROUN of Georgia. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman's demand is withdrawn.

The gentleman is recognized for the remaining 3 minutes.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield for one second.

Mr. BROUN of Georgia. I yield to the gentleman for just one second.

Mr. DEFAZIO. Well, give me four, maybe.

I did not mean to direct the remark to you. It was a generic statement out of concern.

Mr. BROUN of Georgia. Well, the gentleman did obviously direct remarks towards me. He pointed at me when he said: "Why do you hate America so much?"

I love my country. I'm a U.S. marine. I'm trying to save my country from financial collapse. And that's what this is all about: stop spending money that we don't have.

We've got to finish the projects that we've already started, those that have already been approved and funded, before we start dipping into the general fund. It's estimated that we'll have a shortfall of \$8 billion to \$9 billion if this motion to instruct is not put in place.

We cannot afford the status quo. Their argument is to continue spending money, continue down a road that is going to cause a financial collapse of this Nation, in my opinion.

□ 2330

We need to create jobs. We need to get this country going economically. The policies of this administration have not worked. Policies that were put forward while NANCY PELOSI was Speaker of this House, with the stimulus bill and other big spending bills just have been essentially abject failures.

We cannot continue spending money that we don't have, and that's the reason I brought this motion forward, a motion to instruct the conferees to spend—continue transportation funding, continue building our transportation infrastructure, which I think is absolutely critical for economic development. But creating more debt is not the answer.

I resent being accused of hating America, and it angers me when I'm accused, personally accused by somebody that I thought was a friend. And

I'm going to try very hard not to take this personally. I will not carry a grudge because I know, from my heart, we can disagree on issues, and I don't take it personally. But when he pointed at me and accused me of hating America, that's the reason I asked for his words to be taken down.

And what I ask my colleagues in this House to do is look in their hearts, because we absolutely have to change the way this House, this Congress, this government is doing business. We cannot continue spending ourselves to oblivion, and that's the way we're headed.

We need to create jobs. We need to create a strong economy. This has not been about tax increases or tax decreases, as has been accused tonight. This is about spending money that we have, and no more.

I encourage my colleagues to please vote for this motion to instruct, and I yield back the balance of my time.

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

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mr. DEFAZIO. 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.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JUNE 6, 2012 AT PAGE H3755

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2013. The revision is designated for the Health Care Cost Reduction Act of 2012, H.R. 436. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974 (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 112.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year		
	2012	2013	2013–2022
Current Aggregates:			
Budget Authority	2,858,503	2,799,329	1
Outlays	2,947,662	2,891,863	1
Revenues	1,877,839	2,260,625	32,439,140
Change for the Health Care Cost Reduction Act (H.R. 436):			
Budget Authority	0	0	1
Outlays	0	0	1
Revenues	0	-2,103	-22,627
Revised Aggregates:			
Budget Authority	2,858,503	2,799,329	1
Outlays	2,947,662	2,891,863	1
Revenues	1,877,839	2,258,522	32,416,513

¹ Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of personal reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3261. An act to allow the Chief of the Forest Service to award certain contracts for large air tankers to the Committee of Agriculture.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of the Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

S. 363. An act to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 31, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 5740. To extend the National Flood Insurance Program, and for other purposes.

H.R. 3992. To allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 2947. To provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 4097. To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, June 8, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6362. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Electric Motors and Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AC05) received May 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6363. A letter from the Chief, Policy and Rules, OET, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band [ET Docket No. 04-186; ET Docket No. 02-380] received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6364. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Planning Reliability Standards [Docket No.: RM11-18-000; Order No. 762] received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6365. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Fees [NRC-2011-0161] (RIN: 3150-AJ00) received May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6366. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Aging Management of Stainless Steel Structures and Components in Treated Borated Water [LR-ISG-2011-01] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6367. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Filing a Renewed License Application [Docket No.: PRM-54-6; NRC-2010-0291] received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6368. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Roth Feature to the Thrift Savings Plan and Miscellaneous Uniformed Services Account Amendments received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6369. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Cor-

porations [FAC 2005-59; FAR Case 2012-013; Item I; Docket 2012-0013, Sequence 1] (RIN: 9000-AM22) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6370. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Revision of Cost Accounting Standards Threshold [FAC 2005-59; FAR Case 2012-003; Item III; Docket 2012-0003, Sequence 1] (RIN: 9000-AM25) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6371. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Free Trade Agreement-Columbia [FAC 2005-9; FAR Case 2012-012; Item II Docket 2012-0012, Sequence 1] (RIN: 9000-AM24) received May 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6372. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-59; Introduction [Docket FAR 2012-0080, Sequence 4] received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6373. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Ocean City Maryland Offshore Grand Prix, Ocean City, MD [Docket No.: USCG-2012-0046] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6374. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Wy-Hi Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI [Docket No.: USCG-2012-0342] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crowley Barge 750-2; Bayou Casotte; Pascagoula, MS [Docket No.: USCG-2012-0190] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Smokin the Lake; Gulfport Lake; Gulfport, MS [Docket No.: USCG-2012-0168] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Category IIIa, IIIb, and IIIc Definitions; Delay of Effective Date and Reopening of Comment Period [Docket No.: FAA-2012-0019; Amdt. No. 1-67] (RIN: 2120-AK03) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Amendment to Agency Rules of Practice

[Docket No.: FMCSA-2011-0259] (RIN: 2126-AB38) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) May 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6380. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42 Qualified Contract Provisions [TD 9587] (RIN: 1545-BD20) received May 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, Mrs. LOWEY, Mr. BERMAN, Mr. ACKERMAN, Ms. BASS of California, Ms. BORDALLO, Mrs. CAPPS, Mr. CARNAHAN, Ms. CLARKE of New York, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Ms. LEE of California, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. EDWARDS, Mr. LARSEN of Washington, Mr. CICILLINE, Ms. HIRONO, Mr. OLVER, Ms. DEGETTE, and Mr. WELCH):

H.R. 5905. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Ms. MCCOLLUM, Mr. OWENS, Mr. ROSS of Arkansas, Mr. CAPUANO, Mrs. DAVIS of California, Mr. SHERMAN, and Mr. KIND):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5907. A bill to modify the boundary of Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN:

H.R. 5908. A bill to require the Federal Government to buy paper and paper products from American sources; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS:

H.R. 5909. A bill to improve access to oral health care for vulnerable and underserved populations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Natural Resources, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD (for himself, Mr. PETERS, Mr. ROSKAM, Mr. BARROW, Mr. HULTGREN, Mr. HANNA, Mr. SCHOCK, and Mr. RENACCI):

H.R. 5910. A bill to direct the Secretary of Commerce, in coordination with the heads of

other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. MURPHY of Pennsylvania, Mr. LONG, Mrs. NOEM, Mr. SCHOCK, Mr. BOREN, Mr. LUCAS, Mr. COLE, Mr. LANKFORD, and Mr. BOSWELL):

H.R. 5911. A bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. FITZPATRICK, Mr. CAMPBELL, Mr. PAUL, Mr. BARTLETT, Mr. FLEMING, Mr. LANDRY, Mr. YODER, Mr. KINGSTON, Mr. WEBSTER, Mr. LAMBORN, Mr. SOUTHERLAND, Mr. JORDAN, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. PITTS, Mr. PAULSEN, Mrs. LUMMIS, Mr. CHABOT, Mr. ISSA, Mr. FLEISCHMANN, Mr. QUAYLE, Mrs. NOEM, Mr. MCCLINTOCK, Mr. CANSECO, and Mr. GRIFFIN of Arkansas):

H.R. 5912. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on House Administration.

By Mr. MCCAUL (for himself, Mr. KEATING, and Mr. LONG):

H.R. 5913. A bill to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department; to the Committee on Homeland Security.

By Mr. ROE of Tennessee:

H.R. 5914. A bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mr. KELLY:

H.R. 5915. A bill to amend the Fair Labor Standards Act to exempt marketing research participants and mystery shoppers from certain provisions of that Act; to the Committee on Education and the Workforce.

By Mr. CARNAHAN (for himself, Mr. HOLT, Mr. MORAN, Mr. LIPINSKI, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Ms. ROS-LEHTINEN, Mr. CICILLINE, Ms. NORTON, and Mrs. BIGGERT):

H.R. 5916. A bill to provide for the establishment of a body to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Science, Space, and Technology.

By Mr. CLYBURN:

H.R. 5917. A bill to suspend temporarily the duty on 4,4'-Diamino-2,2'-stilbenedisulfonic acid; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5918. A bill to extend the temporary suspension of duty on Grilamid TR 90; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5919. A bill to extend the temporary suspension of duty on Gribond IL 6-50%F; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself and Mr. STIVERS):

H.R. 5920. A bill to create jobs and promote fair trade by increasing duties on certain for-

eign goods imported into the United States; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5921. A bill to extend the temporary suspension of duty on Primid QM-1260; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 5922. A bill to extend the temporary suspension of duty on Primid XL-552; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 5923. A bill to direct the Secretary of the Interior to establish a grant program to eradicate non-native constrictor snakes from ecosystems in which they exist in sustainable populations, and for other purposes; to the Committee on Natural Resources.

By Mr. MACK:

H.R. 5924. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; to the Committee on Foreign Affairs.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925. A bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes; to the Committee on the Judiciary.

By Mr. STIVERS:

H.R. 5926. A bill to authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during World War II; to the Committee on Armed Services.

By Mr. TONKO:

H.R. 5927. A bill to authorize the Secretary of Interior to carry out projects and conduct research on water resources in the Hudson-Mohawk River Basin, to establish a Hudson-Mohawk River Basin Commission, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5928. A bill to designate a peak in the State of Alaska as "Mount Chosin Few"; to the Committee on Natural Resources.

By Mr. RIGELL:

H. Res. 680. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to reduce waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H. Res. 681. A resolution expressing support for designation of the Thursday before Thanksgiving as Children's Grief Awareness Day; to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 682. A resolution expressing the sense of the House of Representatives supporting the Federal workforce; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:

H.R. 5905.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the powers of Congress, as enumerated in Article I, Section 8.

By Mr. POLIS:

H.R. 5906.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. COSTA:

H.R. 5907.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Ms. BALDWIN:

H.R. 5908.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CUMMINGS:

H.R. 5909.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. DOLD:

H.R. 5910.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to "regulate commerce with foreign Nations and among the several States."

By Mr. SULLIVAN:

H.R. 5911.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. COLE:

H.R. 5912.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to U.S. political parties, the general repeal of the Presidential Election Campaign Fund for this purpose is consistent with the powers that are reserved to the States and to the people as expressed in Amendments IX and X to the United States Constitution.

Further, Article I Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding U.S. political parties within the expressed powers.

By Mr. McCAUL:

H.R. 5913.

Congress has the power to enact this legislation pursuant to the following:

article 1 clause 8 section 18

By Mr. ROE of Tennessee:

H.R. 5914.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article 1, Section 8, Clause 17 of the United States Constitution.

By Mr. KELLY:

H.R. 5915.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CARNAHAN:

H.R. 5916.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CLYBURN:

H.R. 5917.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5918.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5919.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLARKE of Michigan:

H.R. 5920.

Congress has the power to enact this legislation pursuant to the following:

Congress' power to regulate Commerce with foreign Nations under Article I, Section 8, clause 3 of the Constitution.

By Mr. CLYBURN:

H.R. 5921.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. CLYBURN:

H.R. 5922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the U.S. Constitution.

By Mr. HASTINGS of Florida:

H.R. 5923.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MACK:

H.R. 5924.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof; and Article 1 Section 9 Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5925.

Congress has the power to enact this legislation pursuant to the following:

Amendment 4, clause 1, of the United States Constitution states that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Although the Constitution does not specifically designate Congress

the power to address personal privacy, Article 1, Section 8, Clause 18 designates to Congress the power the make all laws necessary and proper for carrying into and protecting against all powers vested by the Constitution of the United States. This bill would be necessary and proper for securing the rights guaranteed to the people in the 4th Amendment.

By Mr. STIVERS:

H.R. 5926.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. TONKO:

H.R. 5927.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. YOUNG of Alaska:

H.R. 5928.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BISHOP of Utah.
 H.R. 451: Mr. CALVERT and Mr. MCCOTTER.
 H.R. 459: Mr. DIAZ-BALART, Mr. FLEMING, and Mr. JORDAN.
 H.R. 640: Mr. SCHIFF and Mr. RYAN of Ohio.
 H.R. 653: Mr. PRICE of North Carolina.
 H.R. 719: Mr. GIBSON and Mr. HASTINGS of Washington.
 H.R. 890: Mr. MICA.
 H.R. 891: Mr. SCOTT of Virginia.
 H.R. 965: Mr. MEEKS.
 H.R. 997: Mrs. ELLMERS.
 H.R. 1063: Ms. HERRERA BEUTLER.
 H.R. 1236: Mr. WEST.
 H.R. 1244: Ms. PINGREE of Maine.
 H.R. 1283: Mr. BISHOP of Utah.
 H.R. 1464: Mr. BURTON of Indiana and Ms. BORDALLO.
 H.R. 1489: Mr. TONKO and Mr. MCGOVERN.
 H.R. 1533: Mr. GIBBS.
 H.R. 1581: Mr. STIVERS.
 H.R. 1639: Mr. KING of New York and Mr. LANGEVIN.
 H.R. 1675: Mr. LATTI, Mr. HUNTER, and Ms. DEGETTE.
 H.R. 1755: Mr. CLAY and Mr. ISRAEL.
 H.R. 1802: Mr. KING of Iowa.
 H.R. 1878: Mr. AL GREEN of Texas.
 H.R. 1955: Ms. CASTOR of Florida.
 H.R. 1956: Mr. THORNBERRY.
 H.R. 1971: Mr. DAVID SCOTT of Georgia.
 H.R. 2012: Ms. JACKSON LEE of Texas.
 H.R. 2022: Ms. JACKSON LEE of Texas.
 H.R. 2108: Mr. PRICE of Georgia.
 H.R. 2123: Mr. ROSS of Arkansas.
 H.R. 2140: Mr. HOLT.
 H.R. 2268: Mr. CONYERS, Ms. BORDALLO, and Mr. RIVERA.

- H.R. 2599: Mr. MORAN.
 H.R. 2655: Mr. HONDA.
 H.R. 2705: Mr. COURTNEY.
 H.R. 2751: Ms. CHU.
 H.R. 2774: Mr. CARTER.
 H.R. 2861: Ms. NORTON, Mr. RANGEL, and Mrs. MALONEY.
 H.R. 2913: Mr. CICILLINE.
 H.R. 2962: Mr. COURTNEY, Mr. LOBIONDO, and Mr. BLUMENAUER.
 H.R. 2969: Mr. GRIMM.
 H.R. 2978: Mr. DENHAM.
 H.R. 3015: Mrs. MALONEY, Mr. MARKEY, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. BOSWELL, and Mr. LEWIS of Georgia.
 H.R. 3036: Mr. OWENS and Mr. MCGOVERN.
 H.R. 3086: Mr. PERLMUTTER and Mr. GUINTA.
 H.R. 3109: Mr. THOMPSON of California.
 H.R. 3187: Mr. JOHNSON of Ohio, Ms. WILSON of Florida, Mr. HEINRICH and Mr. CLEAVER.
 H.R. 3238: Mr. HASTINGS of Florida, Ms. CHU and Mr. RYAN of Ohio.
 H.R. 3264: Mr. FLAKE.
 H.R. 3307: Mr. HASTINGS of Florida.
 H.R. 3337: Mr. RANGEL, Mr. BACA, Mr. LUETKEMEYER and Ms. LEE of California.
 H.R. 3352: Mr. LATOURETTE.
 H.R. 3356: Mr. PAUL.
 H.R. 3364: Mr. WALBERG.
 H.R. 3399: Mr. STEARNS.
 H.R. 3423: Mr. JOHNSON of Ohio.
 H.R. 3429: Mr. HARPER.
 H.R. 3461: Mr. LABRADOR, Mr. COOPER, Mr. POE of Texas, Mr. KINZINGER of Illinois, Mr. YOUNG of Alaska, Mr. AUSTRIA, Mr. REYES and Mr. SMITH of Texas.
 H.R. 3474: Mr. ROSKAM.
 H.R. 3486: Mr. AL GREEN of Texas.
 H.R. 3510: Mr. THOMPSON of California and Mr. NUGENT.
 H.R. 3591: Mr. ROSS of Arkansas, Mr. DOYLE, Mr. VISCLOSKEY and Mr. ALTMIRE.
 H.R. 3618: Mr. LARSEN of Washington and Mr. MEEKS.
 H.R. 3619: Mr. MCGOVERN and Ms. WATERS.
 H.R. 3643: Mr. FLAKE.
 H.R. 3661: Mr. PAULSEN, Ms. LEE of California, Mr. LATOURETTE, Mr. DOLD, Mr. TURNER of Ohio, Mr. CLAY and Mr. WALZ of Minnesota.
 H.R. 3679: Ms. HERRERA BEUTLER.
 H.R. 3803: Mr. SHUSTER.
 H.R. 3860: Ms. NORTON and Mr. CONYERS.
 H.R. 3862: Mr. MILLER of Florida.
- H.R. 3993: Mr. HEINRICH.
 H.R. 4004: Mr. SCHRADER and Mr. ANDREWS.
 H.R. 4078: Mr. MILLER of Florida.
 H.R. 4115: Mrs. EMERSON.
 H.R. 4152: Ms. RICHARDSON.
 H.R. 4155: Mr. COURTNEY and Ms. CHU.
 H.R. 4209: Mr. MORAN.
 H.R. 4215: Mr. DAVID SCOTT of Georgia.
 H.R. 4269: Mr. HUNTER and Mr. ROKITA.
 H.R. 4287: Ms. LORETTA SANCHEZ of California, Mr. KIND, Mr. GARAMENDI, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. BONAMICI, Mr. CARNAHAN, Ms. BASS of California, Mr. JOHNSON of Georgia, Mr. MICHAUD, Mr. WAXMAN, Mr. COURTNEY, Mr. AL GREEN of Texas, Ms. CHU and Mr. SCHILLING.
 H.R. 4306: Mr. CLARKE of Michigan.
 H.R. 4313: Mr. KING of Iowa, Mr. MCKINLEY and Mr. BOREN.
 H.R. 4323: Ms. BASS of California.
 H.R. 4325: Ms. CHU.
 H.R. 4350: Mr. MCKINLEY and Mr. CUMMINGS.
 H.R. 4362: Mr. COHEN, Mrs. LOWEY and Mr. COFFMAN of Colorado.
 H.R. 4367: Mr. WALDEN, Mr. GARAMENDI, Mr. DONNELLY of Indiana, Mr. DENHAM, Mr. WATT, Mr. GINGREY of Georgia and Mr. BARROW.
 H.R. 4381: Mr. MILLER of Florida and Mrs. CAPITO.
 H.R. 4382: Mrs. CAPITO and Mr. CONAWAY.
 H.R. 4402: Mr. SOUTHERLAND, Mr. LAMBORN, Mr. FLAKE and Mr. LUETKEMEYER.
 H.R. 4470: Mr. ENGEL.
 H.R. 4971: Mr. POE of Texas.
 H.R. 4972: Mr. MCGOVERN and Mrs. MALONEY.
 H.R. 5157: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
 H.R. 5186: Mr. TIERNEY.
 H.R. 5188: Mr. KUCINICH and Mr. SERRANO.
 H.R. 5331: Ms. BASS of California.
 H.R. 5542: Mr. HONDA.
 H.R. 5646: Mrs. BLACK and Mr. LUETKEMEYER.
 H.R. 5731: Mrs. ROBY, Mr. NUNNELEE and Mr. KLINE.
 H.R. 5746: Mr. REED, Mr. SMITH of Nebraska and Mr. MARCHANT.
 H.R. 5747: Mr. BUTTERFIELD and Mr. WALZ of Minnesota.
 H.R. 5789: Mr. MCGOVERN.
 H.R. 5796: Mr. COURTNEY and Mr. TOWNS.
 H.R. 5822: Mrs. MYRICK.
 H.R. 5825: Mr. MCGOVERN.
- H.R. 5839: Mr. RIVERA.
 H.R. 5864: Mr. LATOURETTE, Mr. HASTINGS of Florida and Mrs. CAPPS.
 H.R. 5871: Mr. ANDREWS.
 H.R. 5873: Mr. AUSTIN SCOTT of Georgia, Mr. HANNA, Mrs. ROBY, Mr. DEFAZIO, Mr. REHBERG and Mrs. HARTZLER.
 H.J. Res. 110: Mr. ROKITA.
 H. Con. Res. 119: Ms. HAHN, Mr. STARK and Mr. DAVIS of Illinois.
 H. Res. 177: Ms. WILSON of Florida and Mr. ACKERMAN.
 H. Res. 220: Mr. CRITZ.
 H. Res. 289: Mrs. MALONEY and Ms. WOOLSEY.
 H. Res. 298: Mr. LONG, Mr. ROKITA and Mr. BOSWELL.
 H. Res. 506: Mr. ENGEL and Ms. ESHOO.
 H. Res. 609: Mr. CAPUANO.
 H. Res. 618: Mr. MCGOVERN, Mr. LARSEN of Washington, Ms. FUDGE and Ms. CHU.
 H. Res. 623: Mr. BOREN, Mr. BARROW, Mr. COSTA, Mr. MICHAUD, Mr. PETERSON, and Mr. SCHRADER.
 H. Res. 640: Ms. BORDALLO and Ms. LEE of California.
 H. Res. 650: Mr. FRELINGHUYSEN.
 H. Res. 651: Mr. CARSON of Indiana.
 H. Res. 665: Ms. HIRONO.

 AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5855

OFFERED BY: MR. CROWLEY

AMENDMENT No. 17: At the end of the bill (before the short title), insert the following: SEC. _____. It is the sense of Congress that the Department of Homeland Security should increase coordination with India on efforts to prevent terrorist attacks in the United States and India.

H.R. 5855

OFFERED BY: MR. BARLETTA

AMENDMENT No. 18: At the end of the bill (before the short title) insert the following: SEC. _____. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).