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# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*December 4, 2012.*

I hereby appoint the Honorable GREGG HARPER 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.

## THE J. WELLINGTON WIMPY REVENUE PLAN

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

Mr. DEFAZIO. Well, yesterday the Republicans released a vague press release saying it constituted a counteroffer to the President's roadmap to avoid driving over the fiscal cliff.

Now, the Republican plan purports to cut $1.3 trillion and raise $800 billion in new revenues. It did contain four specifics. Four.

Cut Medicare, specific number 1, $600 billion.

Cut Medicaid, pays for nursing homes for seniors, of course, priority number 2.

Cut the already inadequate COLA for seniors on Social Security, even though 40 percent of seniors depend principally or totally upon Social Security, and the COLA already underestimates inflation, particularly for medical care, prescription drugs, and other essentials they have to buy. Cut that. Not a driver of the deficit but, hey, why not? Cut that.

One more specific, preserve the Bush-era tax rates for income over $250,000. Now, there's a big misunderstanding about that. It's not a tax increase on everybody who earns over $250,000. It's only the income over $250,000 that would get additional taxes if the Bush-era rates went away and the President's proposal was passed.

But, no, they want to preserve that, totally preserve tax cuts for people with income over $250,000. They also want to preserve the reduced capital gains rate and dividends rate which principally benefits—who else—millionaires and billionaires.

Now, they did promise the J. Wellington Wimpy revenue plan. Remember J. Wellington Wimpy? Popeye, I'll gladly pay you Tuesday for a hamburger today.

That's their revenue plan. Next year we'll close unspecified tax loopholes, but we're going to lower the tax rates on investor income, lower the tax rates on the people at the top. But they're going to raise $800 billion by closing unspecified loopholes.

What would that be?

Do they want to take away the middle class' one tax shelter, that is, the ability to deduct the interest on their home mortgage? Probably.

If they're going to raise that $800 billion, it's going to come from something pretty big, and they don't want to touch the billionaire-millionaire job-creator class.

Now, that's a pretty interesting position, and their position is the job creators who earn over $250,000 a year will go on strike, strike if their tax rates go up. They won't produce jobs.

Tell me about the jobs they have produced in the last decade with those tax cuts. It doesn't seem to work, does it?

But in the Clinton era, when their rates went up to 39.6 from 35, they paid a little bit more and, guess what, the economy boomed. We had 3.8 percent unemployment, we balanced the budget, and we paid down debt.

But now they're saying if they went back to those Clinton-era rates, disaster would result. Well, you know what?

That's the same thing they said when they opposed Clinton tax increases in '94. They said disaster will result. Not a single Republican, fiscal conservatives that they are, voted for the increases in taxes that President Clinton put forward, which ultimately led to a balanced budget and paying down debt for the first time in 50 years. Not one of them because they said it would bring economic disaster and, instead, it brought prosperity.

So they just brought out that old broken record. They glued it back together, or maybe they, you know, translated it into a digital format or something, but they're playing it again, and it's as valid now as it was then.

So it's the same old plan. Stick it to the middle class, stick it to the seniors, and benefit the ultra-wealthy in this country. That's not a new plan. That's the same old broken record.

## SAFER ACT FOR SEXUAL ASSAULT VICTIMS

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



Printed on recycled paper.

Mr. POE of Texas. Mr. Speaker, one of the most marvelous scientific breakthroughs in the criminal justice system has been DNA evidence. I remember when I was a judge in the courthouse when DNA started being used at the courtroom.

Prior to DNA, many times prosecutors and law enforcement had to rely on blood samples and fingerprints. But once DNA came in, we learned that everybody has a unique genetic makeup that can be tested and it can be traced to perpetrators of crime when they commit a crime, especially in sexual assault cases.

And convictions have gone up. The evidence is better. The proof beyond a reasonable doubt is much more concrete in DNA cases.

In 1985, there was a 13-year-old girl named Lavinia Masters. Lavinia lived in Dallas, Texas. One evening she told her folks good night. She went to her bedroom, which should be, Mr. Speaker, the safest place on Earth for children. Went to sleep, and during the middle of the night, she was woken up by an outlaw putting a knife to her throat. He sexually assaulted her. Then he snuck away in the darkness of the night.

That was in 1985. She went to the hospital. Her parents took care of her medical needs. DNA evidence was taken from her and put in a ''rape kit''. It was given to the law enforcement authorities, but that DNA evidence from that sexual assault that night in 1985 was not tested for 20 years. It sat on the shelf in a crime lab somewhere in Dallas, Texas.

Because the Dallas Police Department had a new incentive to go and look at those old cases, this case was looked at 20 years later. That evidence was tested, and the Dallas Police Department discovered that Kevin Glen Turner had committed this crime back in 1985. But that was 20 years ago. The statute of limitations had run, and justice could not occur in Lavinia's case because the system waited too long to find the outlaw.

Kevin Turner turned out to be a criminal in other cases and ended up in the penitentiary for those crimes, but justice was denied for Lavinia, denied because of bureaucratic red tape.

You see, Mr. Speaker, many rape kits sit on the shelves of evidence rooms across the country untested. Some of them sit there so long that they're discarded by law enforcement, and the statute of limitations runs like it ran in Lavinia's case.

She is not alone, Mr. Speaker. There are 400,000 untested rape kits in this country—400,000, that's a number; but every one of those represents a person. To try to put it in some perspective, there were a little over 400,000 Americans killed in World War II. They were killed by the enemies of our country. 400,000, primarily young women, have been assaulted by rapists who try to kill the soul of these victims. It's important that we not stop prosecuting these cases because of funding.

That's why I've introduced, along with Congresswoman MALONEY from New York, the bipartisan SAFER Act, companion bill with the bipartisan bill in the Senate by Senator CORNYN and Senator BENNET.

The SAFER Act does a lot of good things, but basically it allows funding to go so to make sure that we test these cases. It audits these backlogs so that we know where these cases are that are sitting on the shelves. So it does the audit. It gets more funding. It brings these cases to justice so that we can make sure that these victims of crime have their day in court as well.

□ 1010

DNA is a wonderful thing. It's important that we make sure that that evidence is available for law enforcement, prosecutors, and judges in the courtroom.

She was a child. Lavinia was a child when she was sexually assaulted. That was a long time ago. But there are 400,000 cases waiting to be tested. This is something that we can do in a bipartisan way today, to test those cases so we can bring justice to the victims of crime and make sure those outlaws get their day in court as well and be held accountable for the rape of children in our country.

And that's just the way it is.

## FIGHTING HIV/AIDS: A PILLAR OF SMART SECURITY

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

Ms. WOOLSEY. Mr. Speaker, this past weekend, we observed World AIDS Day, a time to remember those lost to this horrific disease and to recommit ourselves to prevention, treatment and, ultimately, a cure. For more than 30 years now, HIV/AIDS has exacted a huge toll, killing more than 25 million people. Every 9.5 minutes in our country, someone is infected. But this is predominantly a disease of the developing world. A shocking 33.4 million people are living with HIV/AIDS today, almost all in the world's poorer countries, particularly sub-Saharan Africa. Too many of them don't have access to the medication and overall health care infrastructure that they need.

AIDS is linked to many other problems of poverty, malnutrition, and other infectious diseases as well. It contributes to instability and a sense of hopelessness in countries that are already susceptible to violence and terrorism. If we don't contain and defeat this epidemic, it will undermine democratic governments, it will continue to impede economic growth overseas, and it will threaten us right here in the United States. In other words, this isn't just an economic issue or a health care issue; it's a national security issue.

Unfortunately, Mr. Speaker, over the last decade, ''acting in our national security interests'' has come to mean invading and occupying foreign nations. The Iraq war lasted 9 years and was responsible for untold human misery. The Afghanistan war, now in its 12th year, continues to damage our national security interests instead of enhancing them. It hasn't defeated the Taliban, nor has it alleviated crushing poverty or produced a stable democracy in Afghanistan. And then there's the cost—some $10 billion a month. That would be a staggering amount of money for a successful policy. For a failed policy, it's downright scandalous. And it is rarely mentioned in all the conversations about so-called deficit crises and fiscal cliffs.

USAID and other civilian arms of government could do a world of good towards solving the AIDS crisis with a fraction of that money. Why does the Pentagon get a blank check while agencies that dispense aid have to fight for every single nickel that they receive? Why do we spend without restraint on wars and weapons that destroy lives but we squeeze those programs that save lives?

For many years now—and you have all heard me; this is my 443rd 5-minute speech on this issue. For many years now, I have been promoting the idea of SMART Security. SMART Security means protecting our interests not with military force or by maintaining a massive nuclear arsenal, but by investing in development and diplomacy and through humanitarian assistance and partnerships around the world.

At the AIDS Conference in Washington this past summer, there was a panel discussion on how, in the struggle against HIV/AIDS, we can do more with less. And what I want to know is: Why do we have to settle for less when it comes to HIV/AIDS? This is a humanitarian crisis. Our sense of moral decency should compel us to invest whatever it takes to bring an end to it.

It's not just the right thing, Mr. Speaker; it's the smart thing to do for our national security. Let's bring our troops home, let's implement SMART Security now, and let's have the resources available for what we really need to invest in around the world.

## AFGHANISTAN

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

Mr. JONES. Mr. Speaker, I find it so ironic that our Nation is on the cliff of collapse and yet we continue to borrow money from China to prop up a corrupt leader in Afghanistan. Our country is in the most dire of fiscal straits, and we continue to send money to Afghanistan. The worst part is, the money we are sending, we cannot audit, and many times the taxpayers' money ends up in the hands of the Taliban to buy weapons to kill Americans.

Mr. Speaker, this poster beside me is a book that I read. The title is, ''Funding the Enemy.'' The subtitle is, ''How U.S. Taxpayers Bankroll the Taliban.''

I would like to quote Lisa Freeman, who recently acknowledged that we have lost 2,000 young Americans in Afghanistan. She lost her son, Captain Matthew Freeman, in 2007, in Afghanistan. Ms. Freeman said:

> Where is America's outrage? Where is America's concern that we're still at war?

I agree with Ms. Freeman. Where is the outrage here in Congress? Does it make any sense that we continue to borrow money from foreign governments to prop up a corrupt leader and half the money going to the leader of Afghanistan ends up in the hands of the Taliban to buy weapons to kill Americans? Our Nation is broke—China owns us—and we're sending our young men and our money to Afghanistan, yet we're going to cut programs right here in America for the American people.

The American people need to put the pressure on Congress to bring our troops home now and not wait until December of 2014. Mr. Speaker, I assure you, if we start bringing them home in December of 2014, it will become 2015 and it will become 2016, and how many more families have to cry about their loved ones being killed in a war that has no end to it?

Mr. Speaker, again, I ask the people to look at this poster and realize that this war is costing us in so many, many ways—the most important, our young men and women who are dying. If you agree with me that we need to bring our troops home before the current December 2014 deadline, please go to www.bringthemhome2013.com and sign the petition.

Mr. Speaker, I have been to Walter Reed and Bethesda now so many times to see the broken bodies, to see the faces of the moms and dads with pain in their face, to see the young men or women's faces that know that they will never be physically able to do what they had done before going to Afghanistan.

With that, Mr. Speaker, I make one last reference. I would hope that colleagues of mine in both parties would read this book, ''Funding the Enemy,'' by Douglas Wissing, ''How the U.S. Taxpayers Bankroll the Taliban.''

This is a sin, and it must stop.

Mr. Speaker, I ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, to bless the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to help this Congress come together with the Senate and come forward with a plan that we, the American people, can be proud of. I ask three times, God please, God please, God please continue to bless America.

NAMES OF RECENTLY DECEASED IN AFGHANISTAN

Spc. Daniel L. Carlson
Pfc. Brandon L. Buttry
Staff Sgt. Dain T. Venne
Spc. Ryan P. Jayne
Spc. Brett E. Gornewicz
Petty Officer 2nd Class Matthew G. Kantor
Cpl. Alex F. Domion
Staff Sgt. Kashif M. Memon
Sgt. Clinton K. Ruiz
Chief Warrant Officer Michael S. Duskin
Pfc. Shane G. Wilson
Sgt. Robert J. Billings
Spc. Brittany B. Gordon
Cmdr. Joel Del Mundo Tiu
Sgt. First Class Ryan J. Savard
Sgt. Thomas R. Macpherson
Culinary Specialist 2nd Class Milton W. Brown
Warrant Officer Joseph L. Schiro
Staff Sgt. Justin C. Marquez
Sgt. Camella M. Steedley
Sgt. 1st Class Daniel T. Metcalfe
Sgt. Thomas J. Butler IV
Sgt. Jeremy F. Hardison
Sgt. Donna R. Johnson
Sgt. 1st Class Aaron A. Henderson
Sgt. 1st Class Riley G. Stephens
Staff Sgt. Orion N. Sparks
Sgt. Jonathan A. Gollnitz

□ 1020

## DO WHAT'S RIGHT FOR THE AMERICAN PEOPLE

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

Ms. JACKSON LEE of Texas. Mr. Speaker, America has always been known to rise to the occasion—the American people, our values—when there is a need for us to come together. Just a few minutes ago, I sat in for a moment on the recapturing of the enormous bravery of those who were on Flight 93, Americans who came together and made a sacrifice. So although all my remarks will not speak to the issue of sacrifice, some of what I say this morning speaks to the values of the American people who always, when called upon, have said: Send me.

But first I'd like to speak to an issue of just basic fairness. Let me give great respect to the constitutional premise that the Senate has the right to advice and consent. Of course that comes with the Presidential right to nominate persons to serve in his or her administration—either at the Cabinet level, under Secretaries, various appointees—throughout the administration, administrations from years gone by. So I rise today to query the character assassination of Ambassador Susan Rice. She has not been nominated.

We are so fortunate to have such a dynamic Secretary of State in Hillary Clinton, who has indicated her desire to leave the administration at the end of her term, but has also indicated her willingness to continue her work—recently in Syria, possibly even today in that devastating area.

Certainly, her partner at the United Nations for 4 years in diligent, excellent, astute, thoughtful and patriotic service has been Susan E. Rice, a daughter of Washington, D.C. and parents who loved America, a graduate of Stanford University, where of course she earned department honors and university distinction, became a Harry S. Truman scholar, Phi Beta Kappa and a Rhodes scholarship, certainly a beginning that did not warrant the kind of personal attacks that we have seen.

I think we should leave politics and campaigns and won or lost races to November 6, 2012, for you cannot debate a political and Presidential campaign around a patriotic public servant. If there is a nomination for Ambassador Rice, the Senate has every right to advice and consent, and the votes need to be taken on up and down.

I can assure you that if she is nominated by the President she will serve this Nation well, as she has done in the past. I know her well as the Assistant Secretary for African Affairs under the Clinton administration, dealing with very difficult issues involving African countries such as Ethiopia and Eretria, responsive and detailed. Why in the world, with others who may have been equally culpable in misunderstanding what actually occurred on that day—the tragic day where we should be speaking more to the loss of brave Americans in Benghazi, Libya—why is she the one that is pinpointed, pinpointed, pointed, and with, I think, inappropriate accusations, casting aspersions and doing damage to a reputation of service that is undeserving?

So my words are simply this: let's be fair. Let's carry on our rights as Members of Congress to speak to the issue of what a tragic incident occurred in Benghazi. If there is a nomination—which I hope there will be—among the many talented people that the President has, it will be his choice. Senators that are eager, friends of mine, Senator KERRY and others, may have this opportunity. But let us hold to the premise that you are innocent until proven guilty, that someone's great service is deserving of respect—and she is deserving of respect. Susan Rice is deserving of respect.

Let me move quickly to this idea that America cannot settle its issues of financial concern before the fiscal deadline. See, there is no cliff, because as we all well know, the simple premise of making sure that we have tax cuts for those making $250,000 and below have the right to follow through on the President's premise because this is what the American people voted on.

Vote for the tax relief for $250,000 and below, Mr. Speaker, and move forward in reconciliation on doing the right thing for Medicare holders, Social Security, and Medicaid. None of that has anything to do with the deficit; therefore, we need to know that we are in a nonstarter position, Mr. Speaker. We need to go forward and reconcile to do what is right for the American people.

## BUHLER, KANSAS, IS UNDER ASSAULT

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

Mr. POMPEO. Mr. Speaker, today I rise in support of the 1,300 citizens of

Buhler, Kansas—and indeed all Kansans—and in fact all Americans who value religious freedom and religious liberty.

The citizens of Buhler are under assault. They are the latest victims of an ungodly extortion racket perpetrated by the Freedom from Religion Foundation based in Madison, Wisconsin.

On September 14, 2012, the Freedom from Religion Foundation sent a letter to the mayor of the town of Buhler, Daniel Friesen, alerting him to the foundation's intent to sue the city for its city seal, which contained a cross, and for a billboard that included elements of that city seal that was in a city park. Mr. Speaker, this is an outrage. The seal and sign are harming no one; they are widely embraced by the citizens of Buhler, Kansas.

The seal contains the words ''traditional values'' and ''progressive ideas.'' Unfortunately, in this case, progressive ideas are making war on traditional values, and it's high time for that to stop.

Some will claim that the First Amendment to the Constitution requires the cross to be removed from this seal and sign. That's hogwash. The First Amendment begins with the words: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'' In this instance, Congress made no law. For that reason alone the First Amendment does not apply.

Furthermore, it cannot be said that this simple seal in any way is an establishment of religion; meaning that there is no officially supported sect or denomination here in the manner that some of the American colonies had. This is not in any way an endorsement of any particular religion or any religious denomination.

In short, the First Amendment, as originally written, has nothing to do with this city's sign. Indeed, for the first 175 years of our constitutional history, no one would have read the First Amendment in any way that would have prevented this seal or this sign.

Mr. Speaker, in this very room in which I stand, this very Chamber, right over my right-hand shoulder is a sign that says ''In God We Trust.'' Near the rotunda of the Capitol is the Congressional Prayer Room, a chapel that's been in use since 1955 as a place where Members go to pray for divine guidance in debating the issues of the day. A stained glass window there shows President George Washington kneeling in prayer and the words of Psalm 16:1 surround him: ''Preserve me, O God, for in thee do I put my trust.'' And a Holy Bible rests on the alter beneath that window in this very building.

Of course I grant you that the First Amendment has been badly interpreted by the U.S. Supreme Court. Indeed, the 10th Circuit's rulings are even more troubling. It could well be that in this case the city would lose this case.

I don't fault the citizens of Buhler, Kansas, for the process that they're going through in trying to figure out how to proceed. Indeed, the Freedom from Religion Foundation knows this. They know that they've attacked a city, threatened to sue a city with very few resources. We will have a very difficult time battling an extended period of litigation. I do not fault the folks in Buhler at all for trying to figure out a way to move forward without resulting in litigation.

But why didn't the Freedom from Religion Foundation sue the United States Congress for all that I spoke about just a minute ago? The reason is obvious. The reason is they are being bullies. They are seeking to put their secular vision in a place where they believe they can do it without opposition, a place that has fewer resources. Folks will face a very, very difficult decision about how the town and the city should move forward.

Mr. Speaker, I hope that this assault on religion in the public square will end soon. I am very saddened by the recent events in Buhler, Kansas. I am angered by the extortionary tactics of the Freedom from Religion Foundation. And, above all, I am determined to ensure that the religious heritage of our great Nation will not be cast aside.

□ 1030

## AMERICA'S FINANCIAL FUTURE

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

Mr. BLUMENAUER. Mr. Speaker, there is a great deal of hyperactive rhetoric about the fiscal cliff and the trouble ahead. The fact is that people should just take a deep breath and focus on where we are and where we need to go.

First of all, it's not a fiscal cliff but a slope. There are many opportunities for us in the weeks ahead to be able to change the unsustainable trajectory of America's financial future. There are many efforts already evident and people taking steps to try to cope with it.

The President campaigned very explicitly on raising the top tax rates. It was something that was embraced by Democrats running for the Senate and virtually all of them running for the House. The President won. The Senate actually increased in Democratic numbers. There were more Democrats added to the House. And more Americans voted for the President and his vision, for the Senate Democrats, and for Democrats in the House than my Republican friends on the other side of the aisle.

It's encouraging that the President has decided that he's no longer going to negotiate with himself. He's laid out his positions and has encouraged a response. I, for one, was pleased that there was a proposal offered up by my Republican friends, signed not just by the Speaker but the entire Republican leadership. While it still does not have the specifics about what those elusive tax loopholes that they want to close are, which will raise sufficient revenue, I find this an encouraging sign that there is an effort, for the first time, to put something back, and I think there are opportunities for people to flesh out the details. There is an opportunity for tax reform; our system now is not efficient. It's chaotic. It's expensive. It's unfair and perplexing. There is an opportunity for us going forward to add a little more rationality to it while it raises more revenue.

There are countless opportunities in the Department of Defense to save money, starting with $250 billion in the nuclear arsenal for weapons that we will never use and don't need. There are opportunities for agricultural reform. And it's been my pleasure to work on bipartisan reform efforts with Senator-elect JEFF FLAKE of Arizona and my friend from Wisconsin, PAUL RYAN. And there are real opportunities in health care.

Now I hope my Republican friends will stop the charade we went through this last 2 years repealing ObamaCare some 37 times. That train has left the station. The President was reelected. It's not going to be repealed. The Supreme Court has decided that it's constitutional. And most of the major health care players are busy at work implementing health care reform. But we have barely scratched the surface of the ability to squeeze more value out of the health care system.

The United States does not have to spend nearly twice as much as all the other developed countries and actually have health care results that, on average, are worse than our European and Japanese friends.

We have the best health care in the world for some Americans. But too many are denied regular health care, and others are paying too much for results that aren't good enough.

We know what to do: embedded in the health care reform act are elements of reform that used to have bipartisan support, starting with the mandate that was cosponsored by 16 Republican Senators, elements of reform that were implemented by Republican and Democratic Governors alike, including Governor Romney. It's time for us to act on those elements, to accelerate the reform.

I note with no small amount of irony that the $716 billion that the Republican ticket, Mr. Romney and Mr. RYAN, used to campaign against the President, PAUL RYAN's budget included the same reductions, and it's likely that they will be in his budget that's coming forward.

Let's act on things that we agree. Let's rebuild and renew America and find ways to save money and put us on the path to fiscal responsibility that the American public needs and demands.

WHAT IS THE FISCAL CLIFF?

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

Mr. LANKFORD. Well, in a few days, we're going to have to resolve the fiscal cliff—ironically enough, something that the House of Representatives passed last May. In April, we set out a tax plan. In May, we set out a sequestration plan, passed it through the House, sent it to the Senate who said, We will see you during the lame duck time period.

We are in the lame duck now, and this has to be resolved. We have to solve the problem. But quite frankly, the first thing we need to do is to be able to define what the problem even is. It seems that one group is talking about how the real problem is the fiscal cliff, and the other group is talking about how the real problem is the debt and the deficit. Well, what is the problem? The issue is, we have $16.3 trillion in debt as a Nation, $1 trillion or more in overspending each year for the last 4 years.

Let me set the example of what this really means: in 2007, our tax revenue—how much we are bringing into the Treasury—was almost exactly what it is in 2012. From 2007 to 2012, the revenue is almost identical. The difference is, our spending has gone up $1 trillion a year from 2007 to 2012, so now that's $1 trillion total over the course of that time that's slowly built up. But each year, we've been over $1 trillion in spending. While our revenue has stayed consistent, basically, from 2007 to 2012, that dramatic spending increase has happened.

We seem to identify that as the real problem. We're overspending. And until you deal with that issue, you cannot raise taxes enough to be able to keep up with $1 trillion of accelerated spending.

So what is the cliff? And I have to tell you, I have so many people from my district and other places that catch me, pull me aside quietly and say, We hear about the fiscal cliff. We're not even 100 percent sure of what it is. Well, it's really the combination of three things:

The first of them is, the ObamaCare taxes begin January 1 of next year. Those taxes will hit the middle class and the upper brackets. Those taxes, when they kick in, will raise the rates on people making $200,000 or more and will also remove deductions from the middle class, things like the flexible spending accounts. For those that have high medical bills, their taxes will now go up. For people that have high medical bills and are able to offset some of the taxes they pay because they pay more than 7.5 percent of their own income in medical bills, they will now have their taxes go up. So people like diabetics, heart patients, stroke patients, people with special needs children, their taxes all go up January 1, as well as people making $200,000 or more, their tax rates will also go up on January 1. That's the first part of the fiscal cliff.

The second part of it is the spending decrease that this Congress and the President agreed to last summer. We have dramatically increased spending; we have to reduce that spending. That spending decrease that was agreed to had a deadline by the end of this year. If it didn't, there would be across-the-board cuts. The House passed all of our spending decreases in May. The Senate has yet to pass any. So with that, we're stuck with across-the-board cuts that kick in early January.

The third part of that is the expiration of the tax rates for all Americans. In 2001, in 2003, and then extended during the lame duck of 2010, every American's tax rates were extended out to expire the 31st of December. Every tax rate from the lowest to the highest is set to go up.

Now some people see that the problem is that we're not taxing enough, and so that solves the problem—to just go off the fiscal cliff, and everyone will be taxed more. Some people see that we don't take enough from one group and give to another group, so we can solve that. Some people have even said, Let's go back to the Clinton tax rates; with the Clinton tax rates, we had a booming economy, and we were creating more jobs. Well, to that, I would say, well, if increasing taxes increases economic activity, why don't we go to a 95 percent tax rate, and then we'll really have a booming economy. The reason that no one proposes that is because no one really believes that. That is why the accelerated tax rate that is being recommended by the White House is also being proposed with a stimulus plan, another spending plan to offset the damage that's going to be done with the tax increases.

Here is the example that I can talk about with this: when people talk about, just raise taxes on the upper 2 percent, well, let me give you an example of what's being proposed by the President. Capital gains will go from 15 percent to 23.8 percent next year. Dividends would go from 15 percent to 43.4 percent.

Now I have a lot of people that will say to me, just raise it on the upper brackets. But when I tell them, can I tell you what that means—their taxes go from 15 percent to 43.4 percent—I have yet to have anyone stop me and say, Oh, that sounds fair. It doesn't. It just sounds so much easier to say, raise it on someone else, not on us.

We have to solve the problem. Just raising taxes doesn't solve the problem. We're spending $1 trillion more than what we did 5 years ago with a tax revenue the same. If we do not focus on spending, we will never solve the problem.

□ 1040

SAVING THE 911TH AIRLIFT WING

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

Mr. MURPHY of Pennsylvania. Speaking of saving money, here is an interesting story.

Just 2 weeks after Texans in Randall County voted for Republican Barry Goldwater over their native son, Lyndon Johnson, in the Presidential race in the 1960s, the Pentagon announced Randall County's Air Force base was closing. Folks were ''flabbergasted'' said an Amarillo newspaper columnist. The Air Force had just made millions in investments at the base, but now airmen and equipment were moving to a nearby county that supported Johnson.

It was this kind of abuse of executive power that led Congress to write a new law ensuring we had proper oversight over base closures. In my Pennsylvania's 18th Congressional District, we're finding out why that law must be strengthened. Last week, I learned the Air Force is again attempting to shut down the 911th Airlift Wing, an Air Force Reserve base, for a reason that has nothing do with cost or military strategy. In fact, the 911th is one of the most lean and cost-effective bases in the country.

How and why they can do this without congressional approval is interesting. The Air Force claims inaccurately there are fewer than 300 civilian employees authorized to be employed at the 911th, allowing the Pentagon to close the base without congressional review. The Pentagon, however, has invested over $50 million in improvements in the base, including new buildings in the last 5 years. The 911th, however, has lower overhead costs because emergency responses like fire and safety, air traffic control, security, runway maintenance, and land are provided by Pittsburgh International Airport for free. Hence, if the 911th were forced to in-source those activities, the number of authorized personnel would be hundreds more, and would far exceed the 300-person threshold. Thus, the Pentagon would be prevented from unilaterally closing it. Further, the Air Force Reserve would have to invest millions more in equipment and training if it was not provided for free, but the Air Force did not look at any of these numbers, and they did not review the cost of the space.

The Pentagon is trying to close the base because they can, not because they should. In their haste to come up with a quick cut, it will cost the taxpayers over $100 million in coming years, and that is why Congress needs to have oversight.

The House has passed a defense bill to prevent a suboptimal decision like this one in the future. The House bill includes language requiring the Pentagon to notify Congress about any base closure or transfer of troops impacting more than 1,000 uniform personnel. Unlike the way the Air Force is operating now, the Defense Department would have to include a justification for the reduction, an evaluation of

the costs and benefits, and an evaluation of the local, economic, environmental, strategic, and operational consequences. By requiring significant reductions in uniform personnel to be included in the budget request, Congress will have two opportunities to review, block, or approve a base closure in the annual defense authorization bill and the defense appropriations bill.

The Senate is nearing completion of its version of the defense bill today, and it's my hope that both Chambers will work to restore Congress' proper oversight authority. The issue facing Congress is not a new one. Since the 1960s, the executive branch has tried repeatedly to close bases for reasons other than the best interests of taxpayers or the military. The necessity of a strong base closure law giving Congress oversight of these decisions was perhaps best expressed in 1985 by Senator CARL LEVIN. He said:

> These protections against untrammeled executive power to close bases came because Members of this Senate and this Congress felt that the power to close bases had been abused and had been used as a club over Members of Congress.

Today, it is the 911th, but tomorrow it could be a base in any Member's district. I urge my colleagues to support efforts to strengthen the base closure law.

## 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 43 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

Reverend Dr. Glen Bohannon, College Acres Baptist Church, Wilmington, North Carolina, offered the following prayer:

Our Father in Heaven, who desires that all people breathe the fresh air of freedom, enable us to walk worthy of all rights sacrificially handed down to us by patriots past and present.

So lead us that we will not take for granted the blessings of our Constitution, our laws, and all institutions that help make these United States an instrument of peace and purpose.

Strengthen our resolve not to confuse liberty with license, restraint with weakness, and half error with full truth.

Empower and motivate us to cultivate a spirit of goodness and a high sense of honor. Deepen our desire to practice virtues of conduct to help make our Nation strong and deserving to endure.

Our eternal God, open our eyes today to see that our Nation's greatest threat is not all external, but the inner thought that we can afford to live without dependence upon You. This I pray in the name of our Lord Jesus Christ.

Amen.

## THE JOURNAL

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

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

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

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

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

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## PLEDGE OF ALLEGIANCE

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

Mr. WALZ of Minnesota 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.

## POSTPONING CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Without objection, the Private Calendar will be called after 1-minute speeches today.

There was no objection.

## WELCOMING REVEREND DR. GLEN DALE BOHANNON

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

There was no objection.

Mr. CULBERSON. Mr. Speaker, it is a privilege to have with us today as our guest chaplain, Dr. Glen Dale Bohannon, who now pastors a church in North Carolina, but who understands clearly the importance of this great institution that it's our privilege to represent. I think Dr. Bohannon's prayer was appropriate to strengthen these great institutions that were created for the sole purpose of protecting our liberty.

Dr. Bohannon was married to Jo Ann Summers on October 26, 1957, was saved on February 2, 1959, and became an ordained pastor on November 20, 1960. Dr. Bo is a graduate of Southeast Missouri University and received his master's of divinity from Midwestern Baptist Theological Seminary in 1972 and his doctorate of ministry in 1985.

Glen and his wife, Jo Ann, have three children: Lisa, John, and Glen, Jr. John and his wife, Jody, have three children, Glen and Jo's grandchildren: Summer, Levi, and Joelle.

Dr. Bohannon has served churches in Missouri, Virginia, and North Carolina. He retired from full-time pastorate in 1996 after serving at Central Baptist Church of Richmond, Virginia, for 10½ years. He received his intentional interim training from 1996–1997, and has since served as an intentional interim pastor and as an interim pastor in several churches in Virginia and North Carolina.

Dr. Bohannon currently serves as the interim senior pastor at College Acres Baptist Church in Wilmington, North Carolina. He recently completed an intentional interim at Memorial Baptist Church in Arlington, Virginia, where my family attends when we're in the D.C. area. We're honored to have our good friend, Dr. Glen Bohannon, here as the pastor of the House for the day.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## DR. HARRY ROSENBERG

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

Mr. HECK. Mr. Speaker, I come to the floor today to recognize Dr. Harry Rosenberg, founding president of Roseman University of Health Sciences.

In 1999, Dr. Rosenberg rented a small office space in Henderson, Nevada, believing he could establish a pharmacy school that would produce highly skilled graduates ready to be recruited for work across the country.

His innovative approach to education led him to develop a block format curriculum that emphasizes a student-centered active learning environment, allowing students to participate in experiential education from the very beginning of their studies and complete their doctoral degree in just 3 years instead of the traditional 4 years, making Roseman one of the most affordable pharmacy schools in the Nation.

During his tenure, Dr. Rosenberg helped transform Roseman from a local school of 38 students to a regional institution with over 1,000 and offering an array of quality programs in nursing, dentistry, and business administration.

As he prepares for retirement, I commend Dr. Rosenberg for his vision, innovation, and commitment to offering students an affordable, state-of-the-art education that has and will benefit the State of Nevada and the Nation.

## THE POLITICS OF THE POSSIBLE

(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, today, let's show the American people the politics of the possible. Let's focus on what we agree on, not what we disagree on. Let's find common ground. We can accomplish this by extending the middle class tax cuts immediately. Let's have the people's House break this ridiculous stalemate. Let families across the Nation go into the holiday season with certainty.

Everyone here agrees taxes should not go up on middle class families. Democrats and Republicans can come together to make that happen. By extending the tax cuts, every American will get a tax break on the first $250,000 of income. Let me repeat that 100 percent of Americans will receive a tax break on $250,000 of income.

It also extends the child tax credit, makes it easier for small businesses to invest, makes it affordable to go to college, and fixes the alternative minimum tax.

If we fail to act in the next 10 days, middle class families could see their income taxes go up by $2,000. No one wants it, and the economy doesn't need it. The Senate has already passed a bill; the President said he would sign it today. It can be done now.

Please stand up, sign the discharge petition, and make a difference for the American public.

## KEVIN KLINE

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

Mr. OLSON. Mr. Speaker, I'd like to introduce the American people to Kevin Kline.

Kevin is a friend and a popular DJ back home on the 93Q Morning Zoo. But Kevin is more than a voice on the radio. He is the man of the year according to the Fort Bend Focus Magazine. He earned that honor because of the Snowdrop Foundation, an organization he and his wife, Trish, created to help children fighting life-threatening cancer.

Kevin's inspiration was a remarkable young lady, Chelsey Campbell. Chelsey lost her battle with cancer on December 9, 2006. She was 16 years old. Kevin was a pallbearer at her funeral. Kevin is always looking for an outlet to tell Chelsey's story and keep her memory alive.

If Kevin were here, I'd thank him for sharing Chelsey's story with me so I could enshrine her life forever in the CONGRESSIONAL RECORD of the United States of America. Because of Kevin, we all look forward to meeting Chelsey in heaven.

□ 1210

## MIDDLE CLASS TAX CUTS

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

Mr. LEVIN. This discharge petition frames the issue immediately before us: will Republicans take America over the cliff, and the middle class tax cuts with them, in order to protect tax breaks for the very wealthy. And will they take the economy with them over the cliff?

The fiscal cliff confronting us threatens an economic mess, half of which could be resolved in one fell swoop—by passing the middle class tax cuts. The Senate has already acted. The President is waiting to sign it. Republicans should join with Democrats and give 98 percent of Americans and 97 percent of small businesses the certainty that they won't face a tax increase on January 1.

Colleagues, Republicans as well as Democrats, sign now—the signal that America needs.

## THE PRESIDENT IS NOT TAKING THE FISCAL CLIFF SERIOUSLY

(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, yesterday, Speaker BOEHNER sent a letter to the President in response to his unreasonable proposal suggesting how Congress can avert the fiscal cliff. Shortly after the election, the House Republican leadership presented the President with a balanced framework by coupling spending cuts and reforms.

The Speaker's letter to the President also states, ''Regrettably, the proposal outlined on behalf of your administration contains very little in the way of common ground. The proposal calls for $1.6 trillion in new tax revenue—twice the amount you supported during the campaign.''

House Republicans understand the necessity of finding a reasonable solution. We have made it very clear that we are willing to work with the Senate leadership to find middle ground legislation. It is my hope the President will begin taking these negotiations seriously and will work with the House Republicans to find a balanced approach to this challenge.

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

## THE WHITE HOUSE MUST PRODUCE ITS LEGAL JUSTIFICATION FOR DRONE STRIKES

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

Mr. KUCINICH. Before Congress adjourns, this House will vote on my resolution of inquiry about the U.S.' use of drones.

The vote will not be about the thousands of deaths of innocent civilians caused by drones, though that's important. It won't be about whether the drones are creating more terrorism. It won't be a vote to stop the killing of American citizens without due process guaranteed by the Constitution. It won't be about whether our ongoing use of drones constitutes violations of the Constitution and violations of international law.

The vote will, however, be about something fundamental.

We will determine whether or not Congress has the power to require the administration to release their still secret legal justification to use drones. In matters of the Constitution, in matters of war, ''trust us'' is neither sufficient legally, constitutionally, nor is it morally acceptable.

I urge Members of the House to reclaim Congress' constitutional imperative by supporting H. Res. 819, the resolution of inquiry demanding the White House produce its legal justification for drone strikes.

## SERVING THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. There should be one powerful driving force for all of us—and that is to serve the American people.

The least we can do before December 31, 2012, is to provide the middle class of America—the working men and women of America, those who every day get up at 6 a.m., at 4 a.m., and work night shifts—a tax break. I am proud to commit to giving Americans making incomes of $250,000 and below a tax break, and I stand here today proudly in having signed the petition.

Let me say what else we can do very quickly.

As a cochair of the Congressional Children's Caucus, we have passed a bipartisan bill on the intervention in and prevention of bullying. Everywhere you go, you're hearing about the dastardly conditions of our children who are going to school across America.

To our Members of the United States Congress, let's pass that legislation before we leave here, and let's go into 2013 with America recognizing that the Congress understands that the safety and security of our children in the schools of America are vital. That's the least we can do—to protect the children of America. Pass the Bullying

Prevention and Intervention Act of 2012 now.

## MIDDLE CLASS TAX CUTS

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

Ms. HAHN. As we race toward this fiscal cliff, we are faced with a number of looming problems, not the least of which is the threat of a crushing middle class tax hike. If we fail to act, middle class Americans could see their next tax bills rise by more than $3,000, and while there will be much to disagree on in the coming negotiations, no one wants this to happen. A tax hike of this size on the middle class would be a terrible burden on families who are just beginning to recover from this Great Recession.

With congressional approval at an all-time low, we cannot pass up this opportunity to prove to the American people that we can work together. President Obama's legislation to extend the middle class tax cuts has already been passed by the Senate, and it now depends on us. We should embrace this opportunity to vote on something we can agree on and bring this legislation to the floor.

I've already signed this petition. I urge all of my colleagues to come down to the House floor right now and sign this discharge petition. Bring this to the floor. Let's give the American people a real holiday present.

## MIDDLE CLASS TAX CUTS

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

Mr. CICILLINE. Mr. Speaker, last month, the American people went to the polls and delivered Congress a resounding message—that Republicans and Democrats should be working together to solve our Nation's problems. Although our constituents have made it clear that the time for partisan games is over and despite overwhelming support for the idea, the House Republican leaders are refusing to hold a vote on extending tax cuts for middle class families. Instead, they plan to keep holding them hostage to tax breaks for the wealthiest Americans.

So, today, we have filed a discharge petition to force a vote on the Middle Class Tax Cut Act so that 98 percent of Americans and 97 percent of small businesses don't have to worry about their taxes going up at the end of this year. It will ensure that 100 percent of Americans will see a tax cut for the first $250,000 of family income.

The Senate has already passed an equivalent bill, but today the House is still standing in the way of tax relief for middle class families. I urge my colleagues on both sides of the aisle to do the right thing for working families: force the House Republican leadership to hold a vote on the middle class tax cut bill by signing this discharge petition and by forcing the bill to the floor so that we can do right by the American people.

## TIME TO VOTE ON MIDDLE CLASS TAX CUTS

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

Mr. YARMUTH. Mr. Speaker, when it comes to the fiscal cliff, Republicans and Democrats have one major thing in common—we both believe tax rates shouldn't go up on 98 percent of Americans and 97 percent of small businesses. The difference is that Democrats won't use middle class families as a bargaining chip.

Today, House Republicans have a chance to show that they are more serious about making good policy than making political hostages of the middle class. We have filed a discharge petition to bring to the floor legislation that preserves tax cuts for 98 percent of Americans and 97 percent of small businesses. It has already passed the Senate. The President says he will sign it immediately.

With our deadline less than a month away, the clock is ticking, and if House Republican leadership is wondering when in our pressing schedule we might be able to fully consider this legislation, they might rethink their astonishing decision to cancel House business on Thursday—one of the few days Congress has left in the current session.

Mr. Speaker, we know what we must do, and it might come as a surprise that we actually agree on a solution. All that's left is to vote. I urge my colleagues to sign the discharge petition and to vote immediately to keep middle class tax rates from going up.

## THE POWER TO PULL AMERICA BACK FROM THE FISCAL CLIFF

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

Mr. COURTNEY. Mr. Speaker, in the well of the House, a few feet away from me, we have the power as Members to actually pull this country back from a fiscal cliff which endangers an economic recovery and threatens middle class families all across the country.

The good news is there right now. Consumer confidence is up, car sales are up, even the housing market is making a recovery. If we do not, however, act to sign this discharge petition and to protect middle class families, we will go backwards as a Nation.

It will also solve three-quarters of the sequestration challenge that the Budget Control Act still has sitting out there for January 2. If we sign this discharge petition and get this bill passed, three-quarters of that problem will be solved: we will protect Medicare, we will protect our military, we will protect education, and it will reduce the size of the challenge to avoid sequestration.

All Members—Republicans and Democrats—should come together, sign this discharge petition, and help the American people get this economy back on its feet.

□ 1220

## MIDDLE CLASS TAX CUTS

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

Mr. CROWLEY. Mr. Speaker, the American people have spoken. In this last election, they said to all of us: start to work together; have an agenda that serves the people of our country.

We've all heard the expression that time is fleeting. Never before has that expression been more important in my 14 years here in the House of Representatives. We have very few working days and even fewer days this week because of the House schedule put before us by the leadership of the House to actually work on the people's business and pass a middle class tax cut that will affect 98 percent of working Americans. Ninety-eight percent of working Americans will get a tax cut by passing the Senate bill that they passed already that is now at the desk here in the House of Representatives in the form of a discharge petition.

We're taking this action because we believe that time is running out. If we fail to pass this bill or something like it, the middle class in this country will see on average a $2,000 increase in their taxes. I don't know about anyone here in this Chamber, but I know my constituency doesn't want to pay a $2,000 tax.

## MIDDLE CLASS TAX CUTS

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

Mr. CONNOLLY of Virginia. Mr. Speaker, for any negotiation to be successful, both parties involved must first identify things on which they can agree. Fortunately, we already have agreed: middle class tax cuts need to be protected. Sixty percent of Americans agree that extending the middle class tax cuts and letting those for the wealthiest expire is a good compromise and the right thing to do.

Some of our Republican colleagues agree, saying we ought to give 98 percent of all Americans an early Christmas present by extending the middle class tax cuts. Sadly, other Republicans do not share that holiday spirit. In their zeal to protect the tax breaks for the wealthiest 2 percent, they are willing to present themselves as the grinch that stole Christmas.

Let's not let another opportunity pass. Let's show that we were listening

on election day to our constituents who want us to work together to protect the middle class and the economy and get something done for America. Sign the discharge petition.

## MIDDLE INCOME TAX CUT

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

Ms. PELOSI. Mr. Speaker, as we all know, in the course of the election the President made it very clear that he was supporting the extension of the middle income tax cut and everyone, 100 percent of the American people, would benefit from it—100 percent of taxpayers, small businesses, wage earners, and the rest.

Republicans are saying that rather than passing that, they want to hold it hostage to giving an additional tax cut to people making over $250,000 a year. That's not negotiating; that's hostage-taking.

So today on the floor of the House, the Democrats have proposed a discharge petition which, if it receives 218 signatures, that's only a couple dozen Republicans joining the Democrats, it would automatically come to the floor and I predict would receive overwhelming support of the House of Representatives.

The American people want us to work together. We are in agreement on this subject. Why—why, my Republican colleagues—can we not vote on something where we have agreement, where we have fairness that will work to create jobs, to reduce the deficit and will again have fairness.

This is the heart of the matter that is holding us here. As the public watches—what is this about—this is about the $250,000 line that the President said in the campaign that he would honor and that this legislation today brings to bear.

I urge my colleagues, out of 435 Members of the House, we only need a couple dozen Republicans to sign the discharge petition. Each one of them holds the key to a $2,000 tax cut for the middle class.

Either sign the petition, urge the Speaker to bring the bill to the floor, or explain to your constituents why you do not want them to have this $2,000 tax break for 100 percent of the American people. Please sign the discharge petition. Let's get this done this week. We could bring this bill up under unanimous consent. The message would be clear to the American people: we heard you in the campaign. Be fair, do something that works, work together. This gives us that opportunity.

## HOMESAFE GEORGIA

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to discuss the HomeSafe Georgia Program. HomeSafe provides temporary assistance to homeowners who are unemployed or underemployed due to no fault of their own. I'm hosting my second HomeSafe Georgia Foreclosure Prevention Event of 2012, Saturday, December 8, at the Salem Bible Church Fellowship Hall in Lithonia, Georgia, from 10 a.m. to 3 p.m. My friend, Jasper Williams, is the pastor.

My last HomeSafe event helped hundreds of homeowners temporarily lower their mortgage payments, and I expect to help hundreds more after this weekend's Georgia HomeSafe event. The event is free, and I hope Georgians who need help will attend. For more information contact me at hankjohnson.house.gov.

## EXTEND MIDDLE CLASS TAX CUTS

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

Mr. PALLONE. Mr. Speaker, the message from the American people is loud and clear: extend the middle class tax cuts now. Republicans are holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans. Once again Republicans are playing politics with something that will help Americans get back as we work to repair the damage that 8 years of Republican leadership created.

Democrats have a commonsense solution, and we can't wait around any longer to let real proposals languish until the House GOP gets its act together. Spearheaded by Congressman TIM WALZ, Democrats filed the Walz discharge petition to automatically bring to the House floor the Senate-passed middle class tax cuts which the President has said he will sign immediately. We have no time to waste, Mr. Speaker. Pass the extension of the middle class tax cuts now as we find a bold, balanced, and fair agreement to avoid the fiscal cliff.

## PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar.

## BARTOSZ KUMOR

The SPEAKER pro tempore. The Clerk will call the first bill on the calendar.

The Clerk called the bill (H.R. 1857) for the relief of Bartosz Kumor.

There being no objection, the Clerk read the bill as follows:

H.R. 1857

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR BARTOSZ KUMOR.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Bartosz Kumor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Bartosz Kumor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Bartosz Kumor, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Bartosz Kumor shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DANIEL WACHIRA

The SPEAKER pro tempore. The Clerk will call the second bill on the calendar.

The Clerk called the bill (H.R. 824) for the relief of Daniel Wachira.

There being no objection, the Clerk read the bill as follows:

H.R. 824

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR DANIEL WACHIRA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Daniel Wachira shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Daniel Wachira enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall

apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Daniel Wachira, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Daniel Wachira shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1230

## MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS

The SPEAKER pro tempore. The Clerk will call the third bill on the calendar.

The Clerk called the bill (H.R. 823) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.

There being no objection, the Clerk read the bill as follows:

H.R. 823

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR MARIA CARMEN CASTRO RAMIREZ AND J. REFUGIO CARRENO ROJAS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas enters the United States before the filing deadline specified in subsection (d), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) WAIVER OF GROUNDS FOR REMOVAL OR DENIAL OF ADMISSION.—

(1) IN GENERAL.—Notwithstanding sections 212(a) and 237(a) of the Immigration and Nationality Act, Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas may not be removed from the United States, denied admission to the United States, or considered ineligible for lawful permanent residence in the United States by reason of any ground for removal or denial of admission that is reflected in the records of the Department of Homeland Security or the Visa Office of the Department of State on the date of the enactment of this Act.

(2) RESCISSION OF OUTSTANDING ORDER OF REMOVAL.—The Secretary of Homeland Security shall rescind any outstanding order of removal or deportation, or any finding of inadmissibility or deportability, that has been entered against Maria Carmen Castro Ramirez or J. Refugio Carreno Rojas by reason of any ground described in paragraph (1).

(d) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(e) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

(f) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ALLAN BOLOR KELLEY

The SPEAKER pro tempore. The Clerk will call the fourth bill on the calendar.

The Clerk called the bill (H.R. 794) for the relief of Allan Bolor Kelley.

There being no objection, the Clerk read the bill as follows:

H.R. 794

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR ALLAN BOLOR KELLEY.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Allan Bolor Kelley shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Allan Bolor Kelley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Allan Bolor Kelley, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Allan Bolor Kelley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CORINA DE CHALUP TURCINOVIC

The SPEAKER pro tempore. The Clerk will call the fifth bill on the calendar.

The Clerk called the bill (H.R. 357) for the relief of Corina de Chalup Turcinovic.

There being no objection, the Clerk read the bill as follows:

H.R. 357

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR CORINA DE CHALUP TURCINOVIC.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Corina de Chalup Turcinovic enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Corina de Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The

natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ESTHER KARINGE

The SPEAKER pro tempore. The Clerk will call the sixth bill on the calendar.

The Clerk called the bill (H.R. 316) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 316

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the seventh bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that S. 285, Calendar No. 7, be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

## AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6582

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Energy Manufacturing Technical Corrections Act''.

**SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.**

Section 342(f) of the Energy Policy and Conservation Act (42 U.S.C. 6313(f)) is amended—

(1) in paragraph (1), by striking ''paragraphs (2) through (5)'' and inserting ''paragraphs (2) through (6)''; and

(2) by adding at the end the following new paragraph:

''(6) INNOVATIVE COMPONENT TECHNOLOGIES.—Subparagraph (C) of paragraph (1) shall not apply to a walk-in cooler or walk-in freezer component if the component manufacturer has demonstrated to the satisfaction of the Secretary that the component reduces energy consumption at least as much as if such subparagraph were to apply. In support of any demonstration under this paragraph, a manufacturer shall provide to the Secretary all data and technical information necessary to fully evaluate its application.''.

**SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.**

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired hot water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Clause (iv) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on the later of 1 year after the date of publication of the conversion factor, or December 31, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use as of that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

**SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.**

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

''(C) The term 'service over the counter, self-contained, medium temperature commercial refrigerator' or '(SOC–SC–M)' means a medium temperature commercial refrigerator—

''(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

''(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

''(D) The term 'TDA' means the total display area ($ft^2$) of the refrigerated case, as defined in AHRI Standard 1200.'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4)(A) Each SOC–SC–M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than $0.6 \times TDA + 1.0$.

''(B) Not later than 3 years after the date of enactment of this paragraph, the Secretary shall—

''(i) determine whether the standard established under subparagraph (A) should be amended; and

''(ii) if the Secretary determines that such standard should be amended, issue a final rule establishing an amended standard.

''(C) If the Secretary issues a final rule pursuant to subparagraph (B) establishing an amended standard, the final rule shall provide that the amended standard shall apply to products manufactured on or after the date that is—

''(i) 3 years after the date on which the final amended standard is published; or

''(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final rule is published.''.

**SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.**

(a) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

''(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

''(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

''(I) 11.00 for products manufactured on or after January 23, 2006; and

''(II) 12.00 for products manufactured on or after January 1, 2015.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

''(I) 6.8 for products manufactured on or after January 23, 2006; and

''(II) 7.2 for products manufactured on or after January 1, 2015.

''(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.''.

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) in subparagraph (A)(i), by inserting ''the standard levels or design requirements applicable under that standard to'' immediately before ''any small commercial''; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking ''Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part,'' and inserting ''Every 6 years,''; and

(ii) by inserting after ''the Secretary shall'' the following: ''conduct an evaluation of each class of covered equipment and shall''; and

(B) by adding at the end the following:

''(vi) For any covered equipment as to which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of enactment of this clause, the first notice required under clause (i) shall be published by December 31, 2013.''.

(c) PETITION FOR AMENDED STANDARDS.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

''(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

''(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

''(A) a final rule that contains the new or amended standards; or

''(B) a determination that no new or amended standards are necessary.''.

**SEC. 6. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.**

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

**SEC. 7. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.**

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term ''industrial energy efficiency'' means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term ''industrial sector'' means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector and other stakeholders, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector and other stakeholders.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of $5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector and other stakeholders, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

**SEC. 8. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

''(A) how the agency will designate personnel primarily responsible for achieving the requirements; and

''(B) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

''(4) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

''(B) COMPONENTS.—The report shall include, at a minimum—

''(i) summaries and analysis of the reports by agencies under paragraph (3);

''(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

''(I) potential common communications standards to allow data sharing and reporting;

''(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

''(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

''(iii) an analysis of—

''(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

''(II) existing techniques used within the private sector or other non-Federal government buildings.''.

**SEC. 9. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

''(i) to certify compliance with the requirements for—

''(I) energy and water evaluations under paragraph (3);

''(II) implementation of identified energy and water measures under paragraph (4); and

''(III) follow-up on implemented measures under paragraph (5); and

''(ii) to publish energy and water consumption data on an individual facility basis.''.

**SEC. 10. TECHNICAL CORRECTIONS.**

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the

Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B'';

(C) in subsection (a)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.'';

(D) in subsection (b)(1), by striking ''section 325(p)(5)'' and inserting ''section 325(p)(4)''; and

(E) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(7) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(8) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(13) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''negative 20°F''.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) other motors.''.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking ''Air-Conditioning and Refrigeration Institute'' each place it appears in paragraphs (4)(A) and (7) and inserting ''Air-Conditioning, Heating, and Refrigeration Institute''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

I rise today in support of H.R. 6582, the American Energy Manufacturing Technical Corrections Act, and I want to thank Mr. WAXMAN and his staff for working with us on this legislation. Part of it has been passed in the Senate, and we've worked very closely with the Senate staff and Members as well.

This is a small but critical piece of energy legislation that I encourage my colleagues to support:

Section 2 deals with an outdated standard for walk-in coolers that is actually resulting in layoffs and loss of jobs in the State of Alabama;

Section 3 deals with a fix to water heater requirements that will reduce regulatory burdens on manufacturers by transitioning to a single definition for all covered water heaters;

Section 4 fixes a standard that cannot be met from the 2007 energy bill for ''service over the counter'' refrigerators;

Section 5 deals with small duct high velocity systems;

Sections 6 and 7 seek to improve Federal coordination to help develop and deploy industrial energy efficiency technologies;

Sections 8 and 9 aim to improve Federal energy efficiency, which will ultimately save taxpayers money;

Section 10 makes additional routine technical corrections to the 2007 energy bill.

This bill will reduce regulatory burdens and provide greater certainty for manufacturers, allowing them to stay in business, avoid layoffs, and will also ensure the continued benefits of energy savings and consumer savings because of increased energy efficiency.

H.R. 6582 carries the support of the Air Conditioning, Heating, and Refrigeration Institute, the Industrial Energy Consumers of America, as well as the American Council for an Energy-Efficient Economy, the Alliance to Save Energy, and the National Association of Manufacturers.

This bill shows that we can work together in Congress in a bipartisan manner to tackle important energy issues. To that end, I once again want to thank my colleagues on the other side of the aisle, Mr. WAXMAN and his staff, for working with us to help develop this legislation that we all can support.

I might add that many of us on this side of the aisle feel as though the 2007 energy bill has many provisions that we believe to be challenging for stimulating private growth and creating jobs. I hope my colleagues on the other side of the aisle will continue to work with us on these matters in the future.

As the 112th Congress comes to a close, the passage of this modest but important energy efficiency bill gives me hope that we can work together in the coming years to tackle the many energy challenges facing America. I encourage my colleagues to support passage of H.R. 6582.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

*Washington, DC, December 3, 2012.*

Hon. FRED UPTON,

*Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN UPTON: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 6582, the American Energy Manufacturing Technical Corrections Act. The suspension text version of H.R. 6582, posted on November 30, 2012 contains multiple provisions from H.R. 4850, the Enabling Energy Saving Innovations Act, as amended and passed by the Senate on September 22, 2012 under unanimous consent, which are outside the original scope of H.R. 4850, as introduced and passed by the House on June 26, 2012.

While the text of H.R. 6582 reflects an agreement reached by the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee, the text also contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 6582, as well as any similar or related legislation.

I ask that a copy of this letter be placed in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

RALPH M. HALL,
*Chairman, Committee on Science, Space, and Technology.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, December 3, 2012.*

Hon. RALPH M. HALL,
*Chairman, Committee on Science, Space, and Technology, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN HALL: Thank you for your letter regarding H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act,'' which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Science, Space, and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, December 3, 2012.*

Hon. FRED UPTON,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I write concerning H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act.'' There are certain provisions in the version of HR. 6582 that will be considered on the House Floor that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of H.R. 6582, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in this bill or similar legislation which fall within the Committee's Rule X jurisdiction.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, December 3, 2012.*

Hon. JOHN L. MICA,
*Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 6582, the ''American Energy Manufacturing Technical Corrections Act,'' which reflects the agreement reached by the House and the Senate concerning the competing versions of H.R. 4850 passed by each body. As you noted, the version of H.R. 6582 that will be considered on the Floor contains provisions that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I appreciate your willingness to forgo action on H.R. 6582, and I agree that your decision should not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
*Chairman.*

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DECEMBER 4, 2012.

Representative UPTON,
*House of Representatives, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN UPTON: On behalf of the American Public Gas Association (APGA), and the American Gas Association (AGA) we would like to convey our concerns regarding H.R 6582, The American Energy Manufacturing Technical Corrections Act.

APGA is the national association for publicly-owned natural gas distribution systems. There are approximately 1,000 public gas systems in 36 states and approximately 700 of these systems are APGA members. Publicly-owned gas systems are not-for-profit, retail distribution entities owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

AGA represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 71 million residential, commercial, and industrial natural gas customers in the U.S., of which 92 percent—more than 65 million customers—receive their gas from AGA members.

First, H.R. 6582 directs the Department of Energy to transition from the current, separate definitions for water heaters, to a uniform energy descriptor for all covered water heaters and to establish testing procedures. We have concerns about these testing procedures. The American Society of Heating, Refrigerating and Air-Conditioning (ASHRAE) is currently revising its Standard 118.2, Method of Testing for Rating Residential Water Heaters. ASHRAE is an internationally recognized American National Standards Institute (ANSI) accredited standards developer. Standard 118.2 will provide testing changes as well as potential changes to energy descriptors. When drafting the testing procedures, DOE should consider ASHRAE 118.2. In fact, DOE is already engaged in rulemaking on test procedures for these products where ASHRAE 118.2 can be referenced for adoption.

Second, we are concerned that this legislation invites additional regulation of residential water heaters by the U. S. Consumer Product Safety Commission and may encourage the unnecessary expansion of that group's Flammable Vapor Ignition Resistant (FVIR) requirements beyond their current scope, which could have a chilling impact on the applications of condensing storage gas water heaters.

Third, we are concerned that the language in this bill that sets minimum efficiency levels for small-duct, high-velocity central systems, lowers existing efficiency standards and preferences the use of electric appliances over equivalent natural gas appliances. The first minimum efficiencies on these products were promulgated in 2004, effective January 23, 2006 and required 7.7 HSPF (heating seasonal performance factor) or higher, whereas this legislation requires only 6.8 HSPF and 7.2 HSPF minimums while comparable natural gas heat pumps are still subject to the higher minimum standard of 7.7 HSPF.

Despite these concerns, we do not oppose the bill. Our objective is to bring these concerns to your attention and to encourage the Department of Energy to work with APGA and AGA in the rulemaking process to ensure that the views of our members are considered.

APGA and AGA appreciate your consideration of our views and look forward to working further with you on this and other natural gas issues.

Sincerely,

BERT KALISCH,
*President & CEO, American Public Gas Association.*

DAVE MCCURDY,
*President & CEO, American Gas Association.*

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

The United States and the world are facing an enormous and growing threat: The pollution we are putting into the atmosphere is changing the climate around us. In this last year alone, New York City has been flooded by a superstorm, the Midwest has roasted in record-setting drought, and wildfires have scorched the West. These are not aberrations. They are the early warning signs of what the future will look like.

Today, on one of the very last days of this Congress, we're taking our first step to recognize this looming threat. It's not a big step—in fact, it's a tiny one—but it gives hope that we can work together, and it is a signal that at least we are headed in the right direction.

Energy efficiency is an essential part of any serious effort to address climate change. It is the low-hanging fruit that reduces pollution while saving Americans money and creating jobs. Whether

it's a building code or appliance standard or home retrofit, we should be doing far more in this area. In fact, a recent International Energy Agency analysis found that without new policies, two-thirds of the cost-effective energy efficiency gains that could be made will remain unrealized through 2035.

This bill includes a number of noncontroversial technical fixes to appliance energy efficiency standards for water heaters, walk-in freezers, deli counter-style refrigerators, and certain types of air conditioners. The bill includes improvements to the process by which the Department of Energy updates its energy efficiency standards. In addition, there are a few sensible provisions to promote industrial energy efficiency and the efficiency of Federal Government buildings.

This bill will not produce large energy savings, but it's a worthwhile package of consensus improvements. The package is based on provisions that recently passed the Senate by unanimous consent. Both industry and energy efficiency advocates support the bill. This is a bill that has a very good chance of becoming law this month.

But we need to do much, much more. The beginning of a new Congress provides us an opportunity to work together on a bipartisan basis to enact commonsense energy efficiency legislation. Such legislation will save consumers money, boost domestic manufacturing, while cutting pollution, including the carbon pollution that is driving dangerous climate change.

I look forward to starting those discussions with Chairman UPTON and our Energy and Commerce Committee colleagues. There are many good ideas for policies that would reduce waste and save energy, and we should work together to explore those ideas and enact the ones we can agree on.

□ 1240

Today's bill is a first step. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), who wrote a portion of this bill and whose State is at risk of losing jobs because of some technicalities.

Mr. ADERHOLT. I want to thank the gentleman from Kentucky for his time and just take a moment to say how much we appreciate working with him and his staff on this legislation as we've moved forward.

As has been mentioned here, the purpose of this legislation, in many respects, is to make critical technical changes to the 2007 Energy Independence and Security Act, known as EISA, which will both preserve jobs and create new jobs in several related fields of industry.

I want to speak in particular to section 313 of EISA as it relates to the efficiency standards of walk-in coolers and freezers. The section mandates that cooler and freezer doors must meet a certain R-value as a measurement of their ability to retain temperature and use less energy. The problem here is that R-value is a measurement based primarily on one insulating product in particular—foam—and on how thick that foam actually is. However, requiring a product to meet an R-value prohibits technologies that are just as efficient even though they utilize alternative materials or technologies.

In this case, the technology is even more efficient. Although regulatory statutes many times provide the Department of Energy with a waiver authority, a waiver was not a part of this particular statute. This legislation provides the Department of Energy with the authority to waive the requirement if they determine a product meets or exceeds the desired energy-efficiency goals.

Bureaucratic red tape and Federal regulations can sometimes accidentally keep America's innovators and small businesses from creating jobs. Therefore, the Manufacturing Technical Corrections Act is a commonsense solution which maintains standards and yet corrects a problem which otherwise stifles growth and causes companies to lose jobs. Due to an increase in regulation over the past few years, too many small businesses have had to lay off employees, reduce production, and even shut their doors. This is precisely what happened to an innovative manufacturing company in the district I represent back in Alabama.

The Federal Government's embrace of outdated technology prohibits new and innovative solutions to improve energy efficiency. Without sacrificing the efficiency standards which drove the original bill, my bill here that we're discussing this afternoon merely makes a commonsense update.

Just to be clear, this legislation, H.R. 6582, does not create new standards, but it does make existing standards better for businesses and better for consumers. I can personally attest that this technical corrections bill will directly affect over 100 jobs in the State of Alabama, and potentially many others could be created with this new and innovative technology. The other sections of this bill affect a similar and, in some cases, I'm told, an even greater amount of jobs in other places in the country.

Simply put, this commonsense legislation provides technical corrections which remove barriers to technologies and which untie the hands of companies that manufacture here in the United States of America. This means jobs. And not only by moving this legislation will we be able to create jobs, but we'll be able also to make sure that we continue economic growth in this country.

Therefore, I suggest and urge my colleagues that they support this legislation that's on the floor today.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I rise today on behalf of H.R. 6582, the American Energy Manufacturing Act. This is truly a commonsense, bipartisan bill. I've been proud to work on it with my friend and neighbor, Representative JOHN SHIMKUS of Illinois, and also with Congresswoman JUDY BIGGERT, who has been my cochair of the High-Performance Building Caucus. I want to thank Congressman WHITFIELD and Congressman WAXMAN for their leadership on this matter here on the floor today.

And, finally, the gentleman from Alabama (Mr. ADERHOLT) for his leadership in moving this bill forward today and for including legislation that I sponsored in 2010, the Small Duct, High Velocity Energy Efficiency Standards for America Act. Small duct, high velocity systems are a special type of heating, ventilation, and air conditioning systems. It is more energy efficient than traditional units, especially for older and historic homes and buildings with limited space for new duct work.

Even though it's more efficient, the Department of Energy lumped these new systems in with a rulemaking for regular systems in 2002. The Department eventually granted a waiver, basically saying that these new small duct systems could be sold anyway as efficient products. But the legislation before us today will codify that waiver into law so that American manufacturers and consumers can truly benefit from the advantages of these types of products.

Unico is a company that is one of several that manufacture these systems. It is a small business of about 80 employees in my hometown of St. Louis, Missouri. I've toured the Unico plant, and I've met with their employees. I've seen the pride in their work, the craftsmanship that they display. And those products go not just around the U.S., but around the world.

Unico is an American success story. It's a small business created in America, manufacturing products in America, and creating good-paying manufacturing and construction jobs—exactly what this Congress and this country should be all about. And when the actor Brad Pitt, also a Missouri native, and the Make It Right Foundation unveiled plans to build over 100 super-energy-efficient homes in New Orleans, they looked around the world to find low-cost, energy-efficient systems, and they chose Unico, creating more jobs in my hometown. We're proud of that. But it isn't just about jobs, though. It's about becoming more energy efficient as a Nation.

Heating and cooling account for 56 percent of energy use in the typical house, making it the largest energy expense for most families. Air conditioners alone use roughly 5 percent of all electricity nationwide, at a cost of

over $11 billion to homeowners, releasing nearly 100 million tons of carbon dioxide into the atmosphere.

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

Mr. WAXMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CARNAHAN. Domestic manufacturing and use of high-energy heating and cooling systems like the ones produced by Unico will reduce energy up to 50 percent, save consumers billions of dollars a year, and create jobs. I urge a ''yes'' vote on this bill and thank my colleagues for their work today.

Mr. WHITFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is chairman of the Environment and Economy Subcommittee.

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

Mr. SHIMKUS. I also come down in support of H.R. 6582 and want to address the small duct, high velocity system provisions in this bill. But first let me talk about my friend and colleague, RUSS CARNAHAN. The Carnahan name in my neighboring State of Missouri is well known and well respected. RUSS added to that legacy, and I thank him for his service, and I thank him for his friendship.

Mr. Speaker, small duct, high velocity systems are a special type of heating, ventilating, and air conditioning used especially for older homes and buildings that don't have room for duct work. In terms of delivered efficiency, these units are more energy efficient than traditional HVAC units, a fact widely recognized, including by the Department of Energy.

Unfortunately, more than 10 years ago, these small duct units were incorrectly lumped into a rulemaking for regular HVAC units. Subsequent administrations have attempted to correct this error in the past through unrelated rulemaking regarding efficiency standards for different types of units. However, the rulemaking for these unrelated units was challenged and overturned. Because small duct, high velocity units were included, the court's findings applied to them as well.

□ 1250

The result of the court ruling forbids DOE efficiency rulemakings that ratchet down standards already in place, even if those in place were promulgated by mistake, as in the case of these units. Despite this ruling, DOE has recognized small duct high velocity systems as unique and that they should have their own set of efficiency standards. As a result, DOE has given these systems waivers to be sold as efficient products.

Mr. Speaker, the provisions of H.R. 6582 related to small duct high velocity systems are taken from H.R. 1499 that Mr. CARNAHAN and I have been working on. The language will codify these waivers already in place and set up a regulatory process so sellers of these systems can have relief from this regulatory burden. Furthermore, consumers will have peace of mind that these products are truly energy efficient while meeting their needs and not just operating under a waiver.

I urge my colleagues to support the entire bill, H.R. 6582. And to my friend, Mr. WAXMAN, who is very passionate on climate, he also knows that there are those of us who are just as passionate about jobs and the economy and the fossil fuel economy, and I hope that we can work together in the next Congress.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), who is going to be joining again the Energy and Commerce Committee to my great delight.

Mr. WELCH. I thank the gentleman from California, and I look forward to returning to the committee and working with my colleagues on the other side of the aisle as well.

I'm very pleased to be here supporting this legislation. Energy efficiency makes sense. We have brutal arguments here about climate change, about what is the right fuel source. They're dividing us. But the fact is whether you believe in climate change or not, even under the bill that was passed—not this session, but a session ago—we could have met one-third of our climate reduction, carbon emission goals through efficiency. There is an enormous potential in efficiency to make this economy better, to create local jobs, to save people money. This legislation starts down that road, and it's very good.

I look and see some of my colleagues over there, even my friend from Georgia. I think we accidentally voted the same on one or two pieces of legislation this year—and I'm not quite sure who made the mistake. But our eyes are wide open on this one with efficiency. We know that this is good for Georgia, it's good for Vermont. And it does not matter what your fuel source is—you can be a nuclear person or a clean energy person—using less is good for the pocketbook, it's good for the economy.

I would like to expand on this when we come back next year, find that area where we're in agreement on efficiency and energy and intensify it. When I served on the committee, we did pass HOME STAR. I've partnered this session with Mr. MCKINLEY of West Virginia on a version of that, the HOMES Act, where we would give some incentive to homeowners to retrofit their homes. The evidence is that if you did this in an aggressive way, 95 percent of the materials that are used in retrofitting a home are manufactured in America, so we put those manufacturing jobs back online.

Number two, the folks who do the work are the trade folks, who are really still reeling from the housing slump. So they've got the skills and they need the work; we put them back to work. Then your bill at home, as a homeowner—whatever your heat source—goes down. This is sensible and we can do it.

It's going to take some decisions on spending. I hope we can get past this notion that every dollar spent is a bad dollar spent. There are times when it makes sense to invest because you get a good return on it, and that's from somebody who does believe that we've got to bring our budget in balance.

So I say to the sponsors of this legislation, our leaders on the committee, and my colleagues on both sides of the aisle, this is a tremendous down-payment on efficiency that will be good for this Congress to work together on and good for this country to get it done.

Mr. WHITFIELD. Mr. Speaker, I might say that we're all looking forward to working with the gentleman from Vermont as he comes back to the Energy and Commerce Committee.

At this time, I'd like to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND), who wrote a portion of this bill.

Mr. WESTMORELAND. I want to thank the gentleman from Kentucky for yielding me the time. I also want to thank the gentleman from Alabama (Mr. ADERHOLT) for all the hard work that he and his staff and the staff of Energy and Commerce have put into this. I also want to thank the gentleman from California and his staff for working with us to get this small part into this bill.

Mr. Speaker, we are asked a lot of times what part of this job we enjoy the most, and whether you're talking to a school group or a group from one of the civic clubs, sometimes it's hard to come up with an answer. But in this case, this would be one of those cases where we have come together, both sides of the aisle, and actually worked together.

To my friend from Vermont, I will tell you that hopefully those occasions where we vote together will not be as unusual as they have been. But I look forward to voting with him on this issue because this is almost a jobs bill. We heard the gentleman from Alabama and the gentleman from Missouri and others talk about the number of jobs that this is going to save. This is taking into consideration our precious energy and making sure that we get the best efficiency out of it, and at the same time maintaining jobs.

My part of this legislation is section 342(c), which deals with the display cases. In this case, in the State of Georgia and the city of Columbus, it has the potential of saving 1,180 jobs. At this point, with 13 million unemployed in this country and many more underemployed, it's very important for us to come together. I think this is a great example of how we can come together to make sure that we are good stewards of our energy, to make sure

that our products are the best in the world, the most energy efficient, but yet have commonsense regulations that allow us to continue to push these and make these products here in this country.

So again, I want to thank everybody for their support and hard work on this, and especially from those 1,180 people in Georgia that will be able to maintain employment.

Mr. WAXMAN. Mr. Speaker, I continue to reserve my time.

Mr. WHITFIELD. At this time, Mr. Speaker, I would like to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKburn), who is a member of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I do rise in strong support of H.R. 6582 today. I am so pleased to stand and to thank Mr. WHITFIELD and Mr. ADERHOLT for the work that they have done on this. Also, I want to thank Mr. WAXMAN for his efforts in this bill.

I also want to commend my colleague, Mr. COOPER, from Tennessee. He and I had authored a piece of legislation, H.R. 482, the Water Heater Rating Improvement Act of 2011, and it is now section 3 of the underlying bill.

Essentially, what this section 3 would do is to fix a regulatory problem related to the test methodology that the DOE uses to calculate the efficiency levels of water heaters, which even the DOE has acknowledged that the way they're doing this is broken and it does need to be fixed.

This legislation will also level the playing field for our domestic water heater manufacturers who are currently at a competitive disadvantage with the foreign manufacturers. Of course we all know our focus is on jobs and the economy and getting our domestic manufacturing back to the pace where it should be for global competition.

□ 1300

Essentially the problem is this: under the current standards, the small and large water heaters are divided into two categories under two separate Federal statutes. These statutes are based on an arbitrary gallon capacity and energy input ratings. The smaller water heaters are covered by the National Appliance Energy Conservation Act and are rated using an Energy Factor, or an EF rating. Now the larger water heaters are within the scope of the Energy Policy Act and are rated using a Thermal Efficiency, or TE rating.

The problem facing American manufacturers is that under the current rules of the road, only the small water heaters are deemed eligible under the ENERGY STAR program. This is nonsensical. It's an outdated measure and disqualifies our large American-made water heaters from being covered by the ENERGY STAR ratings regardless of how advanced or how highly efficient they may be.

The legislation before us today would provide the necessary regulatory and business certainty that is needed by our manufacturers. This legislation has the potential of adding upwards of 1,000 jobs for domestic water heater manufacturers, many of them in my home State of Tennessee, where there are already 3,000 jobs directly involved in the manufacturing of water heaters.

I thank the chairman again. I thank the gentleman from Alabama (Mr. ADERHOLT), and I also want to commend the gentleman from Tennessee (Mr. COOPER).

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield for a period of 3 minutes to Dr. ROE of Tennessee, who is a member of the Education Committee.

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

Mr. Speaker, I rise today in support of H.R. 6582. This legislation would establish a uniform energy-efficiency descriptor for all water heaters, walk-in freezers, and walk-in coolers. The legislation also improves the testing methods that determine whether or not these products are energy efficient, which will provide certainty for the manufacturers of these products.

The importance in my district, in my hometown, is one of our largest manufacturers there is A.O. Smith, which makes up to 8,000 water heaters a day. This is a real jobs issue in my hometown. These jobs have good retirement plans and health insurance. Their competitors are both in Canada and Mexico. And certainly we need to do anything we can to help support these local manufacturers.

This bill will make it easier for consumers to compare the energy efficiency of products and eliminate confusion that stems from having more than one type of label. The decision to invest in a large-scale appliance of this nature is a big one, and during these tough economic times, consumers deserve information that's easily understood so that they can make well-informed decisions. It's also helpful for manufacturers to have clear guidelines for how products will be judged for energy efficiency. And this is why—just to simplify what's going on to make it easier for our manufacturers.

And let me tell you, I've walked through A.O. Smith's plant. I've been through it. It's absolutely incredible to see a piece of sheet metal, to see our manufacturers take a piece of metal and produce 8,000 water heaters in a single day for consumption in the United States. I have one in my home. That's what I use. And I proudly have one in my apartment here in Washington, D.C.

I would encourage support of this measure.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time on my side of the aisle to support this legislation. I know that almost all Democrats that I have talked to think it's a good bill. I have urged the others to join with them in supporting it. I think it's a worthwhile piece of legislation. It's a small step, but it's a step in the right direction. And it will clarify some issues that still need to be clarified. So let's get this done.

And in pursuit of that objective, I yield back the balance of my time.

Mr. WHITFIELD. I also want to urge everyone to support H.R. 6582, a small, modest, energy-efficiency bill that will save some jobs.

I certainly want to thank the Members of the Senate, the Senate staff, the gentleman from California (Mr. WAXMAN) and his committee staff, and certainly the Energy and Power staff here on the House side for being involved in these negotiations and working this out.

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

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my support for the American Energy Manufacturing Technical Corrections Act.

The bill would lessen the regulatory burden on deli-style display cases (like the ones in grocery stores) by placing Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification.

Currently, SOTC refrigerator units must meet the efficiency standards designed for commercial refrigerators otherwise called "reach-ins." These SOTC units are designed for maximum product visibility and presentation. They require more glass and lighting than conventional reach-ins. Their inherent design makes it impossible to reach the minimum efficiency standards established in the Energy Policy Act of 2005.

There are a number of companies that would be affected by this regulation, totaling about 8,500 jobs across the country. One of those five companies is Lennox, employs approximately 1,700 people in the State of Georgia. Kysor/Warren became a subsidiary of Lennox International in 2011, and the company has been a leading manufacturer of refrigerated systems and display cases for supermarkets throughout North America. By creating a separate product class for service-over-the-counter products, we can help save jobs in many communities.

Mr. Speaker, I ask my colleagues to join me in support of this important legislation to protect American jobs in our communities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 6582, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. 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.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:45 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1345

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 45 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Motion to suspend on H.R. 6582 and approval of the Journal, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

## AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 398, nays 2, answered ''present'' 1, not voting 30, as follows:

[Roll No. 614]

YEAS—398

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
McClintock

ANSWERED ''PRESENT''—1

Emerson

NOT VOTING—30

Ackerman
Akin
Baca
Bachmann
Bartlett
Bass (NH)
Bonner
Bono Mack
Davis (IL)
Fortenberry
Gingrey (GA)
Grijalva
Hastings (FL)
Heinrich
Higgins
Hinchey
Johnson (IL)
Kline
Mack
Marino
Miller, Gary
Nunes
Paul
Pence
Platts
Rothman (NJ)
Schilling
Sullivan
Towns
Welch

□ 1407

Ms. WILSON of Florida changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 290, nays 106, answered ''present'' 2, not voting 33, as follows:

[Roll No. 615]

YEAS—290

Aderholt
Alexander
Altmire
Amodei
Austria
Bachus
Barber
Barletta
Barrow
Barton (TX)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crenshaw
Cuellar
Culberson
Cummings
Davis (CA)
DeGette
DeLauro
DelBene
Dent
Deutch
Diaz-Balart
Dicks
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gonzalez

Goodlatte
Gosar
Gowdy
Green, Al
Griffith (VA)
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (WA)
Hayworth
Hensarling
Herger
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
King (IA)
King (NY)
Kingston
Kissell
Labrador
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Markey
Massie
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Nunnelee
Olson
Palazzo
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Petri
Pingree (ME)
Pitts
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Young (FL)
Young (IN)

NAYS—106

Adams
Andrews
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Clarke (NY)
Coffman (CO)
Conaway
Costa
Costello
Crawford
Critz
Crowley
Curson (MI)
DeFazio
Denham
DesJarlais
Dingell
Dold
Donnelly (IN)
Duffy
Ellison
Eshoo
Farenthold
Fitzpatrick
Foxx
Gardner
Garrett
Gibson
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Guinta
Hanna
Hartzler
Heck
Herrera Beutler
Himes
Holt
Honda
Hoyer
Hunter
Israel
Jackson Lee (TX)
Johnson (OH)
Johnson, E. B.
Kildee
Kind
Kinzinger (IL)
Kucinich
Lance
Landry
Latham
Latta
Lee (CA)
Lewis (GA)
LoBiondo
Lynch
Marchant
Matheson
Matsui
McDermott
McGovern
McKinley
Meehan
Miller, George
Moore
Mulvaney
Neugebauer
Olver
Pallone
Pastor (AZ)
Paulsen
Peters
Peterson
Poe (TX)
Price (GA)
Quayle
Rahall
Reed
Renacci
Rigell
Roe (TN)
Rooney
Sánchez, Linda T.
Sarbanes
Schakowsky
Schock
Southerland
Terry
Thompson (CA)
Thompson (MS)
Tipton
Velázquez
Visclosky
Waters
Woodall
Woolsey
Yoder
Young (AK)

ANSWERED ''PRESENT''—2

Amash
Owens

NOT VOTING—33

Ackerman
Akin
Baca
Bachmann
Bartlett
Bass (NH)
Bonner
Bono Mack
Davis (IL)
Fortenberry
Frank (MA)
Gingrey (GA)
Gohmert
Granger
Grijalva
Hastings (FL)
Heinrich
Higgins
Hinchey
Johnson (IL)
Kline
Mack
Marino
Miller, Gary
Nunes
Paul
Pence
Platts
Rothman (NJ)
Schilling
Sullivan
Towns
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

## MOTION TO ADJOURN

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 393, not voting 35, as follows:

[Roll No. 616]

AYES—3

Conyers
Cravaack
Rangel

NOES—393

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
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Gonzalez
Goodlatte
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Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
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Grimm
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Hastings (WA)
Hayworth
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Herrera Beutler
Himes
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Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
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Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
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Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
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Thompson (CA)
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Thornberry
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Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—35

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Bonner
Bono Mack
Critz
Davis (IL)
Fortenberry
Gingrey (GA)
Gohmert
Grijalva
Hastings (FL)
Heinrich

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| Higgins | Miller, Gary | Rothman (NJ) |
| Hinchey | Neal | Schilling |
| Johnson (IL) | Nunes | Sullivan |
| Kline | Paul | Towns |
| Mack | Pence | Waters |
| Marino | Platts | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1431

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 614, 615, and 616, I missed the votes due to stopping to assist at an automobile accident scene. Had I been present, I would have voted "aye" on rollcall No. 614, "aye" on rollcall No. 615, and "nay" on rollcall No. 616.

## HOUR OF MEETING ON TOMORROW

Mr. MCHENRY. I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. FARENTHOLD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## FISCAL CLIFF

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

Mr. FLEMING. For 2 years, President Obama and Democrats have clamored for a so-called ''balanced approach'' to fix the budget deficit by raising taxes in exchange for entitlement reform. We must reform entitlements. We know that, without reform, Medicare becomes insolvent in just 10 years. Then there's welfare. For the first year ever, we spent over $1 trillion on welfare, and food stamp usage is up now to 15 percent of the population. All of this is creating annual trillion-dollar deficits, which, along with anemic economic growth and stubbornly high unemployment, means 23 million Americans still have no jobs.

Now some Republicans say they'd consider a balanced approach, but how much revenue is gathered from the tax increases proposed by Democrats? About $80 billion a year. That's barely enough to run Washington for 8 days.

Mr. Speaker, we are less than 4 weeks from falling off the fiscal cliff. It's time for Democrats to come to the table with something more than job-killing taxes. If they have serious ideas for entitlement reform, the American people deserve to hear them. Unfortunately, Mr. Speaker, the reason we haven't heard Democrat ideas for entitlement reform may be because they have no plans to cut or to reform entitlement spending at all. This is just another game from their playbook—raise taxes and increase spending, as always.

## CHRISTMAS CARDS AND HOLIDAY CARDS FOR OUR TROOPS

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

Mr. POE of Texas. Mr. Speaker, on Christmas Day, most of us will wake up with our families, the smell of Turkey in the oven, and homemade apple pie, but on the other side of the world, there are men and women who will wake up in the middle of the desert who are representing and protecting America's liberty. Those are our great American warriors.

In 2005, I went to see our troops in Iraq during the Christmas season. Before I left, I asked my staff to get local schoolkids to make some handmade Christmas cards that I could give the troops, and I took about 5,000 Christmas cards to our troops in Iraq and in Kosovo. Every year since then, Mr. Speaker, kids in southeast Texas have been making Christmas cards and holiday cards for our troops in Afghanistan and Iraq and in other parts of the world.

I want you to know that schoolchildren in southeast Texas made 69,000 handmade Christmas cards for our troops in Afghanistan and Iraq and in other parts of the world that will be taken to them this Christmas. I want to thank all of those numerous schools, teachers, and chambers of commerce in southeast Texas.

God bless every one of you for helping our men and women overseas have a better connection with our families and our young people in this country and for letting them know that Texans are thinking of them.

And that's just the way it is.

Hargrave High School JROTC; Humble ISD; Timbers Elementary; Douglass Learning Academy; KARW; Norma's Bookkeeping and Tax Service; Haude Elementary; Salyers Elementary; Crockett Elementary; Girl Scout Troop 21157; Tarkington Primary School; Cadette Girl Scout Troop; Goose Creek CISD; Brownie Girl Scout Troop 16253; Spring, 4-H, Girl Scout Troop 26184; Girl Scout Troop 26015; Marauder Composite Squadron; Holy Trinity Episcopal School; Hi Neighbors Group; Ronald Reagan Republican Women; Village Learning & Achievement Center; McAdams Associates Real Estate.

Schochler Elementary; Rikki Wheeler and the Baytown Chamber of Commerce; Operation Independence; Ross Sterling High School; Horace Mann Middle School; Alamo Elementary; San Jacinto Methodist Hospital; Kingwood Middle School; Woodland Hills Elementary; Sterling Middle School; Timberwood Middle School; Beaumont Independent School District; Lamar University; Boy Scouts; Deerbrook Baptist Church; Port Neches Elementary; Chambers County Pilot Club; Neverland Rec. Center; Westbrook High School; Marshall Middle School; St. Thomas Episcopal Church, Beaumont, TX.

□ 1440

## ADDRESSING THE FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker and colleagues and the general public, there has been a lot of discussion in the last several days about what to do with the fiscal cliff. Is it a cliff? Is it not a cliff? Is it a slope? Is it the end of America as we know it, or whatever. But in this debate, there are a few things that are absolutely critical—tax policy, the President has laid it out very, very clearly, as did the election. We're going to do tax reform, yes. And it's time for those at the upper end of this wealthy country to pay their fair share. So the President has made it very clear: we're going to raise the rates on those making over $250,000 a year. And by the way, we ought to be very clear understanding what that means. That means 100 percent of Americans get a tax break on the first $250,000 of income. Over that, yes, they'll pay a higher rate, marginal rate, for that over the top.

Hey, but what I really want to talk about today with my colleagues who will be joining me in the next few minutes is another part of this debate, and that is on the reductions in Federal expenditures. What's the best way to do it? How are we going to reduce Federal expenditures? There are those that say take on the entitlements. Make the seniors pay more. End Medicare as we know it. Turn it into a voucher program. Or maybe turn it into a premium support program which, as a former insurance commissioner, I know exactly what that means. That means if you're over 65, hey, you're going to get to go buy insurance from the rapacious health insurance companies. Good luck. Premium support, just another way to end Medicare as we know it. Voucher programs, another way to end Medicare as we know it.

In the last election, this was a central part of the debate here in America. And it was clear: no way, no how are we going that way. There are others who proposed, well, why don't we just raise the age to 67? Interesting, very interesting proposal. Well, it will save Medicare a little bit of money, but what does it do to those people who are 65 to 67 years of age? It denies them the opportunity to get affordable health insurance in the Medicare program and simply throws those people off to the wolves, again, to the rapacious health insurance companies. And by the way, those are exactly the people that the health insurance companies don't want. They're the people who have higher expenditures. They're the ones who are beginning to get health issues, so the health insurance companies don't want them. How are they going to get insurance? They're going to get insurance at a very high cost, if at all.

And, oh, by the way, there are those that want to do away with the Affordable Health Care Act. In the Affordable Health Care Act, there's this thing

called the Patients' Bill of Rights. The Patients' Bill of Rights guarantees that insurance companies cannot deny you based upon a preexisting condition. However, they can charge differential rates based upon age. So that notion of somehow saving Medicare by keeping people from getting Medicare is the back way to go, and it is a nonstarter, at least with me and I think many of my colleagues.

There are things that can be done in Medicare, and we're going to talk about those things that we can do here with our colleagues today. We also want to pick up the issue of Social Security. Let's be very clear: the deficit situation faced by the United States is not a Social Security problem. It is not a Social Security problem. Social Security is stand-alone. It is not part of the American deficit. It's an issue that over the years has come back before the American public. The Congresses in the past have dealt with it, extended the viability of Social Security for years and years, and this Congress does not need to deal with this problem this year or even next year in the 113th Congress. Down the road it must be dealt with—and there are numerous ways it can be—but to bring Social Security into the deficit debate is only to cloud this debate and to make it far more difficult for us to find a solution.

Now, my Democratic colleagues and I and the President have made it very clear we understand the necessity of solving this problem and we're willing to compromise. The President has put on the table a very complete, detailed program about how we can deal with the deficit both in the short term and in the years ahead. And we need to proceed with that. Unfortunately, it was just simply dismissed and a new—well, not a new—actually a rebaked, redone, rehashed proposal was put on the table by our Republican colleagues yesterday, one that really doesn't move us toward a compromise. We need to get there. We need to get a compromise under way. So let's see if we can figure out how to do it.

I see several of my colleagues here. I'm not sure which one was first up, but it looks like it might be Florida.

Ms. BROWN of Florida. I'm CORRINE BROWN from Florida, and I'm from the home of Claude Pepper. He was a House Member and a Senator, but he was Mr. Social Security. He was here during the time of Ronald Reagan, and he made sure that Social Security, which was enacted under the Democrats, and I will never forget, Newt Gingrich said that he wanted it to ''wither on the vine.'' That's been their philosophy.

Now, I feel that Medicaid, Medicare, and Social Security is the difference between us and many of the Third World countries. In fact, it has been the bedrock of American politics as far as helping to raise the standards.

You know, many of my colleagues often talk about the Bible. Well, the Bible says—I've never heard them say let's help the rich—the Bible always talks about the poor and what we need to do to help raise the standards. That's what we're supposed to be doing in the people's House. During the campaign, they constantly confused the American people, talking about the $715 billion that was in both proposals that was savings, that we put back into the system that helped people that were receiving their prescription drugs. We were helping to lower the cost. In fact, we were plugging the doughnut hole. So that argument is over. And the fact is that it will be 434–1. I will never vote to do anything with Social Security as we speak.

And when you talk about Medicaid and Medicare, many of those people are in nursing homes that cannot speak for themselves. They only have us as their voices. And as we negotiate and discuss, let's look at one group, African American men. Most of them don't live long enough to benefit, and everything is not equal. When we look at jobs and professions, many of you have these nice cushiony jobs, and so we don't even have to worry about raising the age. But when we look at people who actually work for a living, whether we're talking about bridges or whether we're talking about driving trains or trucks, you want to raise the limit for them? So there are many issues that need to be discussed as we move forward.

But when President Clinton was in office, he left this country in the black. The people have weighed in. They've indicated that we want to move forward, put people to work; but we want to do it through a fair method of doing it, and that is not cutting programs that impact the working poor in this country.

Mr. GARAMENDI. Well, you're absolutely correct about that. The proposal to cut Medicare benefits is a nonstarter. There are things that can be done in Medicare to reduce the cost, and much has already been done.

I would like to ask my colleague from the great State of Michigan to join us. Mr. CURSON is a new Member of Congress, came in a special election about a month ago. Welcome. We are delighted to have you join us.

Mr. CURSON of Michigan. Thank you, and I agree wholeheartedly with what's been said so far, and what I really want to say is Medicare is run more efficiently than nearly any insurance company in the world.

□ 1450

They devote less than 2 percent of its funding to administrative expenses, and you compare that to a private insurance company that costs up to 40 percent of premiums for individuals and small group plans for administration and to pay their executives six- and seven-figure salaries to do the same thing that's administrated by Medicare officials.

Also, the attempt to move Medicare eligibility from 65 to 67 sounds like an easy fix. Well, not only, as was spoken earlier, the recipients, those people that are 64, 65, 66, going into that category are people that possibly are already struggling, lost their jobs, they need that health care, they have a preexisting condition, and now their very life is threatened having to wait that much longer.

We all look to take care of small business and private insurance funds, such as VEBAs and those types of institutions that money is forecast to pay for various health care, and you stretch out 2 more years of their coverage, small business now has to pay higher premiums to cover those employees that last those 2 more years. And they either have to make a choice: They reduce what they give in coverage or they eliminate it altogether, or they shift those premium costs to the worker. It's happened over and over and over again, and we need to avoid that in this coming legislation.

Mr. GARAMENDI. Mr. CURSON, thank you so very much for your thoughtful discussion of the age issue—it's a profoundly important one—and also bringing up the issue of what is the cost of Medicare administration compared to the private health insurance companies. You're quite correct. Medicare is a very efficiently run program, very efficient in collecting the money and paying the bills, far more than you would ever find in the private health insurance sector, perhaps by a factor of 4—3, 4, maybe even 5 in some cases. Also, Medicare has had an extraordinary run of keeping the costs down.

I'd like now to call upon Mr. JOE COURTNEY of Rhode Island—Connecticut. I've made two mistakes today about my colleagues' locale.

JOE, it's yours.

Mr. COURTNEY. Thank you, Congressman GARAMENDI. And I realize there's congressional districts in California that are probably bigger than Rhode Island and Connecticut combined, so I won't hold it against you too hard.

Thank you for taking time on the floor today to spend some time talking about Social Security, Medicare, and Medicaid. This really is the moment of truth right now.

Yesterday, the Republican leadership came out with their package in terms of trying to deal with the so-called fiscal cliff, and even though, for months, they have not really fleshed out with great detail where they wanted to see savings, yesterday they did. They came out with a proposal which talked about raising the eligibility age for Medicare from 65 to 67.

They talked about recalculating the cost-of-living-adjustment for seniors who are on Social Security. It's the so-called chained CPI, which would lower the year-in and year-out increase for people on Social Security in terms of keeping up with the cost of living.

These proposals really need a full, vigorous debate before the American

people before we move in that direction, which I would argue, and certainly you and others here this afternoon, would be the wrong direction for middle class and working family Americans.

You know, in terms of Medicare, I think it's really important, historically, to review how Medicare came into existence.

In 1965, when it was signed into law by President Lyndon Johnson on the porch of Harry Truman's house in Independence, Missouri, only half of America's seniors had any insurance whatsoever. Because of age, because of preexisting condition, because the insurance company, frankly, just viewed them as too high a risk, and because of cost, only half of America's seniors had any insurance whatsoever. Life expectancy in America in 1965 was 70 years old.

With that stroke of a pen by Lyndon Johnson, the genius of Medicare was created, which created a pool for people above the age of 65 and people on disability, a pool which could spread risk out and make the challenge of covering people at that age much more manageable. And for the following 47, 48 years, we have had a system which now has brought life expectancy for Americans up to age 78. In other words, having people in a situation where they can access needed medical care, in fact, lengthened people's lives and, in some instances, actually added to the economy because some people even continued to work, to a degree, who are on Medicare.

It has really accomplished its mission which was visualized the day that President Johnson signed it into law. It does face challenges. There's no question that demographics, with the baby boom coming on the horizon, is going to increase the number of people in the program, but the way you solve that problem is just make it smarter and more efficient.

When President Obama signed the Affordable Care Act in March of 2010, last year there were some really solid, smart changes that were made to the Medicare system to make sure that the cost per patient would be moderated, but not that it would cut benefits or kick people off the program, which is what the Republicans are proposing to do, saying people who are 65 and 66 would no longer be eligible under their proposal.

This chart which I brought along with me this afternoon is based on Standard & Poor's Dow Jones Index, which tracks the Medicare program every single month in terms of per capita spending, and it shows, again, back as recently as 2005, 2006, per capita expenditure for Medicare was actually quite high. It was over 7 percent per patient, and that, obviously, is an unsustainable level under almost really any circumstance, but over time it moderated.

And then this red line shows the day that President Obama signed the Affordable Care Act, which put a number of really intelligent changes into Medicare, promoting preventive care services, prescription drug coverage, making sure people will get their colonoscopies and their cancer screenings, and also saying to hospitals, hey, if people show up at your emergency room 30 days after you just treated them, we're going to penalize you. You've got to do a better job of monitoring care in the community. And that change, by itself, is already promoting a lot more collaboration on a much more cost-effective, better way for people.

Who wants to be in an emergency room? You want to be home with your care being provided, not sitting, again, in a hospital room waiting for life-or-death treatment.

So since that date, when President Obama signed it into law, the per capita growth rate under Medicare is now down to its lowest level in the history of program—2 percent per capita growth. And the fact of the matter is we can do more. We can actually build on that success of the Affordable Care Act.

Anybody watch ''60 Minutes'' on Sunday? They had a story about a hospital system which basically was threatening to fire doctors if they didn't admit patients according to certain quotas because they're, again, chasing that fee-for-service incentive that is in old Medicare. I mean, those are the kinds of, in that case, fraud, but in other instances, you know, changing that fee-for-service incentive can actually bring this number down even much more dramatically, and we don't have to touch a hair on the head of any Medicare-eligible senior in America for decades to come if we make those smart changes.

So the fact of the matter is we're seeing great progress just, again, in the last 2 years, 2½ years. And the fact is that there are very good ideas about ways of making the system much more efficient.

And I will tell you, and I know my Members that are here on the floor will agree with this. When you go and visit a hospital or when you go and visit medical groups, the changes in electronic records, the changes in terms of incentivizing preventive care have been embraced by the medical community. They actually understand how wasteful the high volume fee-for-service system is in terms of just not only taxpayers, but also the resources that are precious and should be really allocated to all Americans, not just those who have good insurance that can reimburse for those procedures.

So the fact of the matter is we can do far better than kicking 65- and 66-year-olds out of the system as a way of protecting Medicare solvency, and that should be the direction that we go with these discussions over the financial future of the public finances of this government.

Again, I want to thank Mr. GARAMENDI for organizing this discussion here today because it's important to get these facts out.

Mr. GARAMENDI. Mr. COURTNEY of the great State of Connecticut, thank you very much for bringing this information to us.

Your chart is a dramatic one, when you consider the period of time and the extraordinary reduction in the inflation rate in Medicare. If you had another line on that showing the general inflation in health care for the general population, it would actually be above Medicare, that entire slope all the way down.

□ 1500

And it's significantly above it. So what's happened—in part, I think, you're correct; there may be other forces involved here, but certainly you can see the effect of the Affordable Health Care Act. And you identified very well some of the critical cost savings that are in that. And it's well worth repeating it, which I will do with you. And we ought to go back so the public comes to understand what was in the Affordable Health Care Act.

For those over 65 that are in Medicare, those changes are critically important. First of all, stay healthy. If you want to save money on hospitals and doctors, stay healthy. And so you have an annual wellness visit. I think something like 50, 60 million Americans have been able to take advantage of that free annual visit. You've got high blood pressure? Well, let's take some blood pressure medicine. You're headed for diabetes? Here's a dietary program or exercise program. We can deal with those. You keep people out of the hospitals. The hospital infection rate, the other one you talked about, very powerful. I hear from hospitals in my district, and I'm sure my colleagues do also. They don't want that readmission because that comes right out of the hospital's pocket. And also there's a penalty.

So there are many, many issues here that are involved in the Affordable Health Care Act that have caused that slope downward to continue. Enormous savings to Medicare. Because when you look at the Medicare issue, it's a projection for 10 years. And the projected rate 2 years ago was 5, 6 percent. And where are you, down in the 2 percent range now? Those are multibillion dollars a year the American public will not have to pay in taxes and increases in expenditures. So these things begin to add up. But there are many, many more savings.

I don't want to dominate all this time. I see that other of our colleagues have come and joined us.

PETER WELCH from Vermont.

Mr. WELCH. Thank you. This is such an important issue about the future. We can get a deficit deal. The President is committed to doing it. It's got to be balanced. Balanced means there's got to be revenues. Our taxes, especially from the high-income, are at historic lows. We have to have health care

reform, and that can get the cost of health care down, bring that rate of growth of spending down.

In Vermont, that's what we're trying to do. We're a single-payer State. We're trying to move towards a single-payer. And the reason is that it's the best way to get our arms around health care so you can continue the access. And we know that there are reforms that we can make in Medicare. Just for example, if we purchase drugs wholesale, why do we pay retail? In the VA and in Medicaid, the government is a big purchaser and it negotiates price discounts with the pharmaceutical companies that are quite eager to sell their prescription drugs to Medicare.

Mr. GARAMENDI. If I might interrupt you for a moment. Under the current law, the U.S. Government Medicare program, it is prevented by law.

Mr. WELCH. It's illegal to be a smart shopper. That's exactly right. You can't make that up. It's illegal. It would be like telling you, if you went into CVS to buy some aspirin, and you knew you were going to use them for a year—you had a family, if you wanted to buy the bottle that had 100 and the per unit price is one-third of what it is if you're going to buy the bottle of 20, it would be illegal for CVS to be able to sell it to you at a lower price per unit. That's what we have in Medicare.

Everybody understands you've got to pay for what you're going to get. But the fundamental debate here—and this is what was reflected in the Ryan budget with the voucher plan—is: are we going to try to address what are obvious failures in the system of the delivery of health care, like not allowing for prescription drug price negotiation? That would save $165 billion, and it wouldn't cut a single benefit. Or, are we going to go allow that system that makes no sense continue and instead take $165 billion worth of benefits out of Medicare so that if you go to the doctor, they may treat you for a broken wrist but not a broken forearm. It doesn't make sense. And it certainly doesn't make sense to start talking about benefit cuts before you have the system reform and can get savings that are literally right on the table in front of you.

So we can deal with this debt situation that we have in this country. It is serious. Democrats understand that. The President understands it. It's a serious problem. It's a solvable problem. But to solve it we have to have a significant contribution from revenues. The top 2 percent can afford have their taxes go up to the Clinton year rates. That's number one. And number two, we can have reforms in health care that would benefit not just Medicare sustainability but health care expenses, whether you get your health care at work through your employer or whether you're a private-pay person.

The nice part of this is that we are all in it together. Thank you for doing this. We can solve this problem. And let's do it.

Mr. GARAMENDI. Mr. WELCH, we will do it.

MR. COURTNEY from Connecticut has some ideas about other things that we can do.

Mr. COURTNEY. Again, I think it's important—and you touched on this, JOHN—when the Affordable Care Act was passed in March of 2010, the Congressional Budget Office was projecting out some savings because of the ACA. But they were figuring about 4 percent per capita growth. Again, as you pointed out, this chart now shows we're down to 2 percent. So they have actually been revising their estimates over the last 2 years. And the net savings, the recalculation just in the last 2 years has been hundreds of billions of dollars of lower expenditure than they had first thought was going to be the case.

When you compare that magnitude of savings with, for example, raising the eligibility age to 67, they're dwarfed. It is really just a small portion of what efficiencies in the system are capable of producing. And the fact of the matter is that raising the eligibility age, there's no free lunch. The fact is that even though these are people that will be challenged in the private insurance market, 65 and 66 are still the healthiest population within the Medicare pool. So the ones who remain in Medicare, their part B premiums are going to go up. And that's not just me saying it. It's the Kaiser Family Foundation, which analyzed the impact of raising the age to 67. You're going to raise premiums. You're going to, obviously, leave people in a horrible situation in terms of trying to find any insurance. In the private market, which you regulated, you know that is the roughest area of older working-age individuals. And the net effect in terms of overall health care costs in terms of the system is zero. In fact, there's some that would argue that it would actually add cost to the system.

Mr. GARAMENDI. I think it really would add cost. We discussed earlier that the Affordable Health Care Act has a very powerful cost-saving mechanism called Staying Healthy. And that is the prevention programs. If you move that age from 65 to 67, you're going to have a significant population of seniors who will not have access to that preventative medicine program. It's not going to be there for them. So the potential for them to develop long-term, debilitating diseases increases. And when they get to Medicare, they will be much more expensive, to say nothing of what happens to them during that 2-year period when they can't get to Medicare.

You said something earlier on and I'm going to go back to this. You talked about what happened before Medicare—the 50 percent of the population of seniors without medical insurance, the poverty rate. When you said that, my mind flashed back to when I was a young man in the 1950s—actually, not even a teenager—my dad took me to the county hospital. We were ranchers out in the boondocks of California, and nobody had insurance who was in their senior years. The county hospital sticks in my mind as the reason for Medicare. It was beyond horrible. There was just a row of beds, the most horrible odor in that ward—people dying. It was so compelling.

And today, there are issues out there. But we have seen the population of seniors healthy, living longer—20 years longer than they were just 45 years ago—50 years ago now. This is so important to seniors. And it is the Democratic Party that has stood for Medicare all of these decades. And we're not going to let it go. We're not going to let Medicare go. It is a foundation of our humanity and our compassion as Americans for all because all of us want to live long enough to get into Medicare.

Reforms are possible. We've talked about several of them here today. I know that our colleague from Michigan spoke earlier. If you'd like to come back in and talk about this, we'd welcome you. We'll go back here for a little longer.

Mr. CURSON.

□ 1510

Mr. CURSON of Michigan. Well, again, as we talked earlier, it seems to so many in the public that moving that age—particularly young Americans—that just going from 65 to 67 doesn't mean a lot; but if you look at the statistics of age in this country, that's the baby boomer generation. That's the greatest population this country has ever had is right in that area. I'm part of that, I'm 64. So many of my friends cannot wait 2 more years for health care. They can't afford the out-of-pocket. Some have preexisting conditions. Without question, if we move this, it will be a sentence of death for many, many Americans who won't be able to get the health care that they need.

As I went through and campaigned—I come from a district that was 60 percent Republican—it didn't matter what forum I was in, what group I talked to. There was no great calling to change Medicare, to take benefits away, to raise the age. There was a lot of calling to take the corruption out of Medicare, to take the phony doctors and the phony bills and other systems. This is what we talked about: not having the ability to negotiate prescription drugs; millions and millions and millions and millions of dollars just to make that part of the system competitive. We can't do that by law; that's ridiculous. Those are things that easily we could go in, we could do, and we could make the system much better without touching a single benefit for any American.

Mr. COURTNEY. You're mentioning the fact that there may be some young folks out there who might be of the belief that this is really not a big deal to bump that age up 2 years. The fact of the matter is that some of the folks who, again, analyze the impact of raising the eligibility age say that it would

spill over to young Americans, and here's how:

There are a lot of private employers that have health insurance plans that when people hit retirement age, 65—or their hoped-for retirement age—they are able to, again, move into Medicare. They come off their employment-based plan, maybe get some supplemental coverage as part of their retirement package. But the fact of the matter is that helps move people out of the workforce at an appropriate age of 65 and opens up jobs for younger Americans. To the extent that you now are going to say that Medicare won't be there until age 67, it, frankly, is going to force a lot more people to stay in the workforce longer than I think really most people believe would be the case today. So, in fact, it would create that job lock that would prevent, again, the workforce to continue to refresh itself with young Americans.

So the fact is that having a solid retirement health insurance plan like Medicare helps young Americans because it, again, allows the workforce to continue to circulate people, older Americans out and younger Americans in. That's why, again, the folks who had the genius to have the strength to pass Medicare in 1965, they solved a lot of problems in the U.S. economy, in the U.S. society that really extended far beyond just the patients who that program covers.

Mr. GARAMENDI. Well, there are certainly a series of things that we know we can do to reduce the cost of Medicare. Some of those are already in place. They've been brought forward by the Affordable Care Act. Others are yet to be done. The prescription drug issue is out there, enormous savings, $160 billion or $150 billion right there over a 10-year period.

The fraud in the system, some of that was dealt with with the Affordable Care Act, but there's much more that can be done. There are fraudulent billings for durable medical equipment as well as other kinds of services that are provided. Those need to be addressed. The systems that are being put in place, that is, moving away from fee-for-service, will significantly address that.

In the area of hospitalization, again, there are programs that are viable, that are not yet implemented, that are not part of the savings that have already been calculated, for example, programs on the dual eligibles. The dual eligibles are those people that do not have sufficient income, but are already quite ill that may be 20 years of age, and they're getting Medicaid as well as Medicare. There are savings that can be found in the way in which we organize that.

For those seniors that are on Medicare, an organized health care system that keeps them healthy, that is, taking the prevention program a step further, or two or three steps further, so that there is a continuity of care and there is a follow-up, maybe a social worker or simply somebody on the phone saying how are you doing; are you taking your medicine; are you able to get the food that you need so that people can stay healthy. A healthy population significantly reduces cost.

The use of the Affordable Care Act—not just for Medicare, but for the total cost of the system—has a very, very powerful cost reduction in it; and it's called ''insurance.'' Forty million Americans are going to be insured. That means that those people are less likely, far less likely to go to the emergency room to get their care.

The Affordable Care Act also provides for clinics. Where a private doctor may not be available, a clinic would be available. So all of these things provide more care to people and, in doing so, reduce the cost of the extraordinarily expensive care that comes from when people don't get continuing services of health care.

So Medicare is a huge issue before all of us. On the Democratic side, we're saying, yes, there are savings available in Medicare, we should take advantage of those, but we're not going to cut benefits. And we're not going to privatize Medicare or end Medicare as we know it. There are other things that we can do, we're willing to do it; let's compromise on those things that make sense without destroying the Medicare program.

Not on our watch are we going to see the benefit package reduced in such a way as to harm seniors—no way. And no way are we going to end Medicare as we know it. We'll draw a line in the sand; we'll save the money; we'll put that cost curve even on a better trajectory, and that is a very, very formidable and positive trajectory there.

Let's spend just a moment of time, as we come towards the end of our time, on Social Security, which many people—well, not on the Democratic side, but let's talk about Social Security and should it be on the cutting table here, should it be part of the deficit reduction.

Mr. COURTNEY.

Mr. COURTNEY. Well, again, what's remarkable—and I know both of you are well aware of this—is that Social Security, over the last 3 or 4 years, 2 out of those last 4 years there was no COLA; there was zero percent increase for seniors on Social Security. Again, as we all know, that's a formula that's tied to the Labor Department basket of goods that they spill out every year since the 1970s when COLA was first enacted, and where the economy at that point produced that result.

Now, the last 2 years there have been moderate increases through the COLA formula; but, again, Republicans want to go deeper. They want to come out with a new cost-of-living adjustment formula called the ''chained CPI,'' which would depress the existing COLA formula that already ended up with a zero percent 2 out of the last 4 years and make that even lower for seniors.

As I think many of you know, you go to a senior center and you talk about, how come we didn't get a COLA this year or how come the COLA is so small, and you explain to them how the formula works. Well, the fact of the matter is that Labor Department formula that we use today uses a lot of goods and services that seniors don't buy. They don't buy flat screen TVs, they don't buy laptop computers, where prices have come down because of competition in those areas. They concentrate their spending on food and fuel and prescription drugs, which, if you look at just that basket of goods, the COLA would be higher than the existing formula, certainly not lower.

So for the Republicans to come out with a proposal that says we should depress the COLA formula that we have today that, again, really doesn't match up with the profile of what a senior goes out to the supermarket and buys one week to the next, and is really going backwards in terms of really the economic security of people over age 65.

I know the gentleman from Michigan would like to share his thoughts.

Mr. CURSON of Michigan. Well, I think the great majority of our citizens don't understand that Social Security is not funded by tax dollars. The confusion lies because over the years the contributions made by workers to fund Social Security created a surplus. With that surplus, they loaned that surplus to other government-funded projects, and they're being paid back with government money. That government money every year is now playing into the repayment. That's why people think that you can cut Social Security to take the tax dollars out.

□ 1520

Well, if that was a private insurance company that had a surplus and loaned that surplus to another company, that first company would expect the second company to pay it back. So that cannot be part of this equation. Social Security and the Federal money that goes into Social Security cannot be part of the equation in this fiscal cliff debate.

Now, certainly with the expectancy of Social Security only surviving until 2038, before it has reduced benefits, in the very near future, this great Hall has to discuss how to fix that; and all the great minds in this Hall, I'm sure, can. But it does not need to be a part of this debate. This should not be a part of whatever legislation we settle in this last lame-duck session of this Congress.

Mr. GARAMENDI. Well, you are certainly well stating my position and I believe the position of our colleagues and I believe of the President. Social Security is not part of the current deficit problem. It is an issue. We'll have to deal with it at any time between now and the next 7, 8 years. And we can. It's been done before.

At least three times in my memory, Social Security has been adjusted. One was discussed earlier with the issue of

the COLA. That's been adjusted. There are things that can be done to deal with Social Security, but that is a debate separate and apart from the deficit and the fiscal cliff debate.

The fiscal cliff debate is a tax issue, and it's also a spending issue. Today we focus largely on the issue of what are we going to do about Medicare, a big part of the Federal expenditures. And our argument is this: we're here to protect Medicare for seniors, period. We're not here to cut the benefits for seniors. We're here to see to it that Medicare, which has been a program for seniors since 1964–65, is going to continue to be there for seniors as well as the benefits package that's there. There are reforms and changes that can be made to reduce the cost of Medicare but not to reduce the benefits. We've talked about many of those.

So here's where we're coming. Within that area, there are very, very significant savings that can be made. The prescription drug benefit, $150 billion over 10 years. Other issues having to do with keeping people healthy, to extend their health care, issues having to do with how much we pay for certain services, fraud and abuse. All of those things could add up to the potential savings—not the potential savings—to the savings that the President has called for, which is somewhere in the range of $300 billion over 10 years—additional savings over and above what has already taken place in the Affordable Care Act. And we've seen in this decline in the inflation rate in health care some of the effects of the Affordable Care Act. So there are things that can be done and will be done.

Social Security is not a part of this debate.

But I also want to point out here in the last closing minutes of this a couple of things that I think are very, very important. The President has put forth a very detailed program calling for $1.6 trillion in additional revenue over 10 years; and that is money that is to come from the expiration of the George W. Bush tax cuts for the top 2 percent.

Now I want to make this clear. I said this earlier—yes, it's worth repeating because it's not said very often—every American taxpayer gets a tax reduction. The superwealthy to the very minimum taxpayer in this Nation gets a reduction in what the President is proposing. And that is to continue at the current tax rate for those with under $250,000 adjusted gross income. For those who have income over and above that, they get that tax reduction. And above that, they're going to pay an additional amount up to 3.9 percent in two different tranches. So everyone gets a tax break.

But those superwealthy, the 2 percent, they're going to pay more, and that will amount to a substantial amount of money over 10 years. And, frankly, they've had 12 years of really low, low taxes—the lowest taxes, really, ever since the 1930s.

The President has also proposed something that's very important. We talked about this last week. I want to talk about this again the next time we come here. And that is, how do we grow jobs? How do we put people back to work?

The President has proposed an additional $50 billion. He did this more than a year ago in the American Jobs Act, and he's put it back on the table: $50 billion in infrastructure. Let's build the foundation. That deserves a lot of discussion; and, frankly, it's something we ought to enact here right away and put people back to work.

There are other savings that he's proposed over the course of the next 2 years. We don't have time now. I notice my time has just about expired, if you would like to take a final shot at this, Mr. CURSON.

And by the way, this is the first opportunity I have had to spend part of my hour with you. You are a very articulate spokesperson for the working men and women in this Nation. You know the issues of Medicare and Social Security so very, very well. And I know, coming from Michigan and Detroit, you know the need to build the jobs portion of our economy. So why don't you close, and then I will wrap this up.

Mr. CURSON of Michigan. Thank you for that, and I thank you for your comments.

But without a doubt, we could take an hour talking about rebuilding the infrastructure, the jobs it would create, the need in America to fix our bridges and our roads. If you are about to drive over a bridge, you want it safe. It doesn't matter if you are a Republican or a Democrat, you want that bridge to hold you and your car up as you go over it. That needs to be done.

Much of our infrastructure is crumbling. The power grid is crumbling. If it goes out, it doesn't matter what party you are affiliated with. You want your lights on; you want your refrigerator to work; you want your house warm.

So all of those things that could be done and would put America back to work and create revenue from people working, when they get that paycheck, then they would have money to send their kid to a dance class or to go get a haircut. All the small businesses in the area spawn off of that money from creating jobs, rebuilding our infrastructure. That should be on the forefront of our agenda, and I certainly hope we have a chance to talk about that.

Mr. GARAMENDI. How about next week? We'll come back to the floor next week, and we'll pick up the issues of infrastructure, of jobs and the like.

This week we need to focus on what has been put on the table by the Republicans and the Democrats on how to deal with the fiscal cliff, dealing with the issue of Social Security and Medicare. Social Security—no, not part of this problem. It is something we'll deal with perhaps in the next Congress or even in the one beyond that because we do have time to deal with Social Security.

Medicare—for those who want to privatize Medicare, end it as we know it with a voucher or a premium support program—no. No way, no how are we going to go there.

For those that want to work on changing the way in which Medicare operates to get savings, such as negotiating drug prices, dealing with fraud and abuse, the various payment systems that are in Medicare, all of which can save money and to continue the work of the Affordable Care Act, and the way it has already brought the inflation rate down from the 4 percent, 5 percent range down into 2, 2.5 percent range, this is an extraordinary savings right here. And that will be calculated in the years ahead. And, frankly, this will add up to hundreds of billions of dollars in the reduction and the projected cost of Medicare in the years ahead.

So we're making progress. We've got work to do, and we're prepared to do it. The Democrats are prepared to put together a compromise. Let's get to work on it. The American public expects us to do that. And we can, and we will.

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

## IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the majority leader.

Mr. DANIEL E. LUNGREN of California. Thank you very much, Mr. Speaker.

I take to the floor at this time to talk about an issue that is of the utmost importance to this country, one that I have worked on for several decades, and one that has an urgency to it that cannot be denied, and that is the issue of immigration.

It is a multifaceted issue, one that has a number of subtexts to it but, nonetheless, is one that will not be confronted. The challenges will not be met unless or until we recognize the problem or the challenges as they truly exist.

And what I mean by that is this: immigration, in all its aspects, is a part of the heritage of this country. Immigration is one of the cornerstones of this Nation. It has been said—and I think it is true—that this is a Nation of immigrants. And what that means is that most of us, with the exception of those who are Native Americans, trace our ancestry to some foreign country, some foreign shore.

□ 1530

The rate of immigration has gone up and down over the two-plus centuries of the existence of this country. It has varied in terms of where the greatest numbers come from over the centuries. It has resulted from and has been altered by decisions made by previous Congresses and Presidents in terms of

the laws that prevail with respect to immigration. But the fact of the matter is that we now are facing a question of immigration policy that has not, in fact, worked for some period of time to the extent that is necessary.

There are several aspects of it, as I mentioned before. One is the area of legal immigration. This country has a glorious history in terms of inviting and accepting and embracing peoples from all over the world. I think I can say without contradiction that this country has had the most open policy with respect to immigration over the years of any country in the world. We had restrictions at times, some that, as we look back now, appear to have been at least misguided. We have had some discriminatory practices in the past with respect to people from certain parts of the world, certain parts of Asia at times. There was, in fact, a bias, if you will, towards Europe, and particularly Western Europe, over a number of years.

But in the 1960s, there was a decision made in this country by way of our laws that moved us towards a worldwide quota system, meaning that the chances for peoples around the world were to be in some ways viewed as equal, meaning that we did not have a bias towards Europe, we did not have a bias towards some other part of the world. The idea was that we would try and make our immigration policy work such that someone who wished to come to the United States from a country in Africa or a country in Asia would have a similar chance as existed for someone in Europe. So that was a major change in our overall policy.

When I came to Congress in 1979, that was essentially where we were, but we also realized that there had been a lack of enforcement of the laws with respect to legal immigration such that we had a significant number of people who had come to the United States without the benefit of papers, or to say it another way, who had come into this country illegally or had overstayed their legal status in this country and were now here illegally.

One of the consequences of a lack of proper enforcement, one of the consequences of having large-scale immigration is that it overrides, in a significant way, the law that would look out and say no matter where you are from in the world, you would have approximately an equal chance of coming to the United States. And if you had illegal immigration from particular areas of the country, that would, in a sense, create a bias under the practice, if not the actual law, for that part of the world.

We found, interestingly enough, that the largest number of people who had come to this country or were in this country without proper documentation came from Central and South America, the largest number of them from a single country, that is Mexico, which is not altogether surprising when you realize we have a common border with Mexico that ranges from the Gulf of Mexico to the Pacific coast and is approximately 1,960 miles long. If you have visited it, if you have traveled along its entire length as I did back in the early 1980s as a member of the Immigration Subcommittee, you will find the topography such that it is difficult at times to actually have a border that is marked and a border that is controlled. Nonetheless, that does not excuse us for not exercising the control that we should have.

Because of the fact that we had this dilemma of a large number of people who had come to this country illegally and at the same time we're attempting to enforce the law such that a worldwide quota system would still, in fact, be worked, in the 1980s there was an effort to try and reform our immigration laws. I was a part of that as a member of the Immigration Subcommittee. We were, as Republicans, the minority at the time. So as the top Republican on the subcommittee, I was not the chairman. I was, in fact, the ranking member.

I am pleased to say that at that time I had a great working relationship with the then-chairman of the subcommittee, Ron Mazzoli, a Democrat from Louisville, Kentucky. Perhaps the fact that we both were graduates from the University of Notre Dame and shared an affinity for our alma mater assisted us in working closely together. And also, consequently, there had been a bipartisan commission established in the first instance by President Carter and continued on by President Ronald Reagan. It was cochaired by Father Theodore Hesburgh, the former President of the University of Notre Dame, a person much admired and someone that I had known for most of my life and Ron Mazzoli had known, as well. In a very interesting way, we worked together acknowledging the proper roles of the commission and the Congress and shared information, and I think we shared the same hope that we could come up with legislation that would reform our laws.

In 1984, we passed an immigration reform law here in the House of Representatives, and there was a similar law passed in the United States Senate. There was a call for a conference. And in a practice that is somewhat different from what you observe today in the Congress, at least for the last several Congresses, at that time you actually had a physical conference where you had Members from the Senate and the House representing those two sides of the Capitol meeting in public session attempting to try and work out a conference report.

I recall meeting in a large room where the table, as it was set up in a rectangular fashion, was very large to accommodate all of the Members of the House and all the Members of the Senate who were there attempting to try and deal with the issue, and our staffs assisting us. We spent, I think, actually an entire month in conference attempting to work out a conference report. We were unsuccessful.

We came back in 1985 in the new Congress and began working both in the Senate and the House. At that time, the common name of the bill changed from Simpson-Rodino to Simpson-Mazzoli, recognizing the tremendous effort made by the chairman of the subcommittee, Ron Mazzoli. And I recall being at this position on the floor of the House, when this was the minority leadership table, being the Republican floor manager of the Simpson-Mazzoli bill.

We spent well over a week on the floor debating. As I recall, we had well over 200 amendments that were in order, most of which actually got debate on the floor of the House. And there was consideration of some issues within the overall issue of immigration reform that I think went from liberal to conservative, from issues of legal immigration to illegal immigration, agricultural work, seasonal workers. Just about everything was considered on this floor in almost totally open debate.

I was proud to be a part of that debate. I was proud to have garnered the sufficient number of votes on the Republican side to join with those on the Democratic side so that we passed that bill.

□ 1540

We went to conference. We completed action on that. We sent the bill to the President. I can recall driving back to the residence I had here in this area on an afternoon when I was listening to the radio and hearing the report that the White House had announced that President Reagan was going to sign the bill. I almost drove off the road at that time. I recall that I had worked with the administration but that it was not a perfect bill—I've never found a perfect bill here—and there were many naysayers. So you were never sure until the President made the decision that he would sign it, and I was pleased to be at the White House when the President signed that bill. It was a true compromise.

It did result in the largest legalization that we'd ever had in the United States. I don't believe it was total amnesty—I would reject that notion—but it was, in fact, a legalization. The genius of that compromise was that there would be legalization on the one hand and that there would be enhanced enforcement going forward on the other. If one would look at the reports of illegal immigration that followed the signing of that bill into law by President Ronald Reagan, one would see an interesting thing: the numbers coming across our southern border dramatically dropped immediately after that law was passed. In large measure, it was because of the widely held belief that, in fact, we would enforce the law, that there was enhanced enforcement, and that we were going to be serious about it.

I haven't looked at those numbers in a long time, but it seems to me, as I recall, that for a period of, maybe, 12 to 18 months we saw a significant drop in illegal migration into this country. Then it became evident that enforcement was going to be slow, if at all. The fact of the matter is that there was not enforcement. There was not enhanced enforcement as there wasn't enforcement. There wasn't a serious effort. That was a combined result of a failure to follow through on the part of the Congresses and the administrations. As a result, after a significant drop for a short period of time following the passage of and the signing into law of Simpson-Mazzoli, we saw a ratcheting up of illegal immigration into this country. That was in 1986.

Fast-forward to the present time. We have had the result of that ratcheting up of illegal immigration into this country. We have had a situation in which, since people saw that we weren't going to enforce the law, there was an encouragement, in essence, to come to this country in any way one could. There was, as the sociologists called it, the magnet that caused people to come to this country or invited people to come to this country or attracted people to come to this country; and that magnet, otherwise known by sociologists as the ''pull factor,'' was called the prospect of jobs.

I had argued on the floor of this House back in the 1980s that, in fact, we had to recognize the reality of the reliance of American agriculture on foreign workers to a significant degree. Now, I'd come from the Southwest. I'd come from southern California. I had seen that close up. I had gone to the fields. I had seen the conditions in which people would live just for the possibility of coming to the United States for a job. Since we—the people through our government—didn't control it in a fashion in which the government actually determined the number of jobs that would be available, determined who would come in, how long they would stay, under what circumstances they would work, and in what areas of the country they would work, it happened anyway, without any controls whatsoever, and the problem was exacerbated.

One of the fundamental changes I've seen or differences that I've observed in being in the Congress these last 8 years, as opposed to the 10 years I was from '79 to '89, is that the problem, as I saw it in the Southwest, is not nearly confined to the Southwest now; it is, in fact, a national problem. You will find the presence of those who are here illegally who are working in agriculture all over this country. You'll see the increase in seasonal work because you'll see the increase in the demand for ''local produce,'' for locally grown crops. As you see that, you see the demand for seasonal agricultural workers expanding to other parts of the country, and we don't control it.

We don't have a workable system. Some people say, well, we have the guest worker program under the Labor Department, the H–2A program. It, frankly, doesn't work. It works for about 4 percent of the agricultural industry in the United States. I say that as someone who helped draft the legislation as a part of Simpson-Mazzoli, not because that's what I thought was the best we could do, but that it was the best that was able to be accomplished in any legislation that was going forward. So we now are confronted with a situation in which we have had large-scale illegal immigration into this country after the passage of Simpson-Mazzoli and the failure to implement the enforcement side of that.

We also are confronted with the question of legal immigration and the fact that, right now, I believe, we set aside too many visas for those folks who have particular skills that we believe might help this country at the present time. I'm not in any way denigrating unskilled workers, and I'm not in any way denigrating those people who come to this country without skills and then develop them once they're here. Our history is replete with those who have accomplished great things in having come to this country with nothing more than a desire to do well, a commitment to hard work, and using the intelligence and the other skill capacities given them by God.

I do say it makes no sense when we have a situation in which we take peoples from around the world who come to this country because we have the greatest colleges in the world and who develop expertise in science, technology, engineering, mathematics—and in areas that might have an immediate impact on some of the most important growth industries as we look to the future—and we say to them, if you get your degree here, you've got to go to your home country for several years and then apply to come back to this country in order to work here but that Canada will allow you in right away or that many other countries will allow you in right away; or go back to your home country and, thereby, compete with the United States' economy amidst emerging economic growth in your home country.

I saw this very, very closely at hand when I saw one of our major technology companies actually build a plant just over the border in Canada, utilizing a core of those people who had graduated from American colleges, who had come from foreign countries, and who were immediately accepted into Canada. Then Canada was able to build a workforce of about 1,000 people around a core of probably no more than 100 people who would have been required to go back to their home countries from the United States. They basically said, Hey, you don't have to go there. You can come to Canada—and we lost the potential for 1,000 jobs going right across the border because of a policy which doesn't fully understand the appropriateness of our matching up with those people who have particular skills and wish to stay in this country after they've been trained in this country: their skills and our needs. Now, we did vote on the STEM Act here this past week, which was one attempt at dealing with that question, but it was only one attempt at dealing with that question.

In some ways, in my judgment, the changes we need to make in legal immigration have been—I don't know if I'd use the term ''held hostage,'' but they certainly have been put on the back burner because of the desire for us to deal with a true problem that is more prominent, and that is illegal immigration. So why am I talking about this? Well, I'm not going to have the chance to work on this after January 2. While I devoutly desired the opportunity to do that, there has been a decision made otherwise. I still have the passion for dealing with this issue, because I think it's so important to this Nation. I think it goes to the identity of this country, and I think it goes to the future of this country. I reject the notion that we either have to be a Nation of immigrants or a Nation of laws.

□ 1550

I think we can be both a Nation that welcomes immigrants and a Nation of laws. I think we have to understand that there is nothing wrong with this country as a sovereign Nation making decisions with respect to immigration law that are in the best interest of America. Sometimes I think when we're talking about international law, we're talking about international relations, and we're talking about the work of the United Nations, and we're talking about working with other people in the world; and we lose sight of the fact that the first obligation of the Federal Government is to have the interest of the people of this country at heart, that the obligation of the State Department, for instance, is to represent the national interest of the United States.

And so I make no apologies for the United States asserting that it has a right to make decisions in the area of immigration that are in the best interest of the United States. I guess the tough question is what is in the best interest of the United States. Again, I would say it is to show that we can be both a Nation of immigrants and a Nation of laws.

So I refrain from using the phrase ''comprehensive immigration reform'' because that has become a watchword or a watch-phrase for amnesty, and I understand that. I avoid using the term ''pathway to citizenship'' for those who have been here illegally because that, in fact, is defined as amnesty—and for good reason, in many circumstances.

But I do think we have to apply a multifaceted response to a multifaceted challenge or problem. So, first, in order to gain the confidence of the American people, we have to admit that when we did the last major immigration reform, and we've had some

bills since then, but I'm talking about the major immigration reform Simpson-Mazzoli, we did fail to implement the enforcement side of things. The American people understand that. They think they were shortchanged; I think they were shortchanged. We have to admit that readily. That is part of the context in which we have to deal with the issue; and I think we have to, therefore, accept it, acknowledge it, and learn from those mistakes.

So we need to have a commitment towards enforcement. We need to have borders that are controlled, not just because of the issue of immigration or illegal immigration, but because of the threat in a period of asymmetric warfare or an asymmetric threat where those who are committed to do us harm are not just nation states but maybe transnational terrorist organizations or maybe those that have been known as lone wolves who are incited by, inspired by, and committed to the values that have been expressed by those terrorist organizations who spread their venom around the world seeing who might be attracted to it.

And if, in fact, you have a situation like that, you ought to be even more cautious than before about those entering into this country with terrorist thoughts and terrorist desires against this country.

So for any number of reasons, we need to have a commitment to controlling our borders, number one; and, number two, we have to acknowledge that one of the magnets, or one of the pull factors, causing people to come to the United States or inviting people to come to the United States is the prospect of employment that does not consider the legal status of those who seek that employment. And so that's why I think an E-verify system or something very much like that has to be a part of what we do.

Third, we have to acknowledge that in the area of agriculture, there is a proven need for foreign workers. People can argue about it, but I would just say look at the example of the State of California, my home State. We've seen that for well over 100 years we've relied greatly on foreign workers for agriculture. They've been legal or illegal depending on whether or not we've had a program.

I have for many years looked back at the bracero program to see both its positives and its negatives. Its positives were basically categorized as a government-sponsored, regulated program that allowed people to come into this country to seek work in the area of agriculture and give them legal status while they did. That's the positive. The negatives are that in many ways there weren't protections for the workers and because one who came under the bracero program was tied to a specific employer, if he or she had a complaint about that particular employer, they often found themselves back in their home country before they ever had any adjudication of that complaint.

So I think you have to devise a program that would determine the number of people that come here, determine under what circumstances they come here, determine in what areas of the country they can be here, but in a sense allow them to be free players in a free market that is defined by the job, that is, agriculture. And particularly because of the seasonal-worker nature of much of agriculture that they engage in, allow them to go from employer to employer.

There are enforcement mechanisms that can be put in place to ensure that they stay in agriculture, and there are significant penalties that you can apply if they fail to get a job or get a job in agriculture.

One of the things that I've had as part of any proposal that I've presented is that you take the amount of money that would go into Social Security, the employer and the employee contribution, and that goes into a fund that first is responsible for paying for the administration of the program so there's no burden to the taxpayer. Secondly, that money would go into a fund that would pay for any cost incurred by local jurisdictions for emergency medical care that was rendered to those individuals. And, third, that which would be remaining would go into a fund that would—that is for the contribution by the employer and the employee for that particular individual—be dedicated to that individual but would be redeemable only if they returned to their home country and were physically present there. If they weren't during the period of time they were supposed to be home, they would not have that fund. That money would be forfeited. If they did, they would be able to redeem that money back in their home country.

My idea would be that they would be able to work in this country for 10 months out of any calendar year, and they'd be able to go back and forth during that period of time. One of the things that we have discovered is that as we've increased our ability to enforce our control of the border, if someone successfully gets across the border to work in the United States, they now have a great incentive not to return home for fear they won't be able to make it back.

So in a very perverse way, the very success of our increased enforcement has made it more likely that they will stay here permanently rather than return home. So we need to develop a program that is based on the facts as they exist. And participation in the program doesn't put them on the road to citizenship. It doesn't grant them any rights with respect to citizenship or permanent resident status. It is a temporary worker program.

I do not think that other industries have proven the case that they need those kinds of foreign workers. I really don't. In terms of construction, for goodness sake, why do we have the high unemployment rate among African Americans in this country and among Hispanics who are here legally in this country when the construction trade is a great trade to learn, is a wonderful way to be able to earn one's living, and has an opportunity for people to move from just someone working at the job site up to learning their trade and becoming a contractor or subcontractor in some ways.

□ 1600

So I would not suggest that we expand the Guest Worker Program that I'm suggesting beyond agriculture, but I do believe it is appropriate in the area of agriculture.

Probably the most difficult thing to deal with in this entire arena is the question of those who have been here for a substantial period of time in illegal status, illegal immigrants who have been here for a long period of time, those that have put down roots in the community.

There are those that say, look, the best way to do this is just take care of the problem by putting them on the road to citizenship. And there are those who have suggested things such as voluntary departure or enforcement of some other mechanism. And while I appreciate the sincerity and the thinking that goes into both those positions, my belief, after being involved in this for over 30 years, is that neither one of those positions is going to ultimately succeed.

So what do we do?

In baseball we have something, when a ball is pitched to the batter the batter wants to get the wood on the ball. He wants to hit it in the sweet spot, right?

He wants to be able to maximize the energy that is generated by his swing against the ball. And one of the best ways to do that is to hit that sweet spot in the bat. So I've been looking for the sweet spot on this issue. Some people call it the midway; some people call it the compromise. I call it the sweet spot.

It seems to me that we could do this. And I've proposed this in legislation, and I would hope that at least it would be considered in the next Congress by those who will remain. And the idea is that you would identify those individuals who've been here for a significant amount of time. And of course that's up to a decision by the future Congresses as to what that time is. Is it 5 years? Is it 10 years? I mean, what is it?

But I think you'd have to establish what characteristics of roots in the community would identify these individuals. Certainly you wouldn't grant this to someone who just got into the country yesterday or last week, I don't think, because I think that would then encourage further illegal immigration in the future. People say, hey, look, they make it fairly easy, they're going to do it down the line.

So you have to understand about the consequences of the impact on those

who are looking at it from afar, as well as those who are immediately impacted. So you first determine what the period of time would be that would establish them as people who have roots in the community.

Secondly, I think you have to make sure that they haven't committed crimes of another nature, the crime of coming into this country, remaining in this country illegally, but not any other crimes. And people say, well, gee, it might be this crime or that crime. Well, you know, that's a consequence of your action. I think this would be for those people who have not committed other crimes in this country.

It seems to me there ought to be a requirement that they know English or are engaged in the study of English. Why do I say that?

I'm not opposed to foreign languages. I wish I knew some foreign languages. I have enough trouble with English. But if we are a country of immigrants, as we profess to be, and as we are, I believe, you have to have some unifying, identifying characteristics that bring you together. One is the sense of the understanding of the civil institutions we have. But certainly, one is the manner in which we express ourselves.

So a common language, I think, is particularly important to a country of immigrants. It brings us together. It allows communication. It allows us to come together as a community, without giving up or in any way disparaging our heritage. So I would have that as the second requirement.

Third, it seems to me, there ought to be a requirement for a study of some of those civil institutions of our society. There should be an understanding of what the essence of the democratic institutions are because people coming from other countries have other traditions, other systems.

I'm reminded of this, when we had large-scale refugee numbers coming into this country. I was a young attorney in southern California. I remember going down to Camp Pendleton with other attorneys and volunteering our time to teach those in the refugee community, and that was one of the places that they first came in California, to Camp Pendleton, before they then found sponsors and came to other parts of our country and the state.

Giving them simple instructions in the law, and the way the courts worked, and what your rights were. Fairly elementary, but nonetheless, necessary. And it was indelibly impressed on me that some of the things we do in our system are not immediately apparent, and people from different backgrounds, different cultures, different countries may not appreciate it.

If they are coming here, one of the great things about this country is assimilation. And so that's why I would require a study of civil institutions, and our governmental structure among them, for those individuals.

Next, people talk about a particular fine, and I don't know what that number would be, but I understand that to be appropriate.

Now, under those circumstances, what would I say they have?

Would they go to permanent resident status?

No. I would create a new category of legal status in this country called a blue card or red card, whatever you want to call it, in which they would, for a period of time, maybe 3 years, maybe 5 years, but they could repeat it, they could re-up this. During that period of time they would have legal status in the United States. They could work in the United States, live in the United States, go to school in the United States, but they would not be on the road to citizenship. In order to do that, they would have to have a touch-back in their home country, and they would get in line behind everybody else.

Now, why do I think that's important?

I think at the base of the objection to amnesty, as I understand it, is this idea that it is unfair to cut in line. If you're a kid and you're at school and you're waiting in line to get a drink of water, you're waiting in line to go to the bathroom, you're waiting in line to get your lunch, and you see somebody cut in line, you immediately know that's not fair. We all know that's not fair to cut in line.

So why should someone who didn't follow the law cut in line in front of those who have waited in their own country for their opportunity to come to the United States?

So my sweet spot in this particular argument would be that, while you have an ability to remain in the United States, in order to get on the path to citizenship, and not give you an advantage over somebody else from your home country, you must touch back in your home country and you must get in line behind everybody else who followed the law.

I think that is an approach that at least ought to be considered. I'd hoped to be here in the next Congress to be able to raise that and to fight for it and to see how others would view it, but I won't have that opportunity. I hope to be on the outside, and whatever I do, to have a chance to continue to influence the debate, following whatever the lobbying rules are. I know I can't directly lobby, but hopefully, as an American citizen I can talk about those issues in that first year, and I can talk about why it's important for us as a country.

And yes, I've said in our own conference, it's important for us as a party, my party, the Republican Party. We have to understand the dynamics that are involved there. I've seen it happen in my home State. I've seen what the political implications are, and I think we ought to pay attention to them.

But, beyond that, far more important than that, far more fundamental than that is the fact that this country has to confront this issue in a reasonable fashion, in an intelligent fashion, and in a fashion that improves the state of this country.

So I know there are men and women of goodwill in this House and in the Senate who will and can work together. I would make a humble request of the President of the United States, that he toss aside partisanship, and that he join those Members in the Congress and those of us who will be in the public, out in the public, in an effort to try and deal with this issue.

With all due respect, when the President of the United States went down—I think it was to El Paso—a couple of years ago and said Republicans want to build a fence, and then they want to build a moat, and they want to put alligators in it, that is hardly an invitation to cooperate.

That image, in and of itself, when you realize the history of the Rio Grande, and when you realize the history of people coming across the Rio Grande to this country, that image is devastating. It does not open people's hearts to the possibility of reaching a compromise. It drives people away.

And so my hope would be that the President would, as Ronald Reagan did in the 1980s, work with those who are in the House and the Senate to try and come up with a compromise that deals with the issues of this day under the grand rubric of immigration, and that, putting aside partisanship and political advantage, work in good faith with Members of the House and Senate to accomplish this task.

□ 1610

And I would ask this: that those in this House and those in the Senate and those in the administration under the direction of the President begin working on this early, not late. If the work is done early, as we did in 1985, the chances of being able to actually accomplish a completed legislative vehicle and have it on the President's desk for signature are greatly enhanced. Don't wait until it's campaign year politics and certainly don't wait until it's the next Presidential election year for politics. Try and work on it now.

This country is lesser for the fact that we haven't dealt with an issue of this importance. This country is lesser for the fact that we have all the tensions that exist as a result of a failure of the law to respond to the realities of the time. And we put ourselves in a conundrum where, in just one instance, I would cite men and women in the farm community in my home State of California who have farmed for generations and have seen the reality of the labor market for agriculture—our men and women who are patriotic and love this country and want to follow the law, who in fact would support an E-Verify system which would allow them the certainty of having legal workers but who on the other hand recognize the need for foreign workers—these people would be put into a no-win situation, a

catch-22, where on the one hand they would be forced to follow the letter of the law, knowing that they would not have the workers that would allow them to continue in the generation's old farming business that they have or, on the other hand, as patriotic Americans in their own way, nonetheless be forced to break the law in order to retain their livelihood. That's unacceptable. That is shortsighted. That is self-defeating. And it is something that we should not allow.

Now it's easy to get up here and do a Special Order and talk about how I would solve the problem. It's much more difficult to have a completed solution to a problem. And I understand that. I in no way suggest that this is easy or it will come quickly. But I do believe we have men and women of goodwill, of patriotic hearts, who can and are prepared to work on this issue. And I would hope that the President of the United States, now almost in his second term, would understand the seriousness of the issue, the immenseness of the challenge facing us, and would understand that in the best interest of the United States it would behoove us to work together to solve the problem. I'm not sure what I'm going to do be doing in the next year, but I do know that I want to be involved in the debate, and hopefully I can applaud my colleagues that remain here as they succeed in dealing with this very difficult problem.

So, Mr. Speaker, I thank my colleagues for listening to me and I encourage my colleagues to deal with this issue in the spirit of goodwill that I know they have.

I yield back the balance of my time.

## RIGHTING THE WRONGS IN AMERICA

The SPEAKER pro tempore (Mr. BARLETTA). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. It's uplifting to hear my friend, DAN LUNGREN from California. What an amazing public servant he has been. I fought battles with the man. I know his heart. And he's going to be sorely missed. He cares so deeply about this country.

Such is the lot of people whose country has leadership decided by elections. Sometimes good things happen, sometimes they don't. But democracy ensures that a people are governed no better than they deserve. So whether someone liked President Reagan or President George H.W. Bush or President Bill Clinton or President George W. Bush or President Barack Obama, the truth is that at the time they were elected President, we as a Nation overall got the President we deserved at that time.

One of the most impressive speeches I've ever heard was given by Senator Barack Obama at the Democratic Convention. And I love the way he talked about America, coming back as one America. Not a red America or a blue America, but America. Just one country. And it was one of the things that I drew great hope from on 9/12/2001 as people around the country gathered around, as we did in our local east Texas town, and people of all races and ages and gender, and we all held hands and we sang hymns and patriotic songs. And I looked around the circle and was deeply moved because I knew that day there were no hyphenated Americans, there were just Americans. And we were together. And everybody standing there in that square holding hands, we shared the love for our country. We wanted to see it strong. We wanted to see it recover from that devastating blow from people intent on evil, based on hatred.

That senator that wanted one America has presided in such a way that we seem more divided than ever—more people on food stamps, more people below the poverty level, more people struggling than ever before. We were told if the $900 billion giveaway stimulus proposal—porkulus some called it—if that was passed, we would be recovering very quickly. And if we did not pass that stimulus, porkulus, whatever you want to call it, if we didn't pass that bill in early 2009, the country might well reach unemployment rates as high as 8, 8.5 percent, as I recall. Well, guess what? We passed it and things got worse. It was a terrible bill. It was not the way you fix an economy in danger, suffering.

□ 1620

What's so tragic right now, Mr. Speaker, is how many people across America are struggling, out of work. I'm not just talking manual laborers or older workers, I mean all ages, well-educated, poorly educated. We've got people out of work around this country that are really in desperate straits. Some take different approaches. I was shown numbers that indicated at one point that when people are unemployed, many of them will look full time for employment, for substitute employment, but on average may have 30 minutes a week—for an average—until the last 2 weeks of the unemployment benefits, and at that time it may go as high as an average of 10 hours or so of the last 2 weeks looking for employment.

This President is demanding that we extend unemployment benefits for another year for those who have been unemployed for a year. We also know that in his JOBS Act—it was really a JOBS Act for lawyers because they created a new protected class called the unemployed; so that if you had been unemployed for 2 years and you go apply for a job and the employer looking for a worker considers the fact that you didn't look for a job for 2 years and instead hired somebody that had been out of work for a month and was desperately spending all his or her time looking for employment, if you considered the fact that somebody had been unemployed, how long they had been unemployed, then you would be sued under the President's proposed bill.

So it was going to be a great boon to trial lawyers, to plaintiffs' lawyers because they would be suing on behalf of every unemployed worker who went and looked for a job for the first time in a couple of years. I mean, you could have that kind of scenario, not look for a job for a year or two, go look for a job, and then turn your case over to a lawyer to sue anybody that didn't hire you because you didn't show any particular motivation, and most employers want motivated employees.

So we know that the President has made this proposal; he wants to extend unemployment for another year. Just to show what a worthless organization—they're smart people; they're very good people; they're a good organization, but their rules are so pitiful, so unrealistic, so unmoored to the foundation of good economic projections—we have the Congressional Budget Office, CBO. They come in, and apparently—I was reading an AP story. I didn't see the CBO numbers themselves, but the story said that, according to CBO projections, extending unemployment for another year for those that have been unemployed for a year now would cost $30 billion. But the great thing is that $30 billion of paying people to remain unemployed would create 300,000 jobs. So what a great thing for America, for our economy if you spend $30 billion and create 300,000 jobs. Until you start looking at the numbers and you go, Wait a minute. Wait a minute. We're spending $30 billion. We're told if we do that it will create 300,000 jobs? Well, that's not very smart. That's $100,000 that we would be spending for every job we create.

What kind of math is being utilized by the White House and by CBO? I mean, how stupid are Americans? Oh, yeah, great idea. Let's let the government spend another $100,000 to create one job that may not be but a part-time job, pay $20,000 or so. Well, I'll bet if we offered people across America, made an offer, we want to create 300,000 jobs this month and so we're looking for bids. Who will come to work for less than $100,000? I'll bet you would get 300,000 people working very quickly for a whole lot less than $100,000 a job.

So that kind of math is what has gotten us in trouble. It's why we need an alternative to CBO scoring that deals realistically with what we're engaged in, because it's only when we have a scoring system for bills that is wedded to legitimacy and historical reality that we will begin to have better legislation. Because when you have a group that has such ridiculous rules to score bills that it will come in and say ObamaCare, yes, it will cost $1.1 trillion, and then they have their Director called to the Oval Office and reminded, apparently, that the President promised it would cost less than $1 trillion

and they rescore it and come back with $800 billion—with a wink and a nod, apparently—and then after it passes, they come back and say, Oh, you know what, it was actually more than a trillion. Now we're told maybe $1.6 trillion—who knows, 1.8, maybe 2.0. Who knows. But any entity whose margin of error for scoring bills in Congress is plus or minus 100 percent margin of error does not need to be allowed to do any more scoring. We need to do a competition of it. It's what Americans do well. When we compete as a nation, when we have people in America competing, we do better. So let's have competition for scoring bills.

I was having a wonderful discussion with one of the best economic minds in the country, Arthur Laffer, and I said I was hoping that maybe we could get someone else to score bills—Moody's, S&P, others. My office had checked with Moody's. They said they don't score bills. He said, They will if you pay them, and I bet you you could get it done for a whole lot less than what it cost to keep CBO going.

So think about that. We start having a competition for scoring bills so that we can get legitimate bills, not one where America is promised it will cost $800 billion only to find out it's going to be more than twice that amount even before it really comes into fruition. We need competitive scoring. Then, over a few years of time, we will begin to see who's more accurate and who's not. We will be able to score the scorers. Because until that time, we will continue to limp along and have ridiculous mathematics like CBO telling us that ObamaCare will cost $800 billion and shortly later coming back and saying it's probably going to be $1.6 trillion. A margin of error of 100 percent is intolerable. It's time for a different means of scoring.

Let's have competition. I think that you would end up having some of the universities in the country have their—whether it's economic or finance departments. Texas A&M has a great department that does a lot of projections and calculations. I know there are schools around the country that do that. We could make a competition. And the better you are at scoring, perhaps the more you get paid for scoring bills because you're more accurate. Make it a competition. Because in the meantime, having an entity that scores bills, that is used to condemn a bill or raise a bill to the heights, is bringing us down to economic ruin. It's one of the little parts of the puzzle that needs fixing.

□ 1630

So we have a President who continues to be vague on what he will accept to avoid what people are calling the fiscal cliff. Well, I might remind people that the fiscal cliff was gone over in August of 2011. Some have already forgotten. We were told if we didn't have a debt ceiling increase by August 2, we were going over the financial cliff. It was financial Armageddon. Everything would melt down. It was all going to be just this horrible financial melee. It was a disaster. We could not allow ourselves to get to August 2 without having a debt ceiling increase.

Some of us made proposals, and we took a look at what was being proposed. And we said, Are you kidding, a supercommittee? That's not going to do any good. They will never be allowed to reach an agreement. Some of us were told, Well, of course they'll reach an agreement because if they don't, there will be these massive amounts of devastating cuts to our defense and devastating cuts to Medicare. They'd never allow $300 billion or so to be cut from Medicare on the other side of the Capitol here. And I reminded my friends they just cut $700 billion from Medicare for ObamaCare.

This President and the Senate were pitting our seniors against younger workers in America. They're pitting our seniors on Social Security and Medicare against younger workers. What kind of President, what kind of party, what kind of Senate does such a thing? Why would you pit younger workers against our seniors? But that's what occurred with the debt ceiling bill.

That's what occurred with the 2 percent cut to the Social Security tax. It sounded like a great idea, and now we find out 2 years later, actually, that 2 percent reduction in the amount of money that workers pay into Social Security, it was a very small amount, relatively speaking, to the amount of debt the United States and workers are having to run up because of the poor economy.

But we were told, Oh, it may save them $60, $80 a month. It may be such a great thing. And yet $60, $80—as important as that is to any individual worker—meant that last year, for the first time, the Social Security taxes coming in did not cover the Social Security checks going out. It meant that this administration pushed through a bill with Leader REID down in the Senate pushing the way for it. It meant that seniors' checks were not covered by the Social Security taxes being paid by at least 5 percent.

There were projections then that it was a 5 percent shortfall last year, and this year it's going to be a 14, 15 percent shortfall. That wasn't supposed to happen for several years. Republicans and Democrats were debating in years past—since I've been here in the last 8 years—about how, no, that wouldn't happen until 2018. Others said, no, that won't happen until 2048. Well, it happened last year in 2011. The money coming in from Social Security tax did not cover Social Security payments. And so what's the proposal by this President and Leader REID? It's, let's gut Social Security even further. Let's make it bankrupt even quicker.

Listen, what's going on? I know we all have the goal of making America stronger, but we're seeing that what is happening is hurting the economy. It's making America weaker. And for all of the talk this fall about, gee, we may have turned the corner economically if it weren't for our czar, the Federal Reserve czar, Bernanke, creating money out of thin air, then the economy would be even worse than it is today. But I think the President owes Mr. Bernanke a great thank you for helping him win reelection by creating so much money out of nothing.

But the trouble with that is next year Americans will pay a very severe price, as we see inflation start to take hold. But the President, Mr. Bernanke, they knew that that inflation wouldn't really kick in now before the election. So it helped him win reelection. And then we would get into next year, and then the inflation would start kicking in. And then with a poor economy and inflation, we're back to the end of the Carter years.

And with the President having cut the permits down in half for drilling on Federal land from what they were under the Bush administration, he was able to receive the benefits of the permits done during the Bush years so he could say, Look, we're producing more on Federal land. Isn't that great. Well, yes, but now we're going to start seeing the consequences of cutting in half the number of permits during the Obama administration's first term; and there will be a price to pay in our energy costs over the next 4 years.

We hear people saying over and over and over again Americans must pay their fair share. The rich must pay their fair share. Everyone must pay their fair share. And on that, I am in 100 percent agreement with our President, with Leader REID at the other end of this building, with my friends across the aisle, the Democrats here who want everybody to pay their fair share. I'm in 100 percent agreement. We absolutely should do that, make everybody pay their fair share.

You know, lots of folks use the metaphor, Let's make sure everybody has some skin in the game. Well, if you really want to have everyone pay their fair share, there is an easy answer; and, fortunately, it would drive this economy to brand-new heights. It would drive this country and our economy to a new economic renaissance. It would be incredible. And all of our friends around the country who are suffering, who don't have even $3 a gallon to pay for gasoline, it would help them when they can't handle the rent going up and the groceries going up. It would help them as we saw the economy become more vibrant because after 4 years, if Tim Geithner were really honest, he would come forward and say, as Secretary of Treasury Morgenthau did in 1940 when he wrote:

> We have spent more money than any country in history, and we have nothing to show for it but more debt.

That's what a Secretary of the Treasury who wanted to be honest would say after 4 years of the most incredible

spending beyond anything that Secretary Morgenthau, under Roosevelt, could have ever dreamed.

Well, here's a good answer. When you hear the term ''fair share,'' think flat tax. You want people to pay their fair share, make a flat tax.

Now, the President has had his friend Warren Buffett, one of many of the megarich in this country—in fact, the megarich Wall Street apparently support the President four to one over Republicans. It's one of the great, amazing misconceptions in America. Wall Street executives and their spouses donate four to one to Democrats over Republicans. So I would like to see the fat cat Democrats and the fat cat Republicans all pay their fair share. I'm tired of hearing Warren Buffett say he doesn't pay as much a rate as his secretary and he wishes the rich were taxed more.

□ 1640

What hypocrisy is that? Holy cow. It's really easy. We've made it easy. Just write the check to the U.S. Government, IRS, however you want to. We'll cash it however you want to write it.

You want everybody to pay their fair share? Let's pay taxes at a flat tax rate. The great thing about a flat tax is when you make more, you pay more; when you make less, you pay less. The other thing about a flat tax, it doesn't just need to be a flat tax on income; it ought to be a flat tax across the board.

Some think there should be no deductions. I'm in favor of two. A brilliant mind, even though he went to Harvard, Arthur Laffer, has an idea, and he's talking in terms of two good deductions: a mortgage interest deduction and charitable deductions. Frankly, I don't want to see a cap on charitable deductions, because that plays right into this administration's desire to have government be the end-all, be-all charity, even though as we've seen from Katrina under a Republican administration and we've seen from Sandy under a Democratic administration, the Federal Government is not the best answer for getting help quickly enough to people. It was the private sector that got gas, water, and help most quickly to people who suffered from Hurricane Katrina and from Hurricane Sandy. But a proposal to cap charitable contributions as deductions would end up killing charities and forcing people to come begging, Oh, please, government, would you please give me a morsel, give me another crumb. So whichever party happens to be in power gets more power, Republican or Democrat, we've got to stop that cycle of dependency. We have got to help people reach their God-given potential.

When you hear about fair share, you want an equal percentage tax, let's have one for Warren Buffett and the same rate for his secretary. Let's make the income tax, the corporate tax, the capital gains tax, the gift tax, the estate tax, let's just make them all 15 percent across the board. I'll never have a problem with an estate tax, but it is outrageous to make people sell the family farm or sell the business or get in hock up to their ears for something their parents have worked a lifetime to build up. People like Warren Buffet, the ultrarich, they're not going to have to worry about the estate tax because they're able to pay megabucks for lawyers and brilliant financial analysts to come up with a way—usually involving life insurance and different things—to take care of their estate tax. So it's not the megarich.

When people say they're going after the rich fat cats, England did that in 2009. An article last week pointed out that in 2009, England increased to 50 percent, in addition to all the other taxes they have, the tax against people making 1 million pounds or more, and that next year England went from having 16,000 people who were making 1 million pounds or more a year to 6,000. They dropped from 16,000 people making more than 1 million pounds a year to 6,000. That's an incredible drop, a two-thirds loss. So there was no additional income made—or, it's not made—it's taken. There was no additional income taken by raising the taxes on the rich because they're too elusive to nail down.

So you might as well set up a system that doesn't keep punishing the middle class. The truth is, when you raise taxes on the ultrarich and you keep spending to match that—and actually this administration and some friends in this Congress want to keep raising the amount we spend instead of getting realistic. When you keep doing that, what you hurt is the middle class. They're the ones that suck it up because the middle class—when you work at a store or a factory or a mechanic's garage, any of the places that the middle class work, when you work there, you can't just pick up your factory if you're a worker and move wherever you want where the taxes are less. The owners of the factory can, they can move. They don't have to pay the higher tax. The workers can't. As you see what happened in England, when that happens everywhere, when you raise taxes on the ultrarich, they move because they can. And who has to suck up all that extra money that has to be provided for, that the government doesn't have? It's the middle class that does.

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

## ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 5, 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:

8568. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Pesticide Tolerances [EPA-HQ-OPP-2009-0644; FRL-9366-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8569. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of September 30, 2012; to the Committee on Armed Services.

8570. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2012-0619; FRL-9754-9] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8571. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2011-0363; FRL-9355-9] (RIN: 2070-AJ89) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8572. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Consumer Products Regulations [EPA-R03-OAR-2012-0797; FRL-9755-2] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8573. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Florida; Regional Haze State Implementation Plan [EPA-R04-OAR-2010-0935; FRL-9755-8] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2011-0492; FRL-9757-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; City of Albuquerque-Bernalillo County, New Mexico; Interstate Transport Affecting Visibility and Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2008-0702; FRL-9755-5] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8576. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

(SJVUAPCD) [EPA-R09-OAR-2012-0267; FRL-9730-3] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8577. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD) [EPA-R09-OAR-2012-0252; FRL-9737-1] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8578. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO [EPA-R05-OAR-2007-1102; EPA-R05-OAR-2008-0782; FRL-9753-7] received November 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8579. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2012-0396; FRL-9753-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8580. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of New Mexico; Regional Haze Rule Requirements for Mandatory Class I Areas [EPA-R06-OAR-2009-0050; FRL-9755-6] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida; Section 128 and 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards; Correction [EPA-R04-OAR-2011-0809; FRL-9754-5] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8582. A letter from the Assistant Regional Director, USFWS; Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska — 2012-13 and 2013-14 Subsistence Taking of Wildlife Regulations [Docket No.: FWS-R7-SM-2010-0066] (RIN: 1018-AX33) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8583. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery off the Southern Atlantic States; Snapper-Grouper Management Measures [Docket No.: 120403249-2492-02] (RIN: 0648-BC03) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8584. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Rule Extension [Docket No.: 120316196-2195-01] (RIN: 0648-BB89) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8585. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2006 Consolidated Highly Migratory Species Fishery Management Plan; Amendment 4 [Docket No.: 080603729-2454-02] (RIN: 0648-AW83) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8586. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; Announcing OMB Approval of Information Collection [Docket No.: 120614172-2395-01] (RIN: 0648-BC29) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8587. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Standard Mileage Rates [Notice 2012-72] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8588. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tier 2 Tax Rates for 2013 received November 29, 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 Mr. POE of Texas (for himself and Mrs. MALONEY):

H.R. 6628. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Mr. WALZ of Minnesota (for himself, Ms. MCCOLLUM, and Mr. WOMACK):

H.R. 6629. A bill to improve the training of child protection professionals; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 6630. A bill to require that the members of the Armed Forces and civilian employees of the Department of Defense who were victims in the attack that occurred at Fort Hood, Texas, on November 5, 2009, and the family members of those victims be accorded the same treatment, benefits, and honors as were accorded the victims of the September 11, 2001, terrorist attacks on the United States and the family members of those victims; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 6631. A bill to provide energy crisis relief to residents of the Virgin Islands; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 6632. A bill to amend the National Voter Registration Act of 1993 to modernize State voting systems by allowing for increased use of the internet in voter registration, and for other purposes; to the Committee on House Administration.

By Mr. WITTMAN (for himself, Mr. FORBES, Mr. RIGELL, Mr. SCOTT of Virginia, Mr. WOLF, Mr. MORAN, Mr. HURT, Mr. CONNOLLY of Virginia, Mr. GRIFFITH of Virginia, Mr. COURTNEY, and Mr. GOODLATTE):

H. Con. Res. 143. Concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

By Mr. WOLF (for himself, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. CULBERSON, Mr. ADERHOLT, Mr. CRAVAACK, Mr. BROOKS, Mr. WITTMAN, Mr. DUNCAN of South Carolina, Mr. GRIFFIN of Arkansas, Mr. MEEHAN, Mr. POSEY, and Mr. KING of Iowa):

H. Res. 824. A resolution establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya; to the Committee on Rules.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

300. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 39 supporting the use of a portion of federally generated seafood product import revenues for domestic marketing and promotion of California fish and seafood; to the Committee on Agriculture.

301. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 31 requesting the Congress and the Department of Defense to remain committed to maintaining the 144th Fighter Wing and the Aerospace Control Alert mission in California; to the Committee on Armed Services.

302. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Federal Housing Finance Agency to immediately allow the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to offer principal reductions to homeowners; to the Committee on Financial Services.

303. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; to the Committee on the Budget.

304. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

305. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equity and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

306. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 27 memorializing high school and college coaches of women's athletics are to be commended for progress in attaining the goals of Title IX; to the Committee on Education and the Workforce.

307. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 44 recognizing September 2012, and each September thereafter, as Sickle Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

308. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

309. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 28 urging the Postal Service to end its plan to reduce the frequency of mail delivery from six days to five days a week; to the Committee on Oversight and Government Reform.

310. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling for the Congress to quickly pass the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

311. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 20 calling the Congress to quickly pass the Gulf of Faralloens and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; to the Committee on Natural Resources.

312. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

313. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 47 supporting the efforts to ensure pay equality and to protect employees who seek information about pay without fear of retribution; to the Committee on Education and the Workforce.

314. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 45 urging the President and the Congress to reauthorize the Federal Assault Weapons Ban; to the Committee on the Judiciary.

315. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

316. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 25 supporting the Los Angeles Residential Helicopter Noise Relief Act of 2011; to the Committee on Transportation and Infrastructure.

317. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 46 supporting the advocacy efforts of Operation San Diego; jointly to the Committees on the Budget and Armed Services.

318. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 35 urging the President and the Congress to restrict the transshipment for waterborne export of coal for electricity generation to any nation that fails to adopt rules and regulations on the emissions of greenhouse gases; jointly to the Committees on Energy and Commerce and Foreign Affairs.

319. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 30 memorializing the President and the Congress to enact appropriate legislation that would add comprehensive, preventative dental care coverage to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 6628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 1, which reads: 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 Excise shall be uniform throughout the United States;

Article 1, Section 8, Clause 18, which reads: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WALZ of Minnesota:

H.R. 6629.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. CARTER:

H.R. 6630.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8, cl. 12

By Mrs. CHRISTENSEN:

H.R. 6631.

Congress has the power to enact this legislation pursuant to the following:

''Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.''

By Mr. MORAN:

H.R. 6632.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States grants Congress the authority to enact this bill.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1695: Mr. MICHAUD.

H.R. 2082: Mr. DAVIS of Illinois.

H.R. 2705: Mr. MICHAUD.

H.R. 3159: Mr. SCOTT of South Carolina.

H.R. 3713: Mr. DEUTCH, Mr. RIVERA, and Mr. ENGEL.

H.R. 4120: Mr. GENE GREEN of Texas, Ms. BORDALLO, and Mr. ELLISON.

H.R. 4322: Mrs. BLACK and Mr. STIVERS.

H.R. 5742: Ms. DEGETTE.

H.R. 5822: Mr. SCOTT of South Carolina.

H.R. 5991: Ms. DEGETTE.

H.R. 6128: Mr. GUTIERREZ, Mr. CAPUANO, and Mr. MORAN.

H.R. 6200: Mr. HONDA.

H.R. 6322: Mr. ROSS of Florida.

H.R. 6412: Mr. VAN HOLLEN and Mr. CURSON of Michigan.

H.R. 6443: Mr. WEST, Mr. MICA, Mr. ROONEY, Mr. NUGENT, Mr. WEBSTER, Mrs. ADAMS, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. STEARNS, Mr. CRENSHAW, Mr. POSEY, Mr. SOUTHERLAND, and Mr. MACK.

H.R. 6448: Mr. GEORGE MILLER of California.

H.R. 6511: Mr. FORBES.

H.R. 6567: Mr. SCOTT of South Carolina.

H.R. 6575: Mr. LATHAM.

H.R. 6587: Ms. WATERS, Mr. HUNTER, Mr. BECERRA, Mr. CAMPBELL, Ms. CHU, Mr. DENHAM, Mr. GARAMENDI, Ms. HAHN, Mr. HERGER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, and Mr. WAXMAN.

H.R. 6598: Mrs. BLACKBURN.

H.R. 6606: Ms. PINGREE of Maine.

H.R. 6625: Mr. KLINE.

H.J. Res. 81: Mr. BOREN.

H.J. Res. 90: Mr. PERLMUTTER.

H. Con. Res. 141: Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. KEATING, Mr. ELLISON, and Ms. ESHOO.

H. Res. 134: Mr. GONZALEZ and Mr. DAVID SCOTT of Georgia.

H. Res. 220: Mr. CONYERS.

H. Res. 298: Mr. QUIGLEY.

H. Res. 760: Mr. PASTOR of Arizona and Mr. REYES.

H. Res. 818: Mr. NUNNELEE.