United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, MARCH 8, 2011 No. 34

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. YODER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 8, 2011.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 3:50 p.m.

MEDICARE FRAUD

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

Mr. STEARNS. Mr. Speaker, last week, as chairman of the Oversight and Investigations Subcommittee of Energy and Commerce, I held a hearing on the problem of Medicare fraud. This is not a new issue. It has been a continuing problem with Medicare, and I have been concerned about Medicare fraud for some time here. Last Congress, I introduced a bill to increase the civil and criminal penalties on those who defraud the Medicare program.

In fact, in 1990, the Government Accountability Office, GAO, listed both Medicare and Medicaid as high risk because these programs are vulnerable to waste, fraud, abuse, and mismanagement. Now, how badly mismanaged are we talking about? Well, the GAO recently issued a report that there was $48 billion just in improper payments. This isn't fraud. This is just improper payments. So when it comes to fraud, it is estimated anywhere from $60 billion to $90 billion is lost to Medicare fraud every year.

During this hearing, I asked the Director of Medicare Program Integrity, whose job it is to protect Medicare against fraud and abuse, if he knew how much money is lost to fraud in Medicare. He could not answer this question. The following week, Secretary Sebelius was asked in a Health Subcommittee hearing if she knew how much money was lost to fraud in Medicare. Her answer: ''If we knew how big it was, we'd hopefully shut it down.''

But in my hearing, Special Agent Omar Perez, the head of the Medicare Fraud Strike Force in the Miami region of Florida for the Office of the Inspector General, testified he was able to find $3.8 billion in Medicare fraud. My colleagues, this is one city. If extrapolated across 50 States, with almost 20,000 municipalities, you can see how we could get to $60 billion to $90 billion in fraud. According to the Inspector General, Medicare fraud is more lucrative than the drug trade, with easy money, less violence, and lighter punishments. And organized crime is taking notice and getting involved in defrauding Medicare.

So here are five reform ideas that came out of this hearing that were mentioned to help secure Medicare against criminals engaged in defrauding the program.

First, Medicare needs to maintain better control over their provider network. It is easy for a company to do business with Medicare, and the burden is on the government to remove a company from the Medicare program. This needs to change to allow the government to remove bad actors from the program quickly and efficiently.

Secondly, Medicare needs to significantly improve their provider and supplier screening process. While individuals have a right to Medicare, companies do not have a right to become or stay a Medicare provider.

Third, Medicare needs to shift away from a fee-for-service program. A capitated managed care organization provides a strong financial incentive to the managed care organization to eliminate fraud and abuse. It is the managed care plan that has the financial risk and not the United States Federal Government when criminals perform fraud. Managed care organizations present their own set of challenges but need to be considered when discussing reforms to eliminate fraud in Medicare.

And fourth, Medicare needs to increase the role of physicians in detecting and preventing fraud themselves. Medicare providers and suppliers must use a doctor's prescription to obtain government reimbursement. Bad actors forge these documents. Previously, the GAO has recommended that Medicare require that physicians receive a statement of Medicare home health services that their patients receive so they can review the documents. This will allow them to look at it carefully and detect any potential misuse of their authorizations.

And lastly, Medicare needs to use predictive computer modeling and other technologies. The credit card industry uses this modeling to identify potentially fraudulent transactions. Medicare and Medicaid should adopt this style of analysis to prevent fraudulent claims.

Mr. Speaker, these are five simple ideas to empower the Medicare program to stop the fraud in this system,

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and this was recommended from the hearing what we had in Oversight and Investigations. It must be stated again there is an estimated $60 billion to $90 billion in fraud in Medicare every year, and of course, no one over at Health and Human Services knows how much is lost. The Secretary of Health and Human Services could not even come up with a number. And think of that. After 45 years of this program, no one knows how much fraud is in Medicare, and no steps have been taken to really analyze and find out. Yet we have all the baby boomers that are beginning to retire. The cost of Medicare will explode, and the hidden cost of fraud will increase.

My committee will forward the material from the Oversight and Investigation hearing to the Health Subcommittee to start to develop legislation to address these problems with Medicare fraud. We have a $1.5 trillion deficit, and eliminating waste, fraud, and abuse is necessary to balance our budget, and we should start now.

LIVING WELL AT THE END OF LIFE: A NATIONAL CONVERSATION

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

Mr. BLUMENAUER. Mr. Speaker, I had the privilege this morning to participate in a fascinating in-depth discussion sponsored by the National Journal and The Regence Foundation, ''Living Well at the End of Life: A National Conversation.'' It was made possible by the Regents Group, an insurance company headquartered in my hometown, Portland, Oregon, and the deep commitment that its president and CEO, Mark Ganz, has to be able to make sure that families have the information, the tools they have necessary to make sure that they understand their treatment choices and that they are respected.

This is an issue that goes far beyond the so-called ''end of life.'' This is key so that everybody knows their health care choices, they understand their choices, and they make their wishes known, their choice is honored and respected.

It is a mistake as we have these conversations to confuse the high cost of end of life with concerns about health care reform. When people are seriously ill, they have high health care spending, and there is nothing wrong with that. That is a natural consequence of what happens when people need more hospitalization, more intense activity.

But too often, the sickest and most vulnerable have negative experiences in our complex health care system, which creates unnecessary strains on both the patients and the caregivers, and it is a mistake to somehow confuse this with people who are seriously terminally ill. Forty percent of all people who are hospitalized can't make decisions for themselves. This is a real stress on them, on families, and the ones who have been given the responsibility to try and guess what is in their best interests.

I have heard countless stories about how our health care system has failed patients during these medically and emotionally complex episodes. Both colleagues on our Ways and Means Committee—and we're dealing with health care reform—friends, and witnesses have come forward time and time again with how a parent, a spouse, a friend ended up on auto pilot in the health care system, in and out of hospitals, confused by all the specialists, decisions being made around them but not with them.

We can do better. We know how to do better. There are successful models of comprehensive, patient-centered care that leads to better quality and greater patient satisfaction, and it's interesting that the new polling by the National Journal and The Regence Foundation makes this abundantly clear.

□ 1410

These results affirm that health care is deeply personal and that people want to know their options, stay in control of their care, and be in a position to help their loved ones. This poll indicates that 97 percent of Americans polled believe that it is important that patients and their families be educated about palliative care and care options available to them when they're seriously ill.

Over 80 percent of Americans polled believe that discussions about palliative care and other treatment options should be fully covered by health insurance, including Medicare. By a more than three to one margin, people identified that it's more important to enhance the quality of life for someone who is seriously ill rather than just simply extend life.

It pointed out that as a result of some of the, I would think, bizarre conversation that has surrounded this issue, including the 2009 PolitiFact's Lie of the Year about death panels, that elected officials and political candidates, according to this survey, are actually the worst source in people's minds for information. The good news is that they trust religious leaders, health care providers and doctors, insurance companies.

And the most trusted are friends and family, which illustrates why we need to work aggressively in educating all Americans about the choices that are available to them and how those choices are respected. It's time to start now.

NationalJournal + The Regence Foundation

Living Well at the End of Life: A National Conversation

FD

Sacred Mission Communications | Corporate Communications | Design & Digital Communications | Public Affairs | Special Situations | Strategy Consulting

FD | February 2011

Methodology

- This is the first installment of Regence/National Journal Living Well at the End of Life Poll commissioned by National Journal and conducted by FD.
- The survey fielded February 16-17 & 19, 2011 among a nationally representative telephone sample of 1000 adults, aged 18 and older. Margin of error = +/- 3.1%.

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Summary

- Americans have significant personal experience with these issues.
- As a result, it is this personal experience – rather than political persuasion – that drives attitudes and opinions.
- Americans want more information and discussion and think they will be well-served the discussion.
- There is opportunity for the discussion to come from institutions closer to the "level of care."

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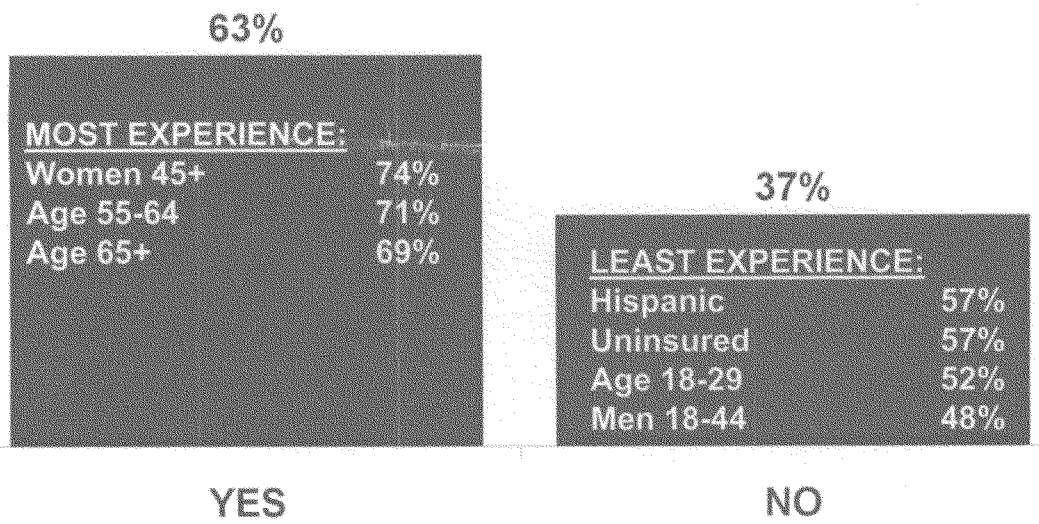
Have you, personally, had experience with palliative care, end-of-life care, or hospice care either for yourself or a family member?



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And, thinking back to before your experience with these issues, generally speaking would you say you were prepared or unprepared for that experience?

Among 63% with Personal/Family Experience

50% Prepared		49% Unprepared	
MOST PREPARED:		MOST UNPREPARED:	
Age 65+	59%	Hispanic	65%
Weekly Churchgoers	59%	Women 18-44	64%
Men Age 45+	59%	Age 30-44	61%
Men	57%	African-American	61%
Medicare Recipients	57%		

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5

By a wide margin, Americans place more importance on enhancing quality rather than extending life through every intervention possible.

Which statement comes closer to your point of view?

71% *It is more important to **ENHANCE the quality of life** for seriously ill patients, **even if it means a shorter life.***

23% *It is more important to **EXTEND the life** of seriously ill patients **through every medical intervention possible.***

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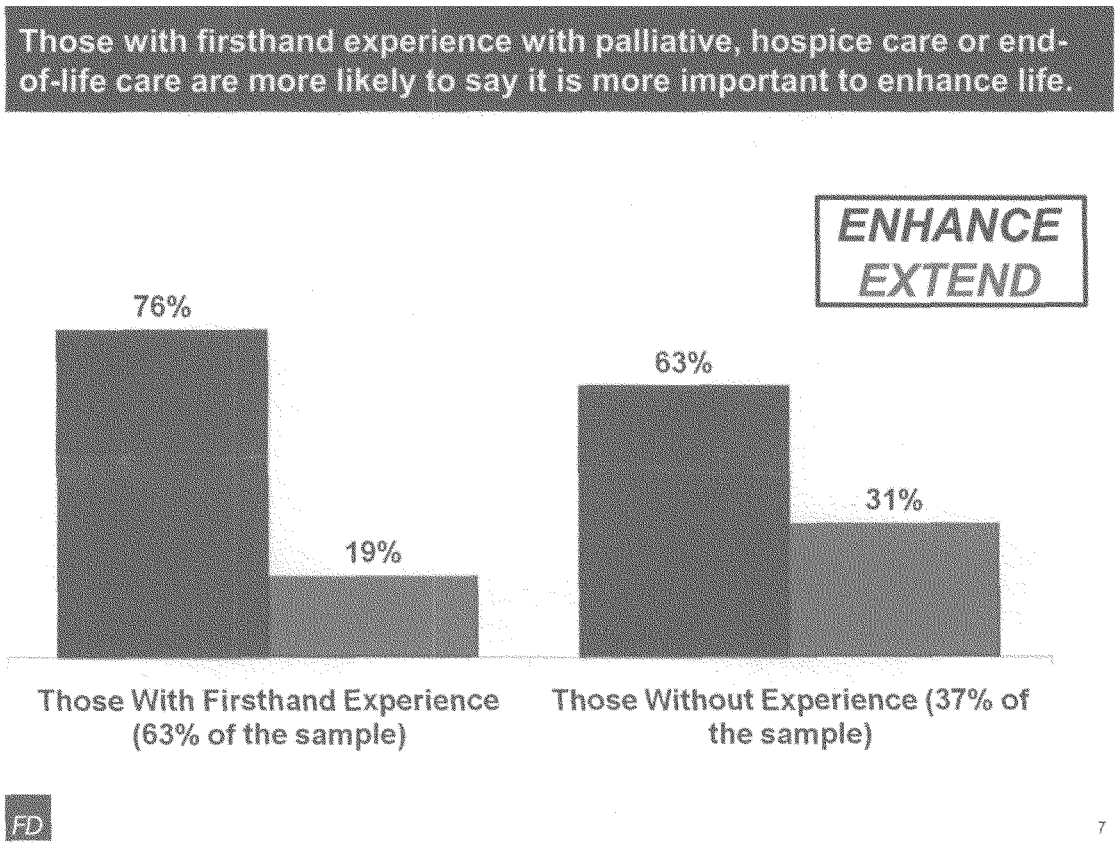
Those with firsthand experience with palliative, hospice care or end-of-life care are more likely to say it is more important to enhance life.
ENHANCE
EXTEND
76%
19%
63%
31%
Those With Firsthand Experience (63% of the sample)
Those Without Experience (37% of the sample)
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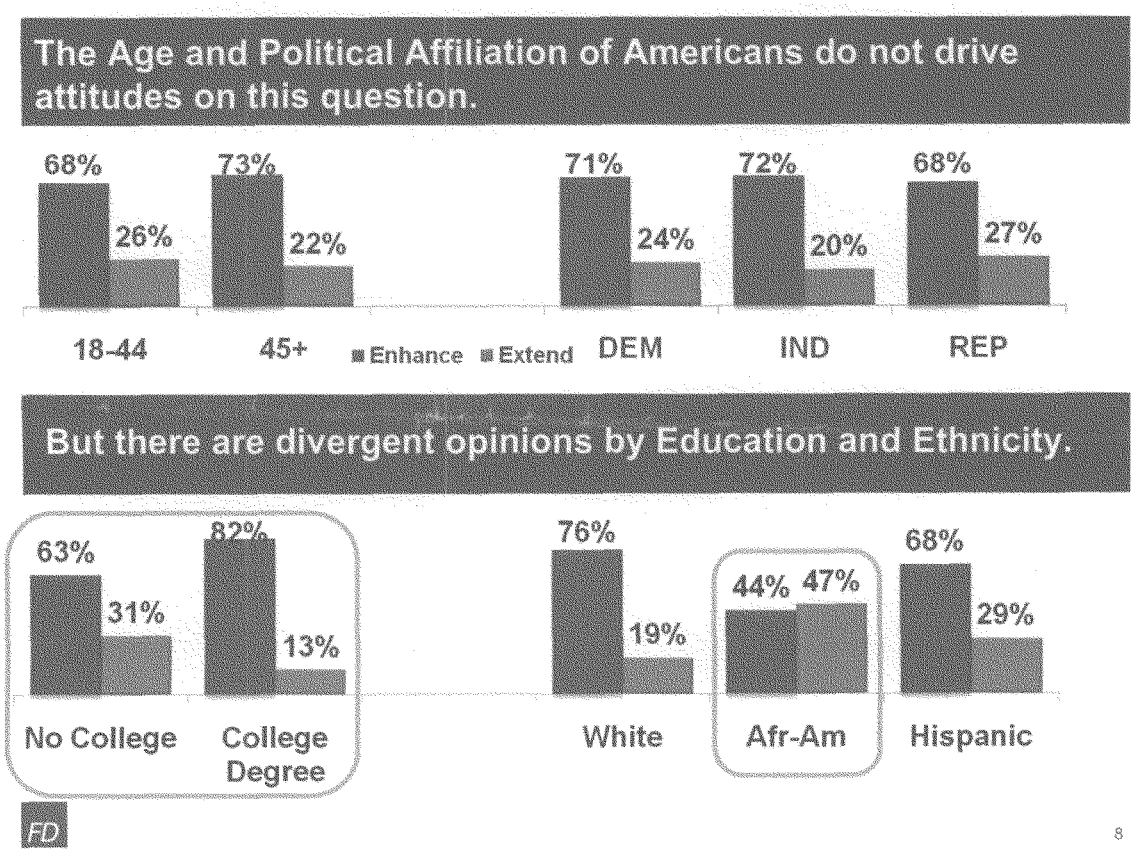
The Age and Political Affiliation of Americans do not drive attitudes on this question.
68%
26%
73%
22%
71%
24%
72%
20%
68%
27%
18-44
45+
Enhance
Extend
DEM
IND
REP
But there are divergent opinions by Education and Ethnicity.
63%
31%
82%
13%
76%
19%
44%
47%
68%
29%
No College
College Degree
White
Afr-Am
Hispanic
FD
8

Most Americans see the health care system as having the ability and the responsibility to offer life-extending treatments at any cost.

Which statement comes closer to your point of view?

55% *The health care system in this country has the **responsibility, the medical technology, and the expertise** to offer treatments to seriously ill patients and **spend whatever it takes to extend their lives.***

37% *The health care system **spends far too much** trying to extend the lives of seriously ill patients which **diverts resources from other priorities, adds to our country's financial difficulties, and increases the cost of health care for everyone.***

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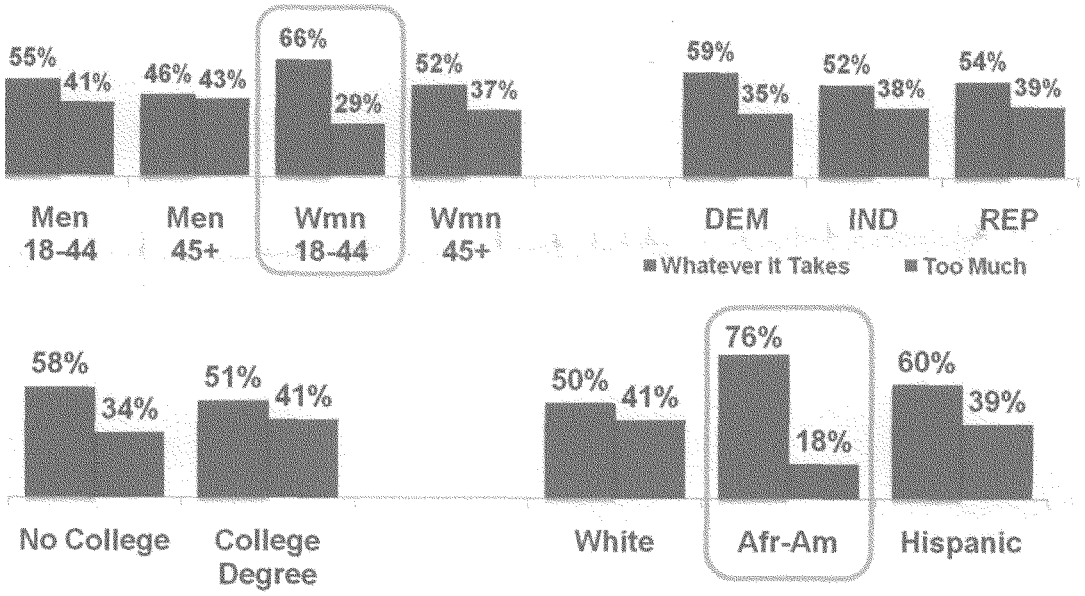
Younger women and African-Americans are more likely to agree with this sentiment. And, there is no political dimension at play.



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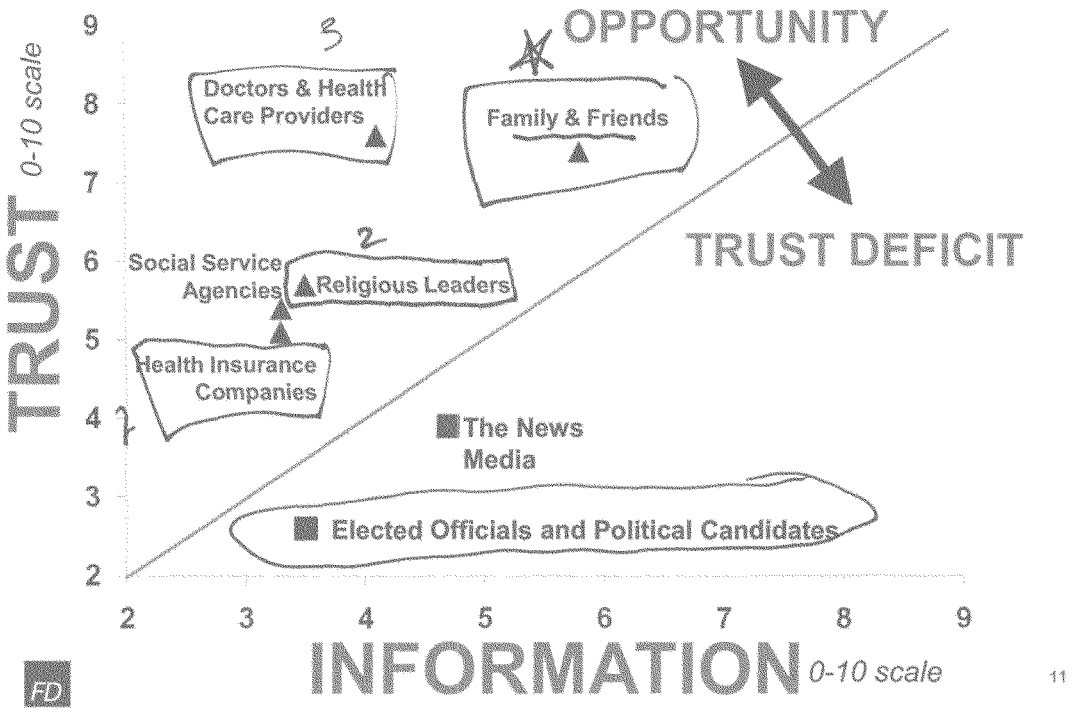
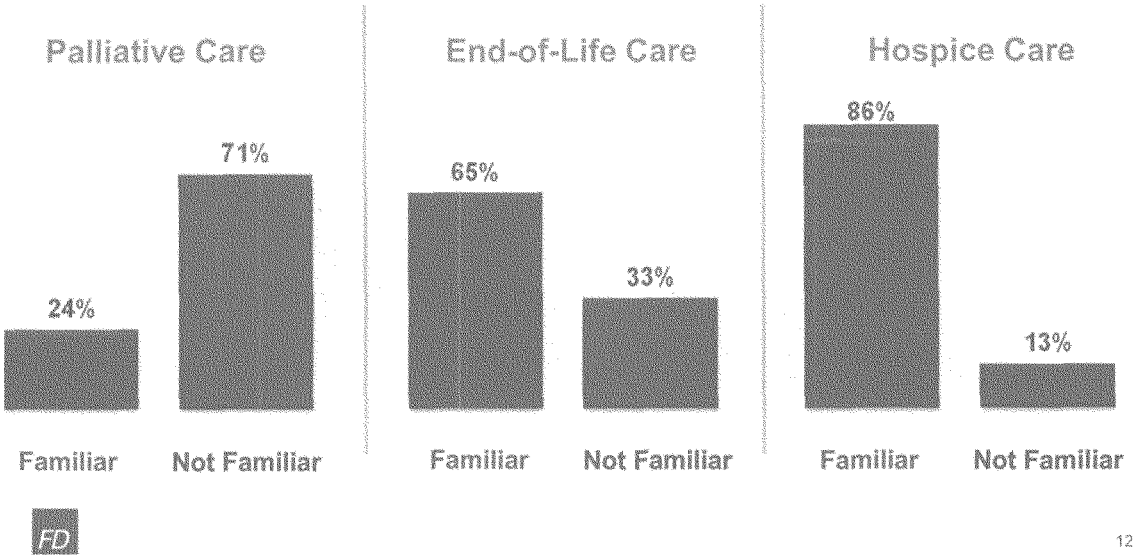


Hospice Care and End-of-Life Care are familiar terms to Americans, while Palliative Care is not.

Now, I'd like to read you a list of some different terms related to health care and, for each one, please tell me how familiar you are with that term.



Survey respondents were read a description of palliative care, end-of-life care, and hospice care.

Now, I'd like to read you some more information about some of the terms I mentioned earlier.

Palliative care *describes any kind of care or treatment for seriously ill patients which* ***focuses on reducing the severity of symptoms rather than attempting to reverse progression*** *of the illness or provide a cure. The goal of palliative care is to* ***provide physical, emotional, and spiritual support*** *to patients and also their families. Palliative care can be provided alongside of curative treatment and is commonly provided at home, at a hospital, or at a nursing home.*

An important part of palliative care is ***end-of-life care****, which* ***focuses specifically on advanced planning for patients approaching death.*** *This includes discussing their preferred treatment options and reducing their pain and suffering. Palliative care also includes* ***hospice care*** *which* ***focuses on providing comfort, rather than attempting to cure*** *patients in their final stage of life.*

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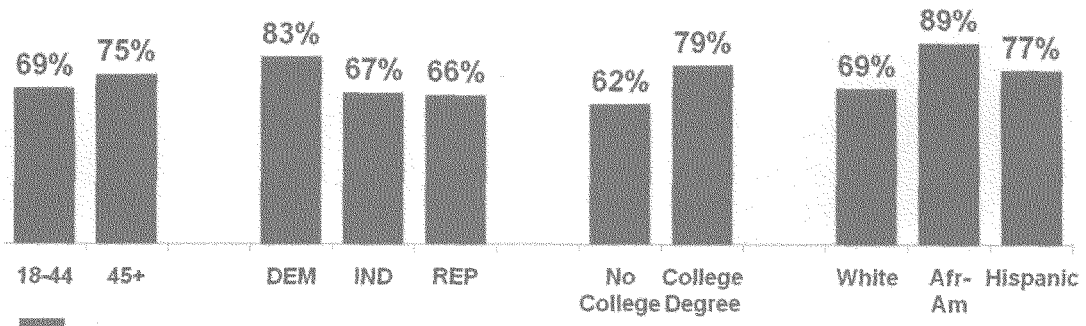
13

Across the demographic board, Americans say it's important for these issues to be a priority for the health care system.

Now that you've heard some more information, how important is it that these health and life issues be a top priority for the health care system in this country?

96% IMPORTANT

72% 'VERY' IMPORTANT



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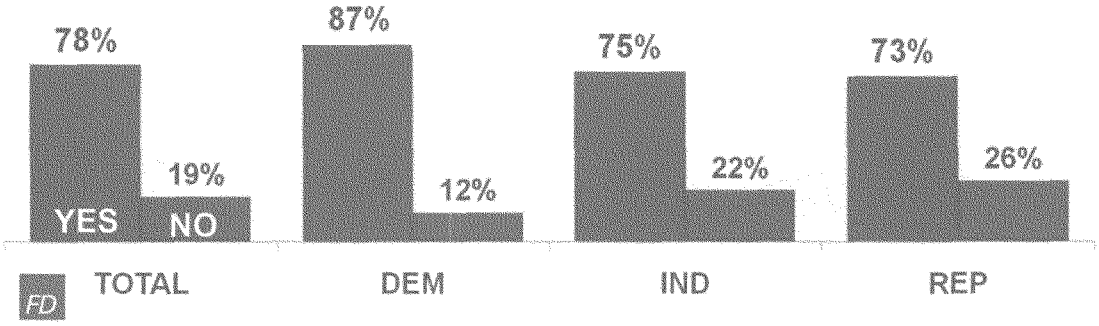
Across partisan lines, the American public wants more of an open discussion about these issues.

Now, still thinking about these health and life issues, including palliative care and end-of-life care...

Given this country's aging population and the increasing amount of public funds spent on health care, there should be more of an open debate *about public policies regarding palliative care and end-of-life care.*

Even though public funds are spent on these issues, ***an open debate about public policies regarding palliative care and end-of-life care could interfere with personal decisions between families and doctors.***

How about you? Do you believe there should be more of an open debate about public policies regarding these health and life issues?



15

Now, please tell me whether you agree or disagree with the following statements regarding these health and life issues.

It is important that patients and their families be ***educated*** *about palliative care and end-of-life care* ***options available*** *to them* ***along with curative treatment***

97% AGREE

A ***public dialogue and debate*** *about these health and life issues will* ***help patients*** *and their families by* ***providing them with more information*** *about their treatment options*

86% AGREE

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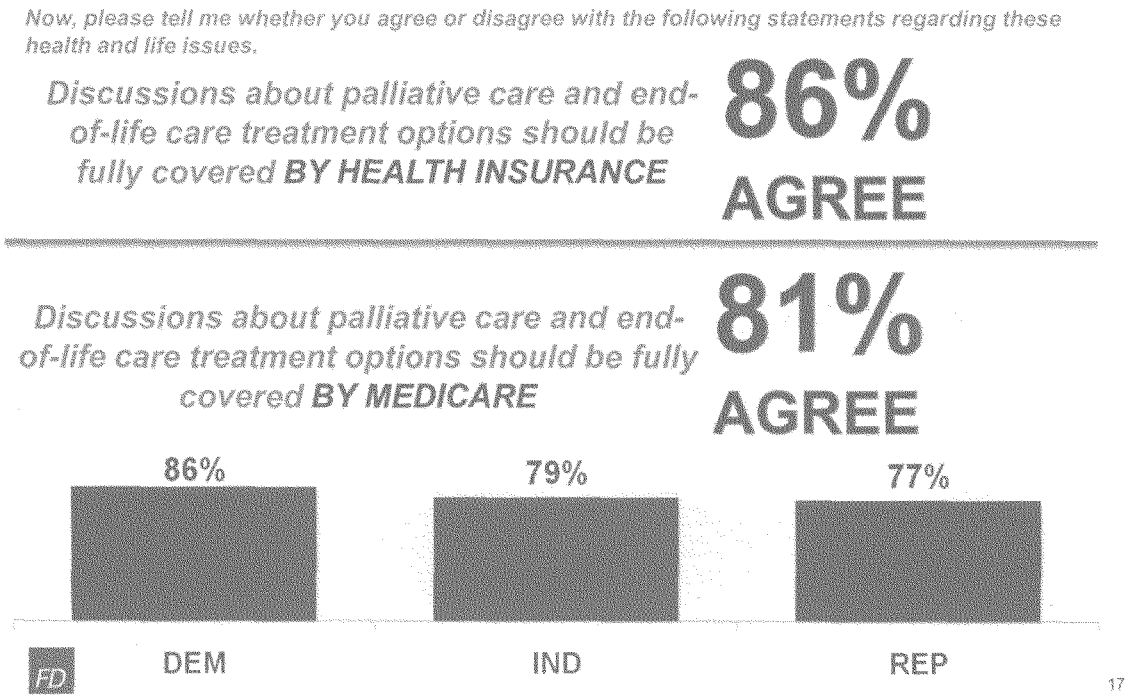
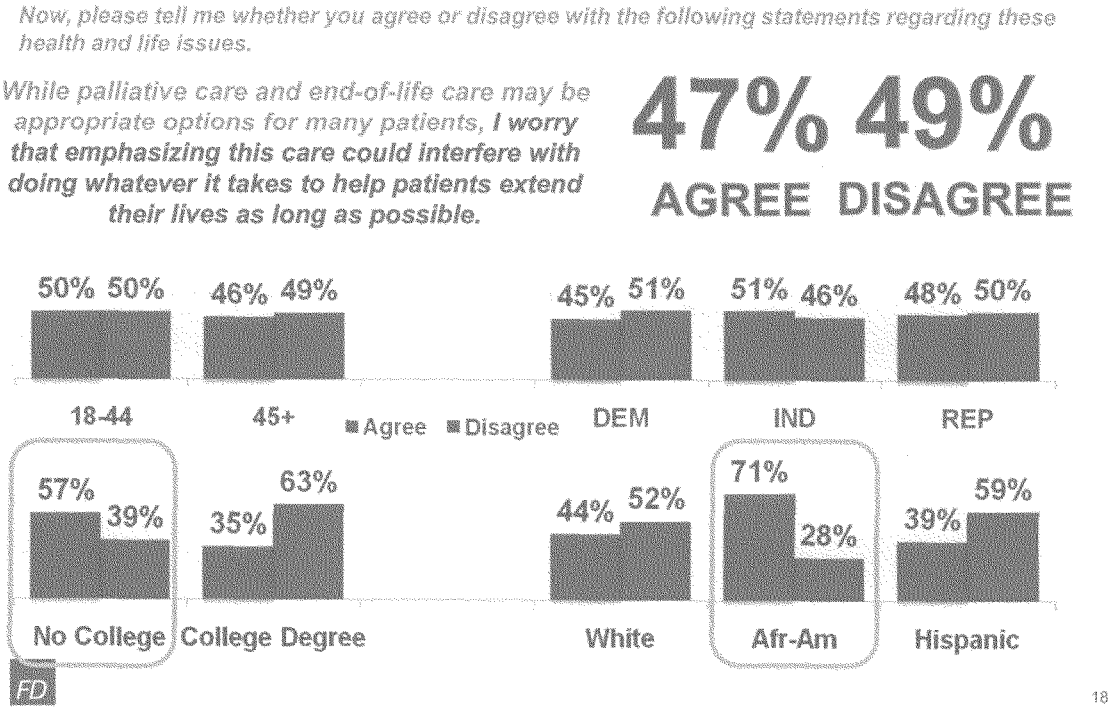
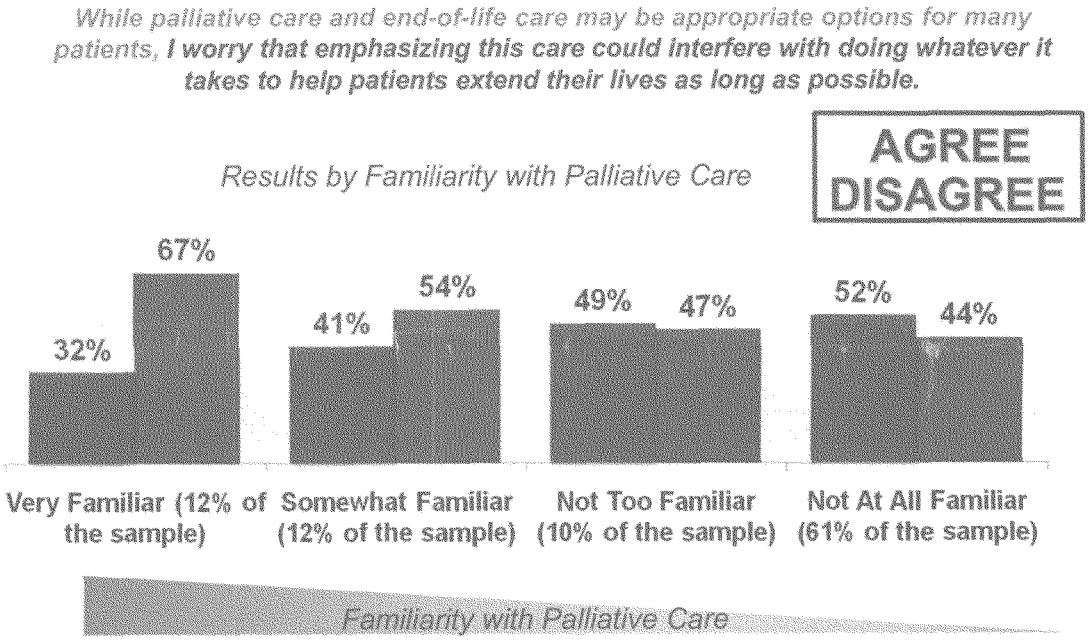

Now, please tell me whether you agree or disagree with the following statements regarding these health and life issues.
Discussions about palliative care and end-of-life care treatment options should be fully covered BY HEALTH INSURANCE
86%
AGREE
Discussions about palliative care and end-of-life care treatment options should be fully covered BY MEDICARE
81%
AGREE
86%
79%
77%
DEM
IND
REP
FD
17


Now, please tell me whether you agree or disagree with the following statements regarding these health and life issues.
While palliative care and end-of-life care may be appropriate options for many patients, I worry that emphasizing this care could interfere with doing whatever it takes to help patients extend their lives as long as possible.
47% 49%
AGREE DISAGREE
50% 50%
46% 49%
45% 51%
51% 46%
48% 50%
18-44
45+
Agree
Disagree
DEM
IND
REP
57%
39%
35%
63%
44%
52%
71%
28%
39%
59%
No College
College Degree
White
Afr-Am
Hispanic
FD
18


While palliative care and end-of-life care may be appropriate options for many patients, I worry that emphasizing this care could interfere with doing whatever it takes to help patients extend their lives as long as possible.
Results by Familiarity with Palliative Care
AGREE
DISAGREE
32%
67%
41%
54%
49%
47%
52%
44%
Very Familiar (12% of the sample)
Somewhat Familiar (12% of the sample)
Not Too Familiar (10% of the sample)
Not At All Familiar (61% of the sample)
Familiarity with Palliative Care

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PIRATES OF THE SEA: DÉJÀ VU OF 1801

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

Mr. POE of Texas. Mr. Speaker, the pirates are back. These are not the Blackbeard, eye-patched, hook-for-a-hand, peg-legged kind of pirates from the Hollywood movies. The modern-day pirates are skilled, rich, violent, armed with automatic weapons, and are driven by a business that is generating up to $7 billion a year.

My constituents from Texas, Bill Rouse and his wife Judy, have navigated the oceans for years. Recently, they and another group of international navigators and sailors decided that Somalia and the Somalian pirates had made the seas too dangerous to sail in that region, forcing them to transport their ships and boats by barges to safer ports. Bill said that we cannot allow a bunch of thugs to take an entire ocean away from the world. And that is exactly what these pirates are trying do. They have taken control of parts of the ocean and are trying to mock the most powerful nations on Earth, including ours.

Days before the ill-fated American ship *Quest* left for their journey, Bill asked Scott Adam to join them in transporting their boats. Adam, the skipper, said of the *Quest*, the *Quest* was circumnavigating the globe, and it was a lifelong quest. And they continued on their trip, although it turned out to be doomed, in the Indian Ocean. Just a week after Scott Adam and three other Americans were captured, they were executed pirate-style after Somali pirates captured the ship the *Quest*.

Pirates have also hijacked and kidnapped a Danish family. Bill Rouse has also met with these people on this doomed ship. This family, including small children, is now on the Somali mainland, still held hostage. Their captors have arrogantly warned that any military effort to save them will result in their immediate execution.

Bill has told me of other stories about the tight-knit community of people sailing in that region from all over the world. And they have been forced off of the sea because of the pirates. There are not enough resources to respond to these constant threats; and these pirates not only kidnap, murder, and hold for ransom small boat owners, but attack freighters and other commercial vessels as well.

In just 2010, Somali pirates hijacked 53 ships and held a total of 1,100 hostages for ransom; and pirate attacks have increased dramatically in recent months. Here is a drawing of the recent attacks of the pirates in the Indian Ocean. The red represents all of the pirate attacks between March of 2009 up until October of 2010. But the blue, which you see just as much of, represents the attacks by pirates in the Indian Ocean in just the last 4 months.

Piracy is a growing business because nations pay the ransom. Every dollar paid in ransom is helping the pirates of the seas finance their cause, expand their reach, and their thirst is even getting greater for more bounty and loot. Despite an increased international naval presence, the Somalian pirates are getting bolder, and they are getting more violent.

America has been dealing with the threat of pirates since the days of our Founding Fathers, over 200 years ago. During the youngest years of America, the Barbary states would blackmail American ships and the United States by demanding money in return for the safety of U.S. ships that crossed the Mediterranean Sea. For years, the United States and European governments paid the humiliating tribute to protect the ships, but then in 1801 the Barbary pirates felt the wrath of the United States when Thomas Jefferson sent the United States Navy and the United States Marine Corps to take care of business with the Barbary pirates.

This was the most famous action of the marines during this time. And the phrase, ''from the shores of Tripoli,'' has been immortalized in the marine hymn. Jefferson sent a clear message to the Barbary states and their pirates: don't mess with the United States. And they didn't for 200 years. The Somalian pirates should study a little American history. If they would, they'd find out that there will be a day of reckoning that will eventually come to them and their evil ways. Thomas Jefferson destroyed them. We will see what happens now.

Our Constitution gives us the authority in article I, section 8: ''To define and punish piracies and felonies committed on the high seas.'' These ocean lines are essential to American commerce and travel, and we must do everything in our power to stop the pirates off the Somalian coast. These pirates of the seas must find out that if they continue to mess with the United States, they will find themselves in a déjà vu of 1801. And they, like the pirates before them, will disappear in the ash heap of history.

And that's just the way it is.

INTERNATIONAL WOMEN'S DAY

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

Ms. MOORE. I rise today as the Democratic cochair of the Women's Caucus to celebrate the 100th anniversary of International Women's Day.

Mr. Speaker, I'm so pleased to join millions in our Nation and around the world in commemorating this International Women's Day. We celebrate courageous women in places like Afghanistan, Iraq, Egypt, Sudan, and elsewhere, who continue to fight the good fight at great risk to their own lives in the face of being ostracized and persecuted by their families and communities, for women's abilities to be included in the societies in which they live.

We celebrate tremendous women here at home in the United States who have done much to advance the ability of women to work, to vote, to go to school, and to run for and hold elective office. As a woman who is able to serve in Congress today, I know that I stand on the shoulders of these women giants who have sacrificed so much in the past.

But we must also recognize that much needs to be done right here in the United States. In our country, women make only 77 percent of the paycheck that a male would make doing the same job. We know that even after 100 years it is too soon to declare: Mission accomplished.

Recent news reports in Afghanistan show efforts in Afghanistan to pass legislation that would shut down domestic violence shelters. Turning our attention closer to home, in Haiti, we find that after the devastating earthquake, UNICEF has found that the rapes in Haiti are at an all time high. But we've also been fixated in recent weeks by the protests and push for democracy sweeping the Middle East. And women have been leading the charge.

We must also acknowledge the shameful plight of hundreds of thousands of mothers-to-be around the globe who die because of pregnancy or child-related complications. It's shameful that the simple act of childbirth remains a death sentence for hundreds of thousands of women and girls around the world.

□ 1420

We must recommit ourselves to the Millennium Development Goal to reduce dying from pregnancy or childbirth.

Last, I had the honor of attending the State Department's Women of Courage ceremony to honor 10 women.

They were:

Maria Bashir, a prosecutor general in Afghanistan. She handles cases on behalf of women victims of domestic abuse.

Nasta Palazhanka, who at age 20 has led peaceful protests and called attention to the plight of families of political prisoners.

Henriette Ekwe Ebongo from Cameroon, a political activist and publisher of Bebela, she spent a lifetime advancing press freedom, human rights, good governance, and gender equality.

From China, Guo Jianmei, a lawyer. Founder of the Women's Law Center at Peking University, she helped to create a corps of lawyers to defend public interest cases, especially affecting women and other vulnerable groups.

From Cuba, Yoani Sanchez. She has an international following for her blog to provide insight into life in Cuba and to expand information flow and free expression throughout Cuba.

Agnes Osztolykan, elected to the Hungarian Parliament in 2010, the only female Roma Member of Parliament in Hungary.

From Jordan, Eva Abu Halaweh has dedicated her career to advocating for

the vulnerable people of Jordan, including women at risk of becoming victims of so-called ''honor crimes.''

From Kyrgyzstan, we have Roza Otunbayeva, who emerged as central Asia's first female head of state and head of government in a traditional, majority Muslim country.

From Mexico, the first woman ever appointed to the position of Assistant Attorney General, Marisela Morales Ibanez, a leader in bringing to justice some of Mexico's most dangerous and notorious criminals.

Last but certainly not least, from Pakistan, Ghulam Sughra has become her village's first female high school graduate and the first teacher at the first school for girls.

Thank you so much for these women and thanks for International Women's Day.

[From the Department of State, United States of America, Mar. 8, 2011]

2011 INTERNATIONAL WOMEN OF COURAGE AWARDS CEREMONY

100TH ANNIVERSARY OF INTERNATIONAL WOMEN'S DAY

THE SECRETARY OF STATE'S INTERNATIONAL WOMEN OF COURAGE AWARDS

On the 100th anniversary of International Women's Day, Hillary Rodham Clinton, Secretary of State will present the fifth annual International Women of Courage Awards to ten women from around the world. This is the only award within the U.S. Department of State that pays tribute to outstanding women leaders worldwide. It recognizes their courage and leadership as they fight for social justice, human rights, and the advancement of women.

Today, The Secretary of State will pay tribute to this year's ten honorees from Afghanistan, Belarus, Cameroon, China, Cuba, Hungary, Jordan, Kyrgyzstan, Mexico, and Pakistan. They were chosen from among eighty-seven exceptional women nominated by U.S. Embassies worldwide for their extraordinary work in advancing human rights.

2011 INTERNATIONAL WOMEN OF COURAGE AWARDS CEREMONY

HOSTED BY

Hillary Rodham Clinton

Secretary of State

Tuesday, March 8, 2011

11:00 a.m.

Dean Acheson Auditorium—Department of State

WITH SPECIAL GUEST

First Lady Michelle Obama

PROGRAM PARTICIPANTS

The Honorable Hillary Rodham Clinton, Secretary of State

Mrs. Michelle Obama, First Lady of the United States

The Honorable Melanne Verveer, Ambassador-at-Large for Global Women's Issues

The Honorable Julia Gillard, M.P., Prime Minister of Australia

Mr. Lloyd Blankfein, Chairman and CEO of Goldman Sachs

AWARD RECIPIENTS

Ms. Maria Bashir, Afghanistan

*Ms. Nasta Palazhanka, Belarus**

Ms. Henriette Ekwe Ebongo, Cameroon

Ms. Jianmei Guo, China

*Ms. Yoani Sanchez, Cuba**

The Honorable Agnes Osztolykan, Hungary

Ms. Eva Abu Halaweh, Jordan

Her Excellency Roza Otunbayeva, President of the Kyrgyz Republic

Ms. Marisela Morales Ibañez, Mexico

Ms. Ghulam Sughra, Pakistan

** Unable to attend awards ceremony*

MARIA BASHIR

AFGHANISTAN

Maria Bashir is Prosecutor General of the Attorney General's Office in Herat province, Afghanistan, the only woman to ever hold such a position in Afghan history. She handles cases on behalf of women victims of domestic abuse. Her work on behalf of victims of-self-immolation and her unparalleled efforts to jail abusive husbands has put her own life at risk, yet she perseveres to make Herat a more just and safe place and remains steadfast in her commitment to the future of Afghanistan.

NASTA PALAZHANKA

BELARUS

Nasta Palazhanka joined the opposition youth movement in Belarus at the age of 14. Now 21, she is a key figure in the opposition youth organization ''Malady Front'' (Young Front). Ms. Palazhanka has led peaceful protests an called attention to the plight of the families of political prisoners. She was at the heart of the ''tent camp'' set up in downtown Minsk to demonstrate against the fraudulent results of the 2006 presidential polls, and she has selflessly worked on behalf of charitable causes to improve the human rights situation in her country.

HENRIETTE EKWE EBONGO

CAMEROON

Regarded as one of the most influential journalists in Cameroon, Henriette Ekwe Ebongo, political activist and publisher of Bebela, has spent a lifetime advancing press freedom, human rights, good governance, and gender equality. The publisher of Bebela, a weekly independent newspaper, she was instrumental in the founding of a freer and more independent media in Cameroon. Despite constant persecution over 30 years, ''la Maman'' (as her fellow journalists call her) continues to be committed to fight ''until things move in the right direction.''

GUO JIANMEI

CHINA

Born in an impoverished area of China, Guo Jianmei has become the country's best-known female lawyer. Founder of the Women's Law Center at Peking University, Ms. Guo helped create a corps of lawyers to defend public interest cases, especially in areas affecting women, migrants, and other vulnerable groups. When Peking University appeared to bow to official pressure, and closed her center, Ms. Guo responded by establishing her own law firm. The memory of the plight of the women in her village drives her to continue to fight to improve the lives of the underprivileged.

YOANI SANCHEZ

CUBA

Blogger, technological innovator, and emerging civil society leader Yoani Sanchez has attracted an international following for her blog, Generación Y, which gives readers unprecedented insight into life in Cuba. She has worked to improve the ability of ordinary Cubans to access and disseminate information, and to expand information flow and free expression throughout Cuba. In 2009, Sanchez was detained and roughed up by Cuban state security agents. She lives with daily fear that she could be jailed and accepts that she will always pay a price for her work as long as the current governmental system continues.

AGNES OSZTOLYKAN

HUNGARY

Defying the odds, Agnes Osztolykan was elected to Hungarian Parliament in 2010, and is the only female Roma Member of Parliament (MP) in Hungary. Ms. Osztolykan speaks out for Roma people in the face of open hostility, fearlessly advocating for the equal rights and inclusion of Roma in Hungarian society. As deputy chair of the Education Committee, she contributes to Hungary's new education regulations, ensuring that Roma inclusion remains a priority of government programming. Ms. Osztolykan is also a strong promoter of civil society in Hungary, who tirelessly pushes for better education and opportunities for children.

EVA ABU HALAWEH

JORDAN

Eva Abu Halaweh has dedicated her career to advocating for the vulnerable people of Jordan, including women at risk of becoming victims of so-called ''honor crimes.'' As Executive Director of the Mizan Law Group for Human Rights, Ms. Halaweh has developed a legal team that provides free legal advice and counseling, often the only option for those seeking justice or a remedy to their plight. Ms. Halaweh's work has influenced the government's actions to prevent torture and prosecute such violations and her advocacy opposing the government's use of administrative detention to ''protect'' women at risk of so-called ''honor crimes'' has changed the lives of many.

ROZA OTUNBAYEVA

KYRGYZSTAN

Stepping forward as a leader in the second effort of her country to shed authoritarian rule, Roza Otunbayeva emerged as Central Asia's first female head of state and head of government in a traditional, majority Muslim country. In the face of a collapsing, corrupt government and economic stagnation, President Otunbayeva succeeded in binding together a fractious opposition into a provisional government structure able to check the struggles for power from stirring up wider divisions in society. She has defied the expectations of the international community in building the first functioning democracy in Central Asia.

MARISELA MORALES IBANĚZ

MEXICO

The first woman ever appointed to the position of Assistant Attorney General for Specialized Investigation of Organized Crime (SIEDO) in 2008, Marisela Morales has been a leader in bringing to justice some of Mexico's most dangerous and notorious criminals. Her fearless efforts to stand up against corruption have generated confidence in SIEDO among the public at large. Under Ms. Morales' leadership, SIEDO has succeeded in coordinating efforts with the Secretariat of Defense, the Secretariat of the Navy, the Secretariat of Public Security, and the Secretariat of Governance, as well as with the U.S. Embassy in Mexico, and the embassies of other governments. Ms. Morales has been instrumental in creating the first Federal Witness Protection Program in Mexico. With her guidance and support, SIEDO indicted the first federal trafficking in persons case. With her oversight, SIEDO and the U.S. Department of Homeland Security have cooperated to reunify children of trafficking victims with their mothers in the United States.

GHULAM SUGHRA

PAKISTAN

Born in rural Sindh Province, Ghulam Sughra became her village's first female high school graduate and the first teacher at the first school for girls. Despite being challenged by villagers who refused to enroll their daughters in school, she initiated a public awareness campaign. She came to realize that economically empowered women would have more authority to allow their daughters to attend school so she focused on ways that would enable local women to develop their own sources of income. Her efforts led to the creation of the Marvi Rural Development Organization (MRDO), an NGO focused on creating community savings funds and raising awareness of education, health and social development issues.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 4 p.m. today.

Accordingly (at 2 o'clock and 23 minutes p.m.), the House stood in recess until 4 p.m.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our God and Savior, You have given us a powerful calling. Destined in our journey of life to find eternal happiness in Your presence; each day, we hope to draw closer to You and at the same time accomplish great deeds for the good of this Nation and for the world community.

By Your guidance of our judgments and decisions may we respond to Your commands and holy inspirations to build Your kingdom of peace and justice.

In so doing, may we give You glory now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX 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.

WORLD WAR I MEMORIAL

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

Mr. POE of Texas. Mr. Speaker, the lone survivor, the last doughboy of World War I, Frank Buckles, has died at the age of 110. This photograph of Frank Buckles was taken when he was 16 years of age. He lied to numerous recruiters so he could join the United States Army and go ''over there'' in World War I. He served in the Ambulance Corps, rescuing other doughboys who had been wounded in Europe. He came back home to America.

During World War II, he was in the Merchant Marines, Merchant Seamen, and he was captured by the Japanese in the Philippines. He was held as a prisoner of war for 3½ years.

Later, Frank moved to West Virginia, and he drove his tractor until he was well into his hundreds. This is a photograph taken of him when he was 109 years of age. It was taken not far from here on The D.C. Mall because, you see, it was Frank's wish toward the end of his life that we, as Members of Congress, authorize the building of a memorial to all of the doughboys who served in World War I, all 4 million of them who have all died; 116,000 of them were killed in World War I.

Mr. Speaker, we have memorials for Vietnam, World War II, and Korea on The Mall, but we don't have a memorial for all of those who served in World War I. We have a memorial, and this is a photograph of it, for the folks that lived here in D.C. and served in World War I, but we don't have a memorial for all that served.

So I have filed, today, legislation on behalf of Frank Buckles and all those other doughboys that we authorize the building of a memorial on The Mall for those who served in World War I, those doughboys. It is time for Congress to do something for those young men and women who served.

And that's just the way it is.

HONORING C. RAY BAKER

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

Mr. WOMACK. Mr. Speaker, I rise today to remember an Arkansas legend—former Mayor Ray Baker—who died March 4, 2011, following a lengthy illness. For 20 years, Mayor Baker presided over Fort Smith, Arkansas, our second largest city. He was remembered this week not only for his outstanding civic leadership, but also for his 44 years of teaching American history at Fort Smith Southside High School, lessons taught to thousands of students on many of the very issues debated in this hallowed Chamber. He was an institution in civic and academic accomplishment, including the prestigious Milken Family National Educator Award.

Mr. Speaker, it warmed the soul to listen to his colleagues, former students, family, and friends eulogize him for his contributions to humankind. His enthusiasm was contagious; his devotion to his school, church, and community unmistakable.

Thanks to Mayor Baker, in his own immortal words, ''Life's worth living in Fort Smith, Arkansas.''

HORRIBLE UNDERMINING OF RIGHTS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, just a few minutes ago I had the privilege of listening to Janice Kay Bobholz, a deputy sheriff from Wisconsin; Courtney Johnson, a teacher from Ohio; Ryan Fagg, an electrician from Indiana; Lynne Radcliffe, a school support staff from Ohio; and Tom Guyer, a U.S. Army veteran and a parole officer from Ohio, all of them pleading with this Congress to intervene or to cease the nonsense of their Governors who are union busting and breaking the backs of middle class Americans.

They all explained how the unions were eager to work with these States on health and pension benefits; but yet, because of special interests and large corporate donors and private conversations of the Governor of Wisconsin talking about breaking the backs of the special 14 who are trying to stay out to help the working middle class, they are in trouble.

Rather than creating jobs, rather than creating jobs as we are trying to do as a Democratic Caucus working on behalf of the American people, what we have is, frankly, a horrible undermining of rights in this country.

CREATE JOBS BY PRODUCING AMERICAN ENERGY

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

Ms. FOXX. Mr. Speaker, with gas prices going through the roof, it is time to ask the question: Is this administration's energy policy working? After all, gas price haves soared by 30 percent over the past year.

We can help protect ourselves from these sky-high prices and create jobs by actively producing American-made energy. That's why I support an all-of-the-above energy policy that includes more American-produced energy, like oil and nuclear, along with alternatives like wind and solar. This will lower prices and create good American jobs while reducing our dependence on foreign oil.

Unfortunately, the Obama administration doesn't seem to get this. Its de facto drilling moratorium in the gulf has already cost 12,000 jobs and 300,000 barrels a day of energy production.

Mr. Speaker, we need to increase production, not decrease it, or American families are going to be stuck with ridiculous gas prices that line the pockets of unsavory regimes in the Middle East.

SLUSH FUNDS

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

Mr. PITTS. Mr. Speaker, yesterday we learned that the Federal deficit for the month of February was $223 billion, more than the total yearly deficit in 2007. Yet Republicans have been labeled as irresponsible for looking to cut a mere $61 billion from the rest of this year's budget. Our cuts only amount to 30 percent of the monthly deficit. Additionally, these cuts are only made in the discretionary portion of our budget.

Tomorrow, in the House Energy and Commerce Health Subcommittee, we're going to look at new ObamaCare programs that have been locked away in the mandatory budget. One of these programs allows the HHS Secretary to spend unlimited sums of money. We have given the Secretary a credit card with no limit even though our national debt threatens the economic health of our Nation.

It is time that we cut up the credit card and restore to Congress the power to set fiscal priorities. Slush funds and unlimited spending are just two more reasons why ObamaCare needs to be repealed.

GUANTANAMO DETAINEES TO RECEIVE MILITARY TRIALS

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

Mr. WILSON of South Carolina. Mr. Speaker, The Washington Post is correct today by headlining ''Obama allows indefinite detention,'' citing ''Guantanamo Bay Order Marks Shift'' as the ''U.S. also plans to resume trials by military commissions.''

I would like to commend the President for stating the administration will resume trials by military commissions for detainees that pose a threat to national security. Civilian courts were never the proper venue to try these enemy combatants. In the future, I hope the President will work with Congress in creating a comprehensive plan for the detention and prosecution of the detainees at Guantanamo Bay as we face the global war on terrorism.

As a member of the House Armed Services Committee, I know firsthand of the professionalism of our dedicated military personnel at Guantanamo. I recently visited the facilities in January, led by Chairman BUCK MCKEON; and in July 2005 with former Chairman DUNCAN HUNTER. Guantanamo Bay is a world-class detention facility to protect American families.

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

□ 1610

OBAMACARE

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

Mr. BURGESS. Mr. Speaker, we are coming up, in 2 short weeks' time, on the 1-year anniversary of the passage of the Patient Protection and Affordable Care Act, affectionately known as ObamaCare.

Mr. Speaker, what has that year wrought? Many of us will remember the Speaker of the House a year ago, Speaker PELOSI, saying, We have to pass this bill so we can understand what's in it.

Well, it's been a year. Do we understand what's in it? The answer is we do, and people don't like what they see.

What about the oft repeated claim ''If you like what you have, you can keep it''? It turns out that is incorrect. What about the waivers that have been issued since October? Now well over a thousand waivers have been issued by HHS. Why have those waivers been issued? They have been issued because this policy doesn't work. And worse than not working, it costs a ton of money.

Mr. PITTS just mentioned that in February the deficit in this country was $223 billion for 1 month, the shortest month of the year. This is as good as it is going to get. What happens when you have those subsidies in the exchanges that subsidize middle class purchase of health insurance in this country for the first time? That's a high pressure tap into the Federal Treasury. It's really wrong and it has to stop.

COMMUNICATION FROM THE OFFICE OF THE CLERK

The SPEAKER pro tempore laid before the House the following communication from Robin Reeder, Archivist:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2011.

Hon. JOHN A. BOEHNER,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued before the Evidentiary Panel for the State Bar of Texas, for documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

ROBIN REEDER,
Archivist.

RESIGNATION AS MEMBER OF COMMITTEES ON NATURAL RESOURCES AND HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Natural Resources and Homeland Security:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER BOEHNER, I have accepted the nomination of my Caucus to serve on the Committee on Energy and Commerce in the 112th Congress. I hereby submit my resignation to the Committees on Natural Resources and Homeland Security.

Sincerely,

DONNA CHRISTENSEN,
Member of Congress.

The SPEAKER pro tempore (Mr. YODER). Without objection, the resignation is accepted.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Brian Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

DENTAL EMERGENCY RESPONDER ACT OF 2011

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 570) to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 570

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 ''Dental Emergency Responder Act of 2011''.

SEC. 2. DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.

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

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

(2) in subparagraph (D), by inserting ''(which may include such dental health assets)'' after ''medical assets''.

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 570 currently under consideration.

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

There was no objection.

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

Mr. Speaker, currently Federal statute deters through omission the incorporation of dental professionals and schools into emergency response plans. H.R. 570 would remedy this omission by incorporating dentistry by name into the Federal disaster response framework. This legislation is endorsed by the American Dental Association and the Academy of General Dentistry, and it passed the House last year on a voice vote.

It recently passed the Committee on Energy and Commerce, the Health Subcommittee, and the full committee, on a voice vote, and 19 members of the Energy and Commerce Committee are currently cosponsors.

In the aftermath of a natural disaster, terrorist attack, or public health emergency, traditional medical delivery systems can become overwhelmed. In these situations it is vital that States work with all qualified and licensed providers to ensure a volunteer workforce to assist in the mitigation of that tragedy. Dentists receive sound general medical background during their professional education and are equipped to take patient medical histories, administer injections, and triage patients. This legislation calls for no new Federal money and poses no new restrictions on moneys now being spent. It simply allows States, at their option, to incorporate dentists and dental facilities into their planning.

I believe this bill will allow us to strategically utilize all available resources and have the ability to deploy the maximum amount of aid in times of disaster. I urge support of this bill.

I want to thank the gentleman from New York (Mr. TOWNS) for introducing the legislation with me.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in strong support of H.R. 570, the Dental Emergency Responder Act of 2011. This is a bill that we passed on the House floor last fall with strong bipartisan support.

The bill amends the Public Health Service Act to include dentists in the National Health Security Strategy, which is the strategy HHS develops to respond to a public health emergency.

The bill also expands health and medical response training programs to include dental facilities. The bill will also amend the Homeland Security Act to include dental personnel in the definition of ''emergency response providers'' and will amend the Post-Katrina Emergency Management Reform Act of 2006 to require Federal response plans to include dental resources.

This bill will help shore up the Nation's preparedness for disasters, including natural disasters like hurricanes and manmade disasters like a terrorist attack.

I want to thank Representative BURGESS and Representative TOWNS for their outstanding work on this issue and also acknowledge the advocacy of our former colleague Representative Stupak, who worked so hard on this bill in the last Congress.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I want to take just a moment to thank CANDICE MILLER from Michigan, who was involved in this legislation throughout its course last year and has been very instrumental this year.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I again ask for support of the bill.

I yield back the balance of my time.

Mr. BURGESS. Again, Mr. Speaker, I also want to thank Chairman UPTON and Chairman PITTS and Ranking Members WAXMAN and PALLONE for their work in passing this bill so quickly through the subcommittee and the full committee. I also want to thank Mr. Stupak for his hard work on the legislation in the last Congress.

Again, I want to acknowledge the work of CANDICE MILLER last Congress and this Congress in getting this bill passed.

In an emergency, all hands on deck. Dentists are willing to support the medical and public health response to a disaster, and this legislation allows States the option to incorporate dentists into their disaster response framework. Our Nation's medical surge capacity will never be optimal until we capitalize on the personnel resources of the entire health care workforce.

I urge full support of this important legislation, H.R. 570, to ensure our national disaster responses have the maximum amount of available resources.

I also want to thank two of my staff members, Rebekah West and James Paluskiewicz, for their hard work in getting this bill to the floor in what appears to be record time.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

□ 1620

Mr. PALLONE. I now yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from New Jersey (Mr. PALLONE) for yielding. I thank Dr. BURGESS for his courtesies and also Mr. TOWNS for this legislation.

Mr. Speaker, I rise to support H.R. 570 because, in having come from the gulf coast and in having gone through Hurricanes Katrina, Rita and Ike just in a few short years, I have seen the devastation of communities and know that a holistic approach to health care is vital. We have a vibrant dental community in Houston, Texas. In particular, I want to note that Senior Dr. Zeb Poindexter has served on the American Dental Board and is an enthusiastic supporter of accessing dental care services to the poor.

When there is a hurricane or a natural disaster of some form, everybody falls into the same boat. After the devastation, again, of a tornado—or of a hurricane and of the tragic incident that occurred this past weekend in Louisiana, individuals are facing many needs, so having medical professionals assist them or even to provide them specific dental care after the devastation, having the dental community be a part of this disaster response team, is an excellent idea.

I join my colleagues in recognizing the importance of access to dental care for those individuals facing disaster and also the importance of increasing the opportunity for poor Americans who likewise need access to dental care.

Dental care can impact one's health. We have seen that in the past, and we have seen that with children. So I believe this legislation is in the right direction, and I add my support to it. I know that the gulf region will appreciate the fact that the dental personnel

and professionals are added to our disaster relief efforts and our first responders who will respond to any disaster.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H.R. 570, the Dental Emergency Responder Act. This important legislation would recognize dentists as emergency response providers who are capable of giving medical assistance in the event of a public health emergency.

This bill is an efficient way to improve America's emergency response system. Not only does it ensure that we are fully prepared on all fronts in the event of a crisis or natural disaster, but it does not add any new Federal spending or increase our ever-growing deficit.

Dentists have strong general medical training that I firmly believe should be utilized during a public health emergency. In the wake of September 11, 2001, the worst attack on civilians in the history of our country, we must ensure that America's emergency response system is prepared, and this includes having a strong medical response system in place.

In a time of crisis, it is crucial that vie have all hands on deck to issue medical assistance to the public. For this reason I am proud to support H.R. 570 and I urge my colleagues to vote in favor of this legislation.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 570, the Dental Emergency Responder Act of 2011. I urge my colleagues to support this act as it is a necessary step towards ensuring our nation's readiness for national emergencies.

As a member of the New York City Congressional delegation, I am no stranger to tragic, national events. In the wake of September 11, 2001, we witnessed thousands of citizens banding together to heal the community. Similarly, when Hurricane Katrina struck the gulf coast, Americans again came together to help those in need.

The people of our Nation stand together as a community in times of great sorrow. For this reason, Government should do all that it can to ensure that individuals with great skill are afforded the opportunity to assist in times of need.

For too long, dentists have been prohibited from assisting in times of emergency. However, this profession is composed of highly trained, and capable medical professionals, many of whom have offices that can easily convert into triage facilities when needed.

When this bill is enacted, states will be able to include, if they choose, dentists as part of the emergency response plan. The important decisions about how a state responds to a crisis will still be left to local authorities. Enactment of this bill simply provides decision makers with more options to respond to tragedies and emergencies.

I urge all of my colleagues to vote in support of H.R. 570.

Mr. PALLONE. I urge support of the bill, and I yield back the balance of my time.

Mr. BURGESS. Again, I urge support for the legislation and for the passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 570.

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. BURGESS. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2011

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 525) to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 525

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 ''Veterinary Public Health Amendments Act of 2011''.

SEC. 2. INCLUSION OF VETERINARY PUBLIC HEALTH IN CERTAIN PUBLIC HEALTH WORKFORCE PROVISIONS.

(a) PUBLIC HEALTH WORKFORCE GRANTS.—Subsections (b)(1)(A) and (d)(6) of section 765 of the Public Health Service Act (42 U.S.C. 295) are amended by inserting ''veterinary public health,'' after ''preventive medicine,'' each place it appears.

(b) PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f–1(b)(1)) are amended by striking ''public health or health professions degree or certificate'' each place it appears and inserting ''public health (including veterinary public health) or health professions degree or certificate''.

(2) TECHNICAL CORRECTION.—Subparagraph (A) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f–1(b)(1)) is amended by adding ''or'' at the end.

(c) DEFINITION.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) is amended by adding at the end the following:

''(27) VETERINARY PUBLIC HEALTH.—The term 'veterinary public health' includes veterinarians engaged in one or more of the following areas to the extent such areas have an impact on human health: biodefense and emergency preparedness, emerging and re-emerging infectious diseases, environmental health, ecosystem health, pre- and post-harvest food protection, regulatory medicine, diagnostic laboratory medicine, veterinary pathology, biomedical research, the practice of food animal medicine in rural areas, and government practice.''.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 525 currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 525, the Veterinary Public Health Amendments Act of 2011, would take important steps to increase the number of public health veterinarians.

Food animal veterinarians have a vital role in our Nation's public health, and experts have informed us that there is, in fact, a shortage. This shortage could negatively affect our Nation's public health, including the safety of our Nation's food. We expect that this legislation will help greatly in solving that problem.

H.R. 525 would enable individuals seeking veterinary public health degrees to be eligible for existing public health workforce loan repayment programs. This legislation would also allow the Secretary of Health and Human Services to award existing training grants to increase the veterinary public health workforce.

I would like to thank all of the Members who have worked on this issue, including my physician colleague on the committee, Dr. PHIL GINGREY of Georgia. I would also like to thank Congresswoman TAMMY BALDWIN of Wisconsin for authoring the bill.

I urge my colleagues to support the bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in strong support of H.R. 525, the Veterinary Public Health Amendments Act of 2011. This is an important, bipartisan bill that we passed on the floor in the last Congress.

Veterinary medicine is an important component of our human public health system. From H1N1, to SARS, to food safety, public health veterinarians are critical to our protection of human health. This bill would ensure that veterinary public health professionals are eligible for two important public health workforce programs, but only to the extent that the work of these veterinarians has an impact on human health.

I want to commend Representative BALDWIN for her leadership on this legislation. She has been working on this for a long time, and I was pleased to work with her. I also want to thank Chairman PITTS, Chairman UPTON, and Representative SHIMKUS for their support; and I urge my colleagues to support this important bill.

I now yield 3 minutes to the sponsor of the legislation, the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise in strong support of H.R. 525, the Veterinary Public Health Amendments Act.

Although we may not know it, our health depends, in part, on a small

army of veterinarians working in public health. Their role was never clearer than during the H1N1 virus outbreak. We now see that diseases can travel from animals to humans seemingly overnight.

Public health veterinarians are our frontline of defense against another outbreak. They inspect our slaughterhouses, prevent a foot-and-mouth disease outbreak from devastating our economy and our agriculture industry, and protect our citizens against the threat of bioterrorism.

Unfortunately, our current workforce cannot meet these public health challenges. In the next 20 years, experts predict a shortage of 15,000 veterinarians; and between 2006 and 2016, the Bureau of Labor Statistics predicts that the demand for veterinary services will increase by 35 percent. Something must be done to protect our national health by preventing and controlling infectious diseases, ensuring the safety and security of the Nation's food supply, promoting healthy environments, and providing health care for animals.

H.R. 525 will help to ensure that we have a more robust veterinary public health workforce. The bill has two main components: loan repayment for veterinarians who commit to teaching or to working in public health and a new fellowship program for public health veterinarians.

I want to thank the Association of American Veterinary Medical Colleges and the American Veterinary Medical Association for their tireless work on behalf of public health veterinarians.

I would also like to thank Chairman PITTS and Ranking Member PALLONE for their support on this important legislation.

This bill is identical to the Veterinary Public Health Amendments Act that passed the House by voice vote in the last Congress. This bill also passed the Energy and Commerce Committee unanimously.

I urge my colleagues to support this critical bill to ensure that our veterinary workforce is prepared to meet our public health needs.

Mr. PALLONE. I would certainly urge support for this important legislation.

Mr. Speaker, as I have no further requests for time, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I would like to insert into the RECORD a letter from the American Farm Bureau Federation urging support of this legislation.

I would also like to point out that this legislation enjoyed unanimous support from both the Republican and Democratic sides of the dais in the full Committee on Energy and Commerce.

AMERICAN FARM
BUREAU FEDERATION®,
Washington, DC, March 8, 2011.

Hon. FRED UPTON,
Chairman, House Energy and Commerce Committee, Washington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation encourages your support of H.R. 525, the Veterinary Public Health Amendments Act of 2011. This legislation, scheduled for floor consideration today, would amend the Public Health Service Act by adding veterinary public health as one of the groups eligible for grants to train the public health workforce, and would make veterinarians studying public health eligible for loan repayment.

The U.S. faces a critical shortage of veterinarians in public health practice areas such as food safety and security, bioterrorism and emergency preparedness, environmental health, regulatory medicine, diagnostic laboratory medicine, food systems veterinary medicine and biomedical research. Many recent studies have shown dramatic shortfalls of veterinarians in key public health practice areas, including food systems, veterinary medicine and at several federal government agencies protecting the nation's food supply and keeping a watchful eye out for bioterrorism and foreign animal diseases. The national pool of 2,500 new graduates a year is not enough to meet the demands of a growing population and the changing public health needs of society.

Public health starts at the farm and ranch level where veterinarians are essential for the health and welfare of our animals. Healthy animals mean a healthy food supply. However, many of our members feel continual strain caused by fewer large animal practitioners entering the field and the resulting underserved areas for veterinary expertise. From dairies in Maine to sheep flocks in Montana, fewer veterinarians are available to help producers care for their animals in both routine and emergency situations. National efforts such as this legislation are needed to address these critical deficits.

We urge the House of Representatives to approve H.R. 525 to increase the number of veterinarians working in public health practice. Thank you for your consideration of this important legislation to our nation's farmers and ranchers.

Sincerely,

BOB STALLMAN,
President.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 525.

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. BURGESS. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–13)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication stating that the national emergency with respect to Iran that was declared on March 15, 1995, is to continue in effect beyond March 15, 2011.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *March 8, 2011.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 6:30 p.m. today.

Accordingly (at 4 o'clock and 31 minutes p.m.), the House stood in recess until 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 570 and H.R. 525, in each case 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.

DENTAL EMERGENCY RESPONDER ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 570) to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes, 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 Texas (Mr. BURGESS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 401, nays 12, not voting 19, as follows:

[Roll No. 163]

YEAS—401

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

NAYS—12

Amash
Broun (GA)
Campbell
Flake
Gibson
Graves (GA)
Kingston
McClintock
Paul
Schock
Walsh (IL)
Westmoreland

NOT VOTING—19

Davis (CA)
Dingell
Farr
Giffords
Graves (MO)
Hanna
Israel
Lipinski
Markey
Murphy (CT)
Nunes
Pelosi
Perlmutter
Rehberg
Reichert
Scott (SC)
Simpson
Speier
Waters

□ 1853

Messrs. KINGSTON, WESTMORELAND, and BROUN of Georgia changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 525) to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health, 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 Texas (Mr. BURGESS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 14, as follows:

[Roll No. 164]

YEAS—280

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gardner
Gerlach
Gingrey (GA)
Gonzalez
Goodlatte
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Marino
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nunnelee
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wittman
Womack
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—138

Adams
Amash
Bachmann
Bachus
Benishek
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Chaffetz
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Guinta
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Long
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Olson
Paul
Paulsen
Pearce
Pence
Poe (TX)
Posey
Quayle
Reed
Renacci
Ribble
Roby
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shuster
Southerland
Stearns
Stutzman
Thornberry
Tiberi
Turner
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Woodall
Yoder
Young (IN)

NOT VOTING—14

Davis (CA)
Giffords
Graves (MO)
Hanna
Israel
Lipinski
Markey
Nunes
Pelosi
Rehberg
Reichert
Scott (SC)
Simpson
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1901

Ms. KAPTUR changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Mr. Speaker, on Tuesday, March 8, 2011, I missed the following votes due to illness.

Had I been present, I would have voted:

''Yea'' on rollcall No. 163.

''Yea'' on rollcall No. 164.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON ENERGY AND COMMERCE.—Mrs. Christensen.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 830, FHA REFINANCE PROGRAM TERMINATION ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–27) on the resolution (H. Res. 150) providing for consideration of the bill (H.R. 830) to rescind the unobligated funding for the FHA Refinance Program and to terminate the program, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 836, EMERGENCY MORTGAGE RELIEF PROGRAM TERMINATION ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–28) on the resolution (H. Res. 151) providing for consideration of the bill (H.R. 836) to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program, which was referred to the House Calendar and ordered to be printed.

ALL-OF-THE-ABOVE ENERGY POLICY

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

Mr. GUINTA. Mr. Speaker, in my home State of New Hampshire, I have had the pleasure of talking to many constituents over the course of the last several days who have expressed their great concern relative to the rising gas prices not just in New Hampshire, but all across the country. Just today, gas prices are now at $3.45 a gallon, minimum.

This and many Congresses have failed their obligation and responsibility to have an approach to solving the energy crisis and the energy challenges that are before us. And I call both on this body and the President of the United States to come with an all-of-the-above energy policy so we can once and for all look the American people in the eye, my constituents in New Hampshire, and give them hope for a true reduction not just in gas prices, but to have long-term sustainability and viability from our own country in how we have our oil and other opportunities to reduce our dependence on foreign oil.

This is something that is critical not just today and in the coming weeks, but its been critical for our Nation's infrastructure as well as our economy. I again hope that this body acts swiftly and promptly.

□ 1910

CONSTITUTION CAUCUS

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

Mr. STUTZMAN. Mr. Speaker, I am honored to represent the people of Indiana's Third District, and I am also proud to serve as a cochair of the Constitution Caucus here in Congress. The hottest fires make the strongest steel. After seeing Washington assail the Constitution, Americans went to the polls last November and demanded a return to our first principles. As a result, the membership of this caucus has more than doubled. We began this Congress by reading the Constitution right here on the floor. We have come here this evening in that same spirit.

I rise today to continue a conversation that used to fill the halls of this great building. There was a time in our Nation's past when Members of Congress openly and passionately debated the interpretation of the Constitution. We are here tonight to renew that discussion.

When we were sworn in, each of us took an oath to uphold and defend the Constitution. This means that we are required to interpret and apply it to our daily work. I am sure that we all take that oath very seriously. However, I am also sure that, without vigilance, we slip out of tune with the principles enshrined in that founding document.

Today, we have an opportunity to rededicate ourselves to those principles, to limited government and individual equality. In the coming months, my colleagues and I will come again to the floor to discuss federalism, checks and balances, and enumerated powers.

Today, however, we ought to begin by asking ourselves a very simple question: ''What is so wonderful about the Constitution?'' After all, I believe, the last election was a mandate to return to its wisdom and guidance. We ought to at least begin by asking why it should hold such prominence in our hearts. Why, for example, did Abraham Lincoln declare so forcefully, ''Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties''?

The answer is elegantly simple. The Constitution enshrines the enduring principles of limited government, and limited government is the surest guardian of human dignity. The Constitution gave form and shape to the philosophy put forth in the Declaration of Independence. The Declaration, it has been said, was the promise; the Constitution is the fulfillment.

I cannot overemphasize the truly revolutionary nature of our War for Independence. For the first time in human history, when a group of people overthrew an oppressive regime, they began by espousing a vigorous and eloquent philosophy: That all men are created equal. They are endowed by their Creator with certain unalienable rights. Even as lives, fortunes, and sacred honor hung in the balance, these men began with a summary of human nature.

America was founded on the idea that humans have a specific character. We are wired a certain way. Our Founding Fathers understood two basic and profound truths about human nature. First, we are not perfect. We err. We will never reach perfection. To believe that man is perfectible is to engage in fanciful speculation. Second, in spite of our fallen natures, we are dignified and equal. We each possess reason and the ability to determine our own lives.

As James Madison, the Father of the Constitution, eloquently stated: ''What is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.''

How then can imperfect beings govern in a way that respects human dignity? The answer is found in limited government. Again, James Madison said this: ''You must first enable the government to control the governed; and in the next place oblige it to control itself.''

Limited government justly defends the dignity of the individual through specific and checked powers. Do not confuse limited for weak. Government ought to be strong in those areas where strength is required and specifically enumerated. In all other areas, the government must defer to the judgments of free men and women.

In our Republic, the dignity of the individual citizen is paramount. It would be arrogant to believe that a few elite can discern and direct over 300 million souls here in America. I fear, with ballooning government and near unstoppable deficits being run every year, we are dangerously close to abandoning the principles that brought us here safely thus far. As regulations infringe on nearly every aspect of daily life, human dignity is endangered.

Those of us here this evening are ready to work against this tide, to return our government to its proper role of defending individual freedoms. I am eager to continue this conversation in the coming months, because there is much work to be done.

Mr. Speaker, I would now like to yield to the gentleman from New Jersey (Mr. GARRETT), the original founder of this caucus.

Mr. GARRETT. I thank the gentleman from Indiana for being here tonight as we talk about the Constitution. And who was it that said that the Constitution, it may not be perfect, but it's better than what we have now?

As we talk about kicking off tonight's Special Order, this series here in the 112th Congress, I am pleased to be here with my colleague from Indiana and my colleague also behind me, the gentleman from Utah (Mr. BISHOP), to talk about these most important issues, the foundation of the Constitution.

Back at the very beginning, back in 2004, 2005, there really were not that many Americans talking about the proper role of the Constitution and the limitations that it does place both on the size and also on the scope of the Federal Government. But as the years went by, over the last several years at least, interest in the Constitution has grown as new government programs have whittled away basically at the protections in the Constitution that guarantee to us certain liberties to the people and authorities to the States. So, as we come here tonight, and as we have pointed out in the past, we will continue to highlight until Congress' recent course is reversed.

This body has drifted away from the principles of limited government enshrined in this, the Constitution. This document, the finely crafted sections and verses that are in it, the guidelines and the limitations that we see in it of the powers of government it was written to impose, does not have the same personal meaning and importance to Americans it seems it had during the times of the federalist and anti-federalist debates.

Is that because it is a different time, and now we're in a different age where we have long since forgotten what it is like to live under tyrannical rule? It may be, Mr. Speaker, because of that, or perhaps otherwise, it could also be because we don't simply cherish and study the Constitution like our forefathers once did.

So we come to the floor tonight, through these Constitution hours, if you will, and we hope to, by them, increase the knowledge not only of this body but also of the American public as well. And we do so, taking a look at the intricacies and the nuances of this, the Constitution. Also, I think, we also help to shed some light on the circumstances and the times that inspired the Founding Fathers to write our country's founding document.

Tonight, we specifically want to spend some time talking about limited government and its role in protecting human dignity. ''Liberty to all,'' President Lincoln once wrote, back in 1861, ''is the summation of the Declaration of Independence.'' He said further, ''the principles which have proved an apple of gold to all of us.''

Yet the mere assertion of those principles for him was not enough. As Lincoln later pointed out, for liberty to have real meaning, it must be enshrined, and it must be enshrined in law. The Constitution, as he put it, is the picture of silver subsequently framed around. Then he went on to say that the picture was made not to conceal or to destroy that apple as it was framed, but rather to adorn and to preserve it.

This, Lincoln said, drawing upon the book of Proverbs, is ''a word fitly spoken.'' So to understand America, you must understand our founding principles. To understand the Constitution and why government should be limited, you must then, therefore, understand also the Declaration of Independence.

So, the structure of the Constitution follows the principles and the arguments of the Declaration, where it says, of course, all men are created equal; they are endowed by their Creator with certain unalienable rights. This great statement, that we are hopefully all familiar with, at the outset of the Declaration, a truly revolutionary claim at the time, is followed by a list of complaints lodged against the king at that time, King George III.

To just spend a moment or two to go into this in a little bit more detail and to delve down into it, these then can be divided into three categories, corresponding with the legislative, executive, and judicial foundations of government.

□ 1920

So to step back for a moment, the list takes up over half of the Declaration, and the complaints there specify exactly where their King had failed. And so, too, why government by consent is therefore necessary. Now he refused to enact necessary laws, they said. Harmful ones took their places, they said. Judges entirely dependent upon the King's will were rendered mere puppets at the time; and when the King did act, he flooded American shores with soldiers and bureaucrats.

Their complaints there were specific. The King suspended representative Houses for opposing with manly firmness invasions on the rights of the people, he wrote. He went on to say, he has obstructed the administration of justice. How? By refusing his assent of laws for establishing judiciary powers. He went on to say he was also guilty of imposing taxes on us without our consent and also suspending our very own legislatures and declaring themselves vested with powers to legislate for us in all cases whatsoever.

Yet another complaint alleged against the King was that he ''erected a multitude of new offices and thereby sent hither swarms of officers to harass the people and eat out their substance.''

So, when all power is taken from the hands of the people and accumulated in the hands of a single person, or single head, if you will, it breeds a similar power grab by who else? The bureaucrats, who have no job but to consume the productivity and resources of the people, of the populace. So the overweening Federal Government today is guilty of the same offenses of liberty as back then as well.

Americans who are desperately trying to figure out and file their own income tax returns right now know this all too well, I think. And so the Declaration anticipates what we have here, the necessity of separation of powers and just society.

So its message is clear: No single person or political force can rightfully possess all the powers of the one government. Only the Divine, only the Divine who is named in the Declaration of Independence as the Author of the laws of nature, also named as the Creator, also named as the Supreme Judge of the entire world, and finally also named as Divine Providence, only the Divine justly exerts complete power. But in the hands of a human being, such power is, as it's stated there, absolute despotism.

Our Founding Fathers did not believe that human beings could be perfected. We were not divine. We were capable of both good and evil. James Madison later wrote in defense of the Constitution: ''As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust: So there are other qualities in human nature which justify a certain portion of esteem and of confidence.''

So to assume that man's goodness will always direct his actions is to ignore reality. People, therefore, are imperfect and cannot be perfected. And so no edict of government will change that fundamental fact.

To step back again, what, then, is the role of government? Calling government the greatest of all reflections of human nature, James Madison said that the government must start where? Well, with the understanding that men are not angels, as the gentleman from Indiana stated before. And as he said, were they perfect or angelic, no government would be necessary.

Jefferson, Madison's friend, implicitly argued the same thing in the Declaration. So, today, when we speak of ''the government,'' we often think of an impersonal force, somehow out there and above everything, above human nature, if you will.

But what is government? Government is composed of what you see here. It is composed of human beings, all of whom are imperfect. And so to be in the public sector or to be elected to office does not automatically, by any means, transform a human being into that angel. And so for that very same reason, that very same reason that human beings are not perfect, government therefore must be limited and its duties therefore must be delineated.

Going back to what President Lincoln once said, he further elaborated on the importance of human dignity, which is our discussion tonight, back in 1861 where he said a couple of things, and I will close on this: ''Without the Constitution and the Union, we could not have attained the result; but even these are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart.'' And what is that? ''That something is the principle of 'liberty to all'—the principle that clears the path for all—gives hope to all—and, by consequence, enterprise and industry to all.''

Over the course of this 112th Congress, this caucus and my colleagues, hopefully, on both sides of the aisle will continue to sponsor these discussions, these Constitution hours, if you will, to expand upon our understanding of these core principles of limited government enshrined in our Constitution.

Mr. Speaker, I appreciate this opportunity to speak tonight on this very important topic, and I yield back to the gentleman from Indiana.

Mr. STUTZMAN. It is my pleasure to now yield such time as he may consume to the fellow chair, the cochair of the Constitutional Caucus, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Indiana. Mr. Speaker, it is a pleasure for me to be here and be part of this significant issue.

In the Constitution it says that certain things are self-evident. And what are the things that were self-evident in the Declaration of Independence? I have to get words right, don't I? In the Declaration of Independence there are things that are self-evident. And what was self-evident is that all men are created equal in a political sense. And because of that, because all men are equal, the Creator has given us certain inalienable rights.

And then it goes on to say the next step in that process is once you have those inalienable rights, it is the purpose of government to secure those rights. That's what we are talking about here, that within the concept of our country, which was written and established in the brilliant prose of Thomas Jefferson, every individual has an innate—almost divine—worth within them which signifies that they all have certain rights that are there from the Creator.

In England, those rights were established in law starting with the Magna Carta and then building on, so that at the time of our country's founding, everyone knew what the rights of Englishmen were. Our Revolutionary War was not about taxes being too high. It was, not as some revisionist historians will say, about impressment of colonials into the British Navy. It was about the rights of Englishmen which were being denied British subjects living in America at the time. That's what they argued about. That's what in Philadelphia they were talking about is the denial of those individual rights which are basic to all people because we all have that spark of divinity and we have those inalienable rights.

That's why as part of the debate that was established there was an exchange in which Benjamin Franklin took part in which he was talking with another person that said, there are more important things in life than simply having our rights protected. The fact is we are British citizens. To which Franklin then said, to be called a British citizen without given the rights of a British citizen is like calling an ox a bull. He is grateful for the honor, but would much rather have restored what was rightfully his. That's the key element to which we were talking here. With that, the Constitution was written as a fortification of those individual rights and freedoms.

And it is the purpose of limited government to protect those individual liberties. The Constitution created limited government, the purpose of which was to protect our individual liberties.

Now as I try and talk to my old students to try and sometimes define the term ''individual liberties,'' because it becomes somewhat vague in the minds of people, I look at individual liberties as the concept that individuals have choices in their personal lives. It is not the role of government to pick winners and losers in society, whether that be socially or economically. That is our rights as individuals.

□ 1930

It is the right to have choices in my life. You know, I look around the world in which we are, and it seems like all the time I am given choices and options, even when I don't want them. I can pick a cell phone plan from a myriad of options that are there. If I want a breakfast cereal, there is a whole row of choices that are there. Even if I want Pringles potato chips, there are 16 kinds of varieties for me.

The entrepreneurial world has understood that people in America want choices and options. That's their liberty. It is only government, especially here in Washington, that seems to see that one size fits all and mandates so that the government chooses winners and losers rather than allowing that

for individuals. It is only us it seems who have not learned what is yearning within the soul of all Americans that they understood when they wrote the Declaration of Independence and then formalized the Constitution of the United States.

I wish to quote someone here, and I don't know who actually wrote this, but it is brilliant so I am going to claim that I said it: In the first 150 years of this country, under the Constitution, we can sum up in the following way. In the early years of this country, measures to expand government's power beyond those enumerated in the Constitution rarely got out of Congress because they were stopped by the objections in that branch. Constitutional objections in Congress.

Members of Congress actually debated whether they had the power to do whatever it was that was being proposed. They didn't simply assume they had the power and then leave it to the courts to check them, Congress took the Constitution and the limits it imposed on congressional action seriously. Then when constitutionally dubious bills did by chance get out of Congress, Presidents vetoed them not simply on policy but on constitutional grounds. Indeed, the first six Presidents thought the veto was supposed to be used only for constitutional purposes. And finally, when that brake failed, the courts stepped in. In short, the system of checks and balances worked because the Constitution was taken seriously by a sufficient number of those who had sworn to uphold it. We seem to have forgotten that in probably the last 60, 70, maybe even 100 years.

If I can give a religious reference, at some time the children of Israel, as we read in the Old Testament, wanted to have a king so they could be likened to all other nations. They went to the prophet who tried to dissuade them, but they were insistent that they have a king to be likened to all other nations, so the king could do marvelous things. And, indeed, they had a king. And the first kings did great things. They unified a nation; they built a beautiful temple. But ultimately, those kings became the millstone around the neck of the people that brought them down to destruction.

We have a change that took place almost 100 years ago where people decided to change what the Federal Government was designed to do. It is not that they did not understand the Constitution. They understood it perfectly; they just didn't like it because it prohibited us from doing marvelous things. We have now run through almost two generations, three generations of individuals under a system of government in which we look not to limit what government does to protect individual liberties, but to try to make sure that government does those marvelous things. We have come to a period of time where economically and socially we are now in a period of distress simply because we forgot the original foundation of this country, the purpose of the Constitution, the joy and brilliance of limited government whose sole purpose should be to protect individual liberties, not for government to do marvelous things.

If we restore ourselves to that purpose and reinvigorate the concepts for which this country was established, which I do believe to be the concepts of federalism and limited government here, then indeed we have a chance of restoring this country and solving our problems. If not, we face very dark and difficult times indeed.

For the first 150 years, they understood that. They acted that way. We can do the same thing again. We have the same spark of divinity within us that they had back then. We can do it; we should do it.

I thank you for this opportunity of being here. I know you have other speakers who will speak on this particular issue far more eloquently than I, and I yield back to the gentleman from Indiana.

Mr. STUTZMAN. Next I yield to the gentleman from South Carolina, District Three, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. As a new Congressman back in January, I was never prouder than when I took this floor to take part in reading the United States Constitution. That day, I brought with me to the podium a copy of the Constitution that I carry in my pocket every day.

Ronald Reagan, in his farewell address to the American people in January 1989, said: Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words, ''We the people.''

We tell the government what to do, President Reagan stated, it does not tell us. A simple phrase, ''We the people . . . '' put down by our Founding Fathers who defined self-government. Self-government. Those words ring true.

I think daily about that government that they formed—a limited government, one with powers for each branch that are clearly spelled out in this document, clearly defined. And, you know, we are a long ways from the limited government and enumerated powers that they strived to corral.

I am concerned that we don't read and study the United States Constitution enough in our public schools like we used to when I grew up. I am worried that we the people don't know or remember why our Founding Fathers divided power into three separate branches of government, why they defined the powers of each, and why they were inclined to spell out our liberties in a Bill of Rights.

They formed this government that has lasted well over 200 years. But after they formed that government, they decided that they better spell out the liberties. In fact, they had to do that in order to have the States ratify this great document.

Everywhere I travel around my beloved Palmetto State and around this country, I ask folks: What are your First Amendment rights? And almost to a person, they mostly answer: Freedom of speech. But, you know, let me remind you here today that the first thing our Founding Fathers addressed was your freedom of religion. In fact, the first sentence in the First Amendment to the United States Constitution says Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

They do that before they address your freedom of speech, before they address your freedom of the press, before they address your right to peacefully assemble or your right to petition this government for redress of grievances. Folks, I remind you that our freedoms are slowly being eroded in this country, and I believe that we as Americans need to get back to doing what we did in that first week in this United States Congress, and that is take this document out, read it, understand what our Founding Fathers were trying to do when they said we the people will govern ourselves.

Mr. STUTZMAN. Thank you. Very eloquently said.

I would like to touch on a couple of things that the gentleman from South Carolina said, Mr. Speaker. As we did have a great opportunity to read the Constitution on the House floor, I found it not only to be one that should be a lesson for all of us, but also one that will remind each American of the great document that we have that governs our land.

I would like to read just a couple of statements that some of our Founding Fathers made that I believe are so important for each one of us to remember today. First of all, I would like to start with George Washington, who is my political hero. What a great man who not only was so willing to sacrifice and was willing to serve his great country, and he could have been king if he was wanting to, but instead knew that limited power was going to be the real answer to America's new Constitution and to its new Government.

George Washington said: ''The power under the Constitution will always be in the people. It is entrusted for certain defined purposes and for a certain limited period to representatives of their own choosing. And whenever it is executed contrary to their interest or not agreeable to their wishes, their servants can and undoubtedly will be recalled.''

Mr. Washington was referring to elections. I think what has not only solidified our government for years and years has been that it is the people, the people's government. The people have the ability to recall those who are elected to go to their representative capitals, whether it is in the State governments or here in Washington, D.C., and if their wishes are not received by the people, the people can recall them back to their State and elect someone new.

□ 1940

Also, I would like to read another statement by Thomas Jefferson: ''On every question of construction let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.''

Thomas Jefferson was our third President and was one of the great men who took part in building our great democracy and our Republic here in the great country of the United States.

I would also like to refer a little bit to my time in having the opportunity to serve in the Indiana State legislature and knowing that Thomas Jefferson was a Federalist who believed in States' rights. And one of the things I have seen in my short time in Washington is that the States have so much flexibility, have so much more ability to serve the people, as well as our local governments. And that is one of the reasons that I believe the Constitution was formed to protect that local control.

As we've seen time and time again, there is more influence by our Federal Government in reaching further and further into our communities with more mandates, with more legislation that continues to take away our freedoms.

And having the opportunity to serve in the State legislature in Indiana, I would also share that we can see how each State has different needs, and the Constitution addresses that by limiting the powers of the Federal Government. And we're seeing more and more waste of tax dollars, something that I believe that the American people are tired of, and they want to see Washington fix its problems just like the American people do every day in tightening their own belt.

We tighten our belt in our small family farming operation back in Indiana. We do that with our family budget. And people are asking across the country, If we can do it, why can't Washington?

And we're seeing overlap of Federal and State and local governments; and I believe if we would get back to the constitutional roles, the constitutional role that the Federal Government is given, and focus on the priorities that our Founding Fathers gave to us and the Constitution as a government, then we will be more effective, we will serve the people who have elected us to serve, and instead of infringing upon the responsibilities and the rights of those in our States that we will have a more efficient government and we will also have a government that is closer to the people and one that I believe serves best when government is close to the people and will serve and respond to the needs of them.

At this time I would like to yield to the gentleman from Texas (Mr. CONAWAY).

Thank you for being here and I look forward to your comments.

Mr. CONAWAY. I thank the gentleman for yielding.

I appreciate being here to participate in the Constitution Caucus's comments on our Constitution.

We labor under sometimes, basically all times, the misguided idea that we're the smartest people that ever walked the face of the Earth, that no new ideas are created except through us. Sometimes it's helpful to look back at some of the things folks who have gone before us have said to help us reflect on those and see how they apply to today's circumstances.

A couple of those things, one is from a speech that Robert Kennedy made on the Day of Affirmation address that he gave in South Africa back in 1966. And while much of what he talked about, the revolution of youth and the civil rights movement and other things, are not germane to what we're talking about tonight, there is a section that is particularly relevant to this conversation, and I would like to read into the RECORD his comments in some of those early paragraphs.

He started off by saying: ''We stand here in the name of freedom.''

''Freedom'' is that wonderful word that conjures up inside of all of us those kinds of feelings that are unique to just certain words. ''Liberty'' is another word that does that, that has that kind of visceral experience inside each one of us. It's different but nonetheless inspiring almost every single time you hear that.

Kennedy went on to say: ''At the heart of that Western freedom and democracy is the belief that the individual man, the child of God, is the touchstone of value, and all society, groups, the state, exist for his benefit. Therefore, the enlargement of liberty for individual human beings must be the supreme goal and the abiding practice of any Western society.

''The first element of this individual liberty is the freedom of speech, the right to express and communicate ideas, to set oneself apart from the dumb beasts of the field and the forest; to recall governments to their duties and obligations; above all, the right to affirm one's membership and allegiance to the body politic, and to society, to the men with whom we share our land, our heritage and our children's future.

''The essential humanity of men can be protected and preserved only where government must answer, not just to the wealthy, not just to those of a particular religion, or a particular race, but to all its people.

''And even government by the consent of the governed, as in our Constitution, must be limited in its power to act against its people so that there may be no interference with the right to worship or with the security of the home, no arbitrary imposition of pains or penalties by high officials or low; no restrictions on the freedom of men to seek education or work or opportunity of any kind so that each man may become all he is capable of becoming. These are the sacred rights of Western society.''

Senator Kennedy got it right. These are the sacred rights of Western society, and we are in danger of having those rights trampled on by this continued growth in the size of our Federal Government.

If you look at the trajectory that we find ourselves on from a financial standpoint, you can have estimates by think tanks on the left, estimates by think tanks on the right, the CBO, the GAO—all of these have 75-plus-year projections on the path that we're currently on. If you stack each of those projections on a light table to look through all of them at the same time, there's not a chigger's whisker difference between the path that we're on.

Nobody disagrees that the path that we're on is absolutely unsustainable. I tell my constituents back home we're very much like the fellow who fell off the 10-story building. As he passed the fifth floor, he said, So far so good, so far so good. Well, we are that guy; and although our financial wreck is 10, 15, 20 years down the road, we are in a free-fall that has an abrupt immediate stop somewhere in our future.

We are bright, intelligent, smart people, present company excepted. We ought to be able to look at those projections, Mr. Speaker, and take action. We have for 5 years now, 6 years this August, failed to reform Social Security. When I first joined Congress in 2005, that was one of the leading issues on our table at that time. And, yes, we got distracted about whether or not part of it should be personally owned and part of it should not; but at the end of the day, we had set the predicate for why Social Security needed to be adjusted. Most of us spent that first 8 months in 2005 trying to lay out to our constituents exactly what the issues were that are familiar to all of us in this Chamber. That lasted until the end of August 2005. And then Hurricane Katrina happened and distracted us from the goal of getting it done, and we have not touched Social Security since.

We've continued to choose each and every year to not adjust and not renegotiate Social Security. That choice has a consequence, and the consequence is that we're adding about $600 billion of unfunded mandates to the debt of future generations of Americans because we choose not to take action.

That choice is ours to take. It is our freedom to take that choice. It's our liberty to take that choice. But collectively both sides of the aisle—this isn't a Republican issue or Democrat issue—both sides of the aisle have, for good or for bad—I would argue for ill—chosen to not address a fundamental spending issue that, among those that we have to face, I would argue is the least difficult.

Let me finish a quote from George Washington in his first inaugural address. George Washington declared: ''The preservation of the sacred fire of liberty and the destiny of the republican model of government are finally staked on the experiment entrusted to the hands of the American people.'' Trust is placed in the people precisely because they are, in the words of the Declaration, equally created and endowed by their Creator with certain unalienable rights.

We have that precious gift in our hands: those of us in the 435 of us who get to vote in this House, the 100 on the other side of this building who get to vote, the man, the woman who occupies 1600 Pennsylvania Avenue. We have the tools of choice in our hands. Do we choose to preserve liberty and freedom for future generations, or do we choose to continue, as that fellow falling off the 10-story building said, So far so good, so far so good? I argue that we should not. I argue let us use our intellect, let us use our will, let us use the wisdom of the American people who last November made a pretty dramatic statement as to what they thought we ought to do.

□ 1950

We now need to take those reins of choice in our hands and lead this Nation to a sustainable Federal Government that does not mortgage our grandchildren's future and that does not hand off to them an America that is less prosperous and that has less opportunity for standard of living increases that you and I enjoyed as we stepped into adulthood.

If we continue to ignore the problem and stick our heads in the sand, as the ostrich sometimes does—a pretty unflattering position, quite frankly, for any of us, including for the ostrich—then the future generations will simply ask: Why did they do that? They saw it coming. They understood the consequences. They had within their power the ability to make it different.

We have chosen so far not to do that. We have chosen so far to expand the Federal Government at an unprecedented rate. We have chosen to take away from States the rights to conduct those affairs that are individualized, that are properly left to the States and to our local governments and that are, quite frankly, left to us alone, as individuals. We have chosen as a Nation to empower this Federal Government, year in and year out, to take away our freedoms and our liberties.

All I can say to that, Mr. Speaker, is shame on us. Shame on us if we don't right this ship of state by shrinking the size of this Government, by limiting what it does in our day-to-day lives, by getting back to the fundamental founding principles that our Founding Fathers built this country on: that of a limited Federal Government, one with limited powers and everything else being reserved to the States and/or to the local municipalities—or not at all—and left to the people.

So, Mr. Speaker, I appreciate the opportunity to express these comments tonight, and I yield back.

Mr. STUTZMAN. Thank you.

I would like to yield again to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Again, I thank the gentleman from Indiana for hosting tonight's Special Order dealing with the Constitution. More specifically tonight, we are spending a little time talking about, as the previous gentleman just did, unlimited government and its role in protecting human dignity.

Now, the gentleman from Texas was just referencing the issue with regard to the unsustainable projection and trajectory of spending at the Federal level, and with regard to the burden, therefore, that we place on untold generations that follow after ours. You have to then ask: What sort of respect does this generation have for the human dignity of future generations who encompass their lives with the specter of having limitations on their abilities to make fundamental choices for themselves because of the obligations that have been placed upon them by this generation?

Earlier, I spoke about the Divine, and I think you need to do so when you're asking the fundamental question, as we're doing tonight, with regard to the issue of human dignity. I was quoting, not from myself, but from Lincoln and also from our founding documents, which speak of the Divine and name the Declaration as the Laws of Nature by the Creator—the Supreme Judge of the world, the Divine Providence. All areas of this, as is set forth in our documents, talk about human dignity coming not from man, himself, but from the Creator, from the Divine. Then it's the imperfect—man, human beings—who distort that in some way. Government, as I said before, being not perfect and not capable of being perfected, has the obligation to protect human dignity as best it can, but it obviously does so in an imperfect manner.

The gentleman from Utah talked about its not just occurring over the recent decades but over the last generations—probably going back over 100 years, he said. Actually, if you think about it, it was probably to the beginning of—what?—the Progressive Movement, I guess you would say here in this country, where there began this distortion of the understanding of the Constitution.

The Progressive Movement elaborated upon the powers of the Federal Government to expand in areas that never were envisioned by our Founders. As a matter of fact, as I talk about the Progressive Movement, we have the Progressive Caucus here on the other side of the aisle, I guess, which speaks about these things all the time but in a much more favorable light than we talk about it from this side of the aisle. So, if you go back about 80, 90, 100 years, to the Progressive Movement, it began to crimp upon the human being and the rights of man—basically, therefore, what we're talking about tonight, human dignity—in some very profound and fundamental ways.

What are some of the basic issues that a man is able to decide about himself? What he is able to eat and what he is able to grow to eat.

It was the Progressive Movement. It was during the time of Roosevelt, who finally said the Federal Government knows better when it comes to what man can eat and what he can grow for himself, and he put a limitation on an individual farmer as to what he could grow in his own backyard to sustain himself and his family. The Federal Government said, No, we are going to have the long arm of the powers of the Federal Government reach into that farmer's backyard and dictate to him that, no, he cannot grow those particular crops even though he was not selling them, and they were not in the stream of commerce, and he was not transporting them across State lines, and interstate commerce was not involved whatsoever. Rather, the Government said: We, the Federal Government here in Washington, can constrict him as to the very food that he provides for his own family.

Now fast-forward to this generation and to this past Congress, and you'll see that the same sort of thing goes on here. It's not only food but all the regulations that entwine in that area, which have grown into a multitude of regulations over the years—from food to water. Washington now dictates your very own water use, and we're all familiar with that infamous decision with regard to the toilets that you have in your own house and with regard to the water consumption that you have. These are not even things that you can decide for yourselves. The Government steps in.

How about the lights that you turn on? How are you going to illuminate your home so you can have a light to read your book in the evening? Now the Federal Government says that is not the province of man. That is the province of the Federal Government's to dictate as well. So, in each area, we take one more chip away at individual human dignity—in deciding how you're going to control and live your own life. Washington is now the arbiter in those things.

We rise now to, perhaps, one of the most fundamentals after food and water and light—and that's health care. Of course we saw what happened in the last session of Congress here when the Federal Government said that we here—the bureaucrats, the elected officials, the politicians—know better than you as to just what sort of health care you need, as to just what sort of doctor you should see, how often you should go, and all the other myriad of decisions that were wrapped

up in that semblance of: How do I take care of my own human body? How do I take care of my own health decisions?

Now we have passed a bill, under our objection, of course, on this side of the aisle, but with the complete support on the other side of the aisle and with the White House as well, saying, No. Washington can now dictate those areas to a point that we have never seen before in the history of this Government and in the history of this country, which is that the price of citizenship is the purchase of a particular product that the Federal Government bureaucrats dictate. The price of citizenship, the price of freedom, the price of liberty—the price of being an American—is now dictated to you by the Federal Government and by bureaucrats here in Washington. They will dictate and control your health care just as the previous Progressive Era politicians said they would dictate with regard to the food that you grow, with regard to the water that you use, with regard to the lights that you light—and now in the area of health care as well.

So where do we then end up going from all this? What is the next step?

As I said before, government is not perfect, and man cannot be perfected, so we should not look to the government, as we said before, as the angelic beings who are going to give us all the right rules and regulations in this area. We should not look to the government to provide for us in these respective areas. Rather, that we are individuals made by our Creator, and we have our own worth and our own human dignity, and Washington should not take that away from us.

So I will close where I began some time ago.

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We will look then not to the imperfect bureaucrats or to the imperfect politicians but, rather, to the people who inherently have the power to send us here or to return us, those people who have the power to create governments or not: the population of this country, the citizens of this country, from which all power truly emanates originally, for them to speak up loudly, to have their voices heard as they did in this past election in November, to make sure that their human dignity is protected, that it is not eroded upon anymore, and that, rather, it can grow and prosper and expand as our Founding Fathers intended and why these rights and limitations on powers were rather limited in the founding documents that we cherish so greatly.

And that is why, as I said at the beginning, I appreciate so much the gentleman from Indiana for your working in bringing this message here to the floor, the Members that are here, the Members that are listening, and to the American public. I look forward to further work from you and the rest of the caucus and other the members of this conference to expound upon these areas, not only of human dignity but also of our issues of federalism and protected rights to the States and the individuals as well.

I look forward to those discussions on the floor in the future.

Mr. STUTZMAN. Mr. Speaker, I would inquire how much time we have remaining.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. STUTZMAN. Mr. Speaker, I just would like to make a couple of comments in closing. I have appreciated the comments that were made by the other gentlemen that were here this evening.

You know, one of the things I believe is that the American people that have been given the rights and the responsibilities to elect those of us who are fortunate enough and honored to come to Washington to serve are paying attention and that they are paying attention to what we are doing in response to the actions that have been taken over the years here in Washington. Washington seems to be the problem.

When I go back home to Indiana, I hear repeatedly from folks that, you know, Republican, Democrat, we can point the finger from side to side, but it has been Washington that has been out of touch with the American people, and that Washington needs to be changed, not necessarily America needing to be changed.

And that is why I believe it is so important for us as Americans that we get back to our founding documents, to realize the truths and the principles that are in these documents that our Founding Fathers wrote over 200-some years ago.

And I would like to read just a couple of lines from the Declaration of Independence, as Mr. GARRETT was referring to earlier, the freedom and the opportunity that each of us as Americans has is given to us by our Creator, but also the Declaration of Independence and our Constitution give us rights and freedoms as well.

I'd like to refer to these lines in the Declaration of Independence. Many of these are obviously very familiar to us, but: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Now, I would submit, Mr. Speaker, that the people are the ones who are giving us the power to govern and that the Constitution, as it was written back by our Founding Fathers, was written in the effort to protect each individual and to protect each individual freedom that we have and enjoy every day.

I would also mention, as was mentioned before, that it is important for us as Americans to not only take on that personal responsibility but also to realize that our freedoms are given from our Creator, and it's important for each one of us to not only fight to protect those freedoms but remember some of the words that our Founding Fathers used as well, going back to what Benjamin Franklin said, and I quote, Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters, end quote.

So it is up to each one of us as Americans, Mr. Speaker, that we are, first of all, as individuals and as communities involved in our communities, whether it's our churches, whether it's our schools, that we are taking on each responsibility and looking around us and who can we help, how can we make a difference in someone else's life.

I'd also read John Adams. He said this, quote, Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other, end quote.

How fortunate we as Americans are to have not only this founding document but many other founding documents written by men who were given such a great responsibility and a great opportunity to create one of the longest-lasting governments in world history; and I'm so proud to be an American tonight and believe that, even though we have many challenges in front of us, we have great debt, we have great deficits, and this is because of the irresponsible actions taken by those in Washington.

I believe that today it is important for each one of us as Americans to become more familiar with our Constitution and to read the words, as it may seem sometimes dry and not as exciting, but this document, these words give each one of us as Americans the opportunity to make life better than what we may have entered.

I know for myself as a son of a farmer in northern Indiana, I was raised in an old farmhouse; and now I have the great opportunity to serve in Congress, that each one of us can do great things if we set our minds to it, and it's because of this document that gives us that liberty and that freedom.

So I have great hope that the American people and that those who are elected to serve will make those choices that will not only continue to grant us those freedoms but also steer the ship and turn the ship and change the mindset of Washington and the way that our Federal Government has responded and acted over the years recently, that will not only give our children and our grandchildren the same opportunities that we have but to work together across the aisle, knowing that we all serve and have sworn to uphold the Constitution to make those changes.

I'm optimistic, I'm hopeful; but I know that we have a lot of work ahead. And I believe that the document we have been given and was signed by our Founding Fathers has given us that guiding light, and I am looking forward

to working together with the Members in this Chamber, both sides of the aisle, to making a difference and to getting back to our constitutional responsibilities.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 25, 2011, AT PAGE H462

OFFICE OF COMPLIANCE TEXT OF REGULATIONS FOR THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix ''H.'' When approved by the Senate for the Senate, these regulations will have the prefix ''S.'' When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix ''C.''

In this draft, ''H&S Regs'' denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and ''C Reg'' denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act of 1998 (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301(9)(A–C); (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301(9)(A–C); (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) ''Accredited physician'' means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase ''authorized to practice by the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) ''Act'' or ''CAA'' means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) ''Active duty'' or ''active military duty'' means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) ''Appointment'' means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) ''Armed forces'' means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) ''Board'' means the Board of Directors of the Office of Compliance.

H Regs: (g) ''Covered employee'' means any employee of (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S Regs: (g) ''Covered employee'' means any employee of (1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Regs: (g) ''Covered employee'' means any employee of (1) the Office of Congressional Accessibility Services; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) ''Covered position'' means any position that is or will be held by a covered employee.

(i) ''Disabled veteran'' means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected

disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol or the Botanic Gardens.

(k) Employee of the Capitol Police includes any member or officer of the Capitol Police.

H Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) of section 1.102 of the regulations classified with an ''H'' classification.

S Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) of section 1.102 of the regulations classified with an ''H'' classification.

C Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) of section 1.102 of the regulations classified with an ''H'' classification.

H Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an ''S'' classification.

S Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an ''S'' classification.

C Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an ''S'' classification.

H Regs: (n) ''Employing office'' means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) ''Employing office'' means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Regs: (n) ''Employing office'' means: the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) ''Office'' means the Office of Compliance.

(p) ''Preference eligible'' means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. 2108(3)(A)–(G).

(q) ''Qualified applicant'' means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(r) ''Separated under honorable conditions'' means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) ''Uniformed services'' means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) ''VEOA'' means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) ''Veterans'' means persons as defined in 5 U.S.C. 2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive branch)'', section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress's intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, section 4(c)(3) of the Veterans Employment Opportunities Act of 1998; and the Office's Procedural Rules.

Subpart C—Veterans' preference in appointments

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.

1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant; and

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(C) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The head of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

Subpart D—Veterans' preference in reductions in force

Sec.

1.111 Definitions applicable in reductions in force.

1.112 Application of preference in reductions in force.

1.113 Crediting experience in reductions in force.

1.114 Waiver of physical requirements in reductions in force.

1.115 Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C. §2108 and section 1.102(p) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force''

does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a ''disabled veteran'' under section 1.102(i) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(C) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements

Sec.
1.116 Adoption of veterans' preference policy.
1.117 Preservation of records made or kept.
1.118 Dissemination of veterans' preference policies to applicants for covered positions.
1.119 Information regarding veterans' preference determinations in appointments.
1.120 Dissemination of veterans' preference policies to covered employees.
1.121 Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunities Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim'', for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the

latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA;

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3); and

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidance described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidance regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(7) a description of any appeal or other rights which may be available.

(c) The head of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. CANTOR) for today on account of medical reasons.

Mr. REICHERT (at the request of Mr. CANTOR) for today on account of the passing of his mother-in-law.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION FOR THE 112TH CONGRESS

March 2, 2011.

Hon. KAREN HAAS,
Clerk of the House of Representatives, Washington, DC.

DEAR MS. HAAS: Pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit the Rules of the Committee on House Administration for the 112th Congress for publication in the Congressional Record. The Rules were adopted by the Committee in a meeting that was open to the public and with a quorum present.

If you have any questions about the Rules please contact Kimani Little, the Committee Parliamentarian.

Sincerely,

DANIEL E. LUNGREN,
Chairman,
Committee on House Administration.

COMMITTEE RESOLUTION 112–1

Resolved, that the rules of the Committee on House Administration for the 112th Congress are hereby adopted, as follows:

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION ONE HUNDRED TWELFTH CONGRESS

Rule No. 1—General Provisions

(a) The Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a privileged motion in the Committee. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the chair and to its rules as far as applicable.

(b) The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and, subject to the adoption of expense resolutions as required by House Rule X, clause 6, to incur expenses (including travel expenses) in connection therewith.

(c) The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee, and to make such information available to the public. All costs of stenographic services and transcripts in connection with

any meeting or hearing of the Committee shall be paid from the appropriate House account.

(d) The Committee shall submit to the House, not later than the 30th day after June 1 and December 1 of each year, a semiannual report on the activities of the committee under House Rules X and XI.

(e) The Committee's rules shall be made publicly available in electronic form and published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

Rule No. 2—Regular and Special Meetings

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the Chair of the Committee as she or he may deem necessary or at the request of a majority of the members of the Committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the Chair subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting may be dispensed with if, in the judgment of the Chair, there is no need for the meeting.

(b) If the Chair is not present at any meeting of the Committee, or at the discretion of the Chair, the Vice Chair of the Committee shall preside at the meeting. If the Chair and Vice Chair of the Committee are not present at any meeting of the Committee, the ranking member of the majority party who is present shall preside at the meeting.

(c) The Chair, in the case of meetings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of meetings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any meeting to be conducted on any measure or matter. Such meeting shall not commence earlier than the third day on which members have notice thereof. If the Chair, with the concurrence of the ranking minority member, determines that there is good cause to begin the meeting sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The announcement shall promptly be made publicly available in electronic form and published in the Daily Digest.

(d) The Chair, in the case of meetings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of meetings to be conducted by a subcommittee, shall make available on the Committee's web site the text of any legislation to be marked up at a meeting at least 24 hours before such meeting (or at the time of an announcement made within 24 hours of such meeting). This requirement shall also apply to any resolution or regulation to be considered at a meeting.

Rule No. 3—Open Meetings

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation of the Committee shall be open to the public except when the Committee in open session and with a quorum present determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, that no person other than members of the Committee, and such congressional staff and such other persons as the Committee may authorize, shall be present in any business or markup session which has been closed to the public. To the maximum extent practicable, the Chair shall cause to be provided audio and video coverage of each hearing or meeting that allows the public to easily listen to and view the proceedings and maintain the recordings of such coverage in a manner that is easily accessible to the public.

Rule No. 4—Records and Rollcalls

(a)(1) A record vote shall be held if requested by any member of the Committee.

(2) The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(3) The Chairman shall make the record of the votes on any question on which a record vote is demanded available on the Committee's website not later than 48 hours after such vote is taken (excluding Saturdays, Sundays, and legal holidays). Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(4) The Chairman shall make available on the Committee's website not later than 24 hours (excluding Saturdays, Sundays, and legal holidays) after the adoption of any amendment to a measure or matter the text of such amendment.

(b)(1) Subject to subparagraph (2), the Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chair shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(c) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chair; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) House records of the Committee which are at the National Archives shall be made available pursuant to House Rule VII. The Chair shall notify the ranking minority member of any decision to withhold a record pursuant to the rule, and shall present the matter to the Committee upon written request of any Committee member.

(e) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Rule No. 5—Proxies

No vote by any member in the Committee may be cast by proxy.

Rule No. 6—Power to Sit and Act; Subpoena Power

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee or any subcommittee thereof is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents and other materials as it deems necessary, including materials in electronic form. The Chair, or any member designated by the Chair, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the Chair pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(2) Compliance with any subpoena issued by the Committee or a subcommittee may be enforced only as authorized or directed by the House.

Rule No. 7—Quorums

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the rules of the Committee, one-third of the members of the Committee shall constitute a quorum. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

Rule No. 8—Amendments

Any amendment offered to any pending legislation before the Committee or a subcommittee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

Rule No. 9—Hearing Procedures

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the Chair, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the Chair, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the Committee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority members before the completion of such hearing, to call

witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Any member of the Committee may, if a subcommittee grants unanimous consent for a specific hearing, be permitted to sit during that hearing with a subcommittee on which he or she does not serve, but no member who has not been elected to a subcommittee shall count for a quorum, offer any measure, motion, or amendment, or vote on any matter before that subcommittee.

(e) Committee or subcommittee members may question witnesses only when they have been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in Committee or subcommittee hearings shall be initiated by the Chair, followed by the ranking minority member and all other members alternating between the majority and minority.

In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The Chair may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings of the Committee or a subcommittee, as applicable:

(1) The Chair at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness as provided by clause 2(k)(2) of Rule XI.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(5) If the Committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the Chair shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

Rule No. 10—Procedures for Reporting Measures or Matters

(a)(1) It shall be the duty of the Chair to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) The report of the Committee on a measure or matter which has been approved by the Committee shall include the matters required by Clause 3(c) of Rule XIII of the Rules of the House.

(d) If, at the time any measure or matter is ordered reported by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views, in the form submitted, by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(3) shall, when appropriate, contain the documents required by Clause 3(e) of Rule XIII of the Rules of the House.

(e) The Chair, following consultation with the ranking minority member, is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House, relating to going to conference with the Senate, whenever the Chair considers it appropriate.

(f) If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) The Chair may designate any majority member of the Committee to act as ''floor manager'' of a bill or resolution during its consideration in the House.

Rule No. 11—Committee Oversight

The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and clause 4. Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress in accordance with House Rule X, clause 2(d).

Rule No. 12—Review of Continuing Programs; Budget Act Provisions

(a) The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in Clause 4(e) of Rule X of House Rules.

(b) The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting there from, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

Rule No. 13—Broadcasting of Committee Hearings and Meetings

Whenever any hearing or meeting conducted by the Committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with Clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

Rule No. 14—Committee and Subcommittee Staff

The staff of the Committee on House Administration shall be appointed as follows:

(a) The staff shall be appointed by the Chair except as provided in paragraph (b), and may be removed by the Chair, and shall work under the general supervision and direction of the Chair;

(b) All staff provided to the minority party members of the Committee shall be appointed by the ranking minority member, and may be removed by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member;

(c) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of Rule X of the Rules of the House;

(d) The Chair shall fix the compensation of all staff of the Committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the Committee.

Rule No. 15—Travel of Members and Staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the Chair or her or his designee. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance at hearings conducted by the Committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chair in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each; and

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the Chair covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

Rule No. 16—Number and Jurisdiction of Subcommittees

(a) There shall be two standing subcommittees, with party ratios of members as indicated. Subcommittees shall have jurisdictions as stated by these rules, may conduct oversight over such subject matter, and may consider such legislation as may be referred to them by the Chair. The names and jurisdiction of the subcommittees shall be:

(1) Subcommittee on Elections—(4/2). Matters pertaining to the Federal Election Campaign Act, the Federal Contested Elections Act, the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Voting Assistance Program, the Bipartisan Campaign Reform Act, the Americans with Disabilities Act (accessibility for voters with disabilities), the Federal Election Commission (FEC), the Election Assistance Commission (EAC), and other election related issues. Oversight of the Federal Election Commission (FEC) and the Election Assistance Commission (EAC).

(2) Subcommittee on Oversight—(4/2). Matters pertaining to operations of the Library of Congress, the Botanic Garden, the Smithsonian Institution, the Architect of the Capitol, the Capitol Visitors Center; the Chief Administrative Officer, House Information Resources, the Clerk of the House, the House Inspector General, the Congressional Research Service and the Office of Compliance.

(b) No subcommittee shall meet during any full Committee meeting or hearing.

(c) The Chair may establish and appoint members to serve on task forces of the Committee, to perform specific functions for limited periods of time, as she or he deems appropriate.

Rule No. 17—Referral of Legislation to Subcommittees

The Chair may refer legislation or other matters to a subcommittee, or subcommittees, as she or he considers appropriate. The Chair may discharge any subcommittee of any matter referred to it.

Rule No. 18—Other Procedures and Regulations

The Chair may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

Rule No. 19—Designation of Clerk of the Committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the Committee shall act as the clerk of the Committee.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 9, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

762. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0823; FRL-8864-9] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

763. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Potassium hypochlorite; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0996; FRL-8859-5] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

764. A letter from the Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2009 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

765. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General George W. Casey, Jr., United States Army, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

766. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General William E. Ward, United States Army, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

767. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the M982 155mm Precision Guided Extended Range Artillery Projectile (Excalibur) program; to the Committee on Armed Services.

768. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Republic of Panama pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

769. 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; Oxides of Nitrogen Budget Trading Program; Technical Amendment [EPA-R05-OAR-2006-0976; FRL-9272-1] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

770. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2010-0168; FRL-9271-5] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

771. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, For Imperial County, Kern County, and Ventura County Air Pollution Control Districts [EPA-R09-OAR-2010-0813; FRL-9239-6] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

772. 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; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard [EPA-R05-OAR-2010-0850; FRL-9271-9] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

773. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2010-0418; FRL-9249-3] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

774. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters [EPA-HQ-OAR-2002-0058; FRL-9272-8] (RIN: 2060-AQ25) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

775. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [EPA-HQ-OAR-2006-0790; FRL-9273-5] (RIN: 2060-AM44) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

776. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Identification of Non-Hazardous Secondary Materials That Are Solid Waste [EPA-HQ-RCRA-2008-0329; FRL-9273-1] (RIN: 2050-AG44) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

777. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Royal Hashemite Kingdom of Jordan (Transmittal No. 06-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

778. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-05, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

779. A letter from the Director, Defense Security Cooperation Agency, transmitting reports submitted in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act, the 24 March 1979 Report by the Committee on Foreign Affairs, and the Seventh Report by the Committee on Government Operations; to the Committee on Foreign Affairs.

780. A letter from the Secretary of the Board of Governors, Postal Service, transmitting the Service's report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

781. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting annual report on acquisition by foreign countries ''dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, biological weapons) and advanced conventional munitions'' covering January 1, to December 31, 2010; to the Committee on Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 7, 2011]

Mr. BACHUS: Committee on Financial Services. H.R. 830. A bill to rescind the unobligated funding for the FHA Refinance Program and to terminate the program; with an amendment (Rept. 112–25). Referred to the Committee of the Whole House on the State of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 836. A bill to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program; with an amendment (Rept. 112–26). Referred to the Committee of the Whole House on the State of the Union.

[Filed March 8, 2011]

Mr. BISHOP of Utah: Committee on Rules. House Resolution 150. Resolution providing for consideration of the bill (H.R. 830) to rescind the unobligated funding for the FHA Refinance Program and to terminate the program (Rept. 112–27). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 151. Resolution providing for consideration of the bill (H.R. 836) to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program (Rept. 112–28). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself, Mr. CLEAVER, and Mr. HUIZENGA of Michigan):

H.R. 938. A bill to establish a commission to ensure a suitable observance of the centennial of World War I and to designate memorials to the service of men and women of the United States in World War I; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, 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. POE of Texas:

H.R. 939. A bill to amend the Outer Continental Shelf Lands Act and the Gulf of Mexico Energy Security Act of 2006 to increase the percentage of revenues from new offshore leases that will be shared with coastal States to 50 percent; to the Committee on Natural Resources.

By Mr. GARRETT (for himself and Mrs. MALONEY):

H.R. 940. A bill to establish standards for covered bond programs and a covered bond regulatory oversight program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS of Arkansas:

H.R. 941. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. LARSON of Connecticut, Mr. PAULSEN, Ms. ESHOO, Ms. MATSUI, and Mr. MCCAUL):

H.R. 942. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2012 and to increase and make permanent the alternative simplified research credit; to the Committee on Ways and Means.

By Ms. HIRONO (for herself, Mr. JONES, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. KUCINICH, Mr. HINCHEY, Mr. GARAMENDI, Ms. WOOLSEY, and Mr. CONNOLLY of Virginia):

H.R. 943. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 944. A bill to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES of Missouri:

H.R. 945. A bill to expedite the increased supply and availability of energy to our Nation; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Washington (for himself, Mr. DICKS, Mr. WALDEN, and Ms. HERRERA BEUTLER):

H.R. 946. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA:

H.R. 947. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments of the States of Arizona, California, New Mexico, and Texas for expenses incurred by such a government in designing, constructing, and rehabilitating water projects under the jurisdiction of such Commission; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself and Mr. LATHAM):

H.R. 948. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mrs. MALONEY (for herself, Ms. BALDWIN, Ms. HIRONO, Ms. MOORE, and Mr. STARK):

H.R. 949. A bill to authorize assistance to aid in the prevention and treatment of obstetric fistula in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 950. A bill to prohibit restrictions on the resale of event tickets sold in interstate commerce as an unfair or deceptive act or practice; to the Committee on Energy and Commerce.

By Mr. MCCAUL (for himself, Mr. MCKINLEY, Mr. CHAFFETZ, Mr. NEUGEBAUER, Mr. DUNCAN of South Carolina, Mr. BROUN of Georgia, Mr. BARLETTA, Mr. DOGGETT, and Mr. FLAKE):

H.R. 951. A bill to prohibit the use of Federal funds for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress; to the Committee on Oversight and Government Reform.

By Mr. MILLER of North Carolina:

H.R. 952. A bill to develop an energy critical elements program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. PAUL:

H.R. 953. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 955. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in prekindergarten, kindergarten, and grades 1 through 12; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 956. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extracurricular activities; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 957. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 958. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIGLEY:

H.R. 959. A bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself and Mrs. CAPITO):

H.R. 960. A bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator of the Environmental Protection Agency to disapprove specifications of disposal sites for the discharge of dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested; to the Committee on Transportation and Infrastructure.

By Mr. RUPPERSBERGER:

H.R. 961. A bill to amend title 18, United States Code, with respect to the prohibition on disrupting military funerals, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHWEIKERT:

H.R. 962. A bill to rescind certain unobligated discretionary appropriations and require that such funds be used for Federal budget deficit reduction; to the Committee on Appropriations.

By Mr. SMITH of Texas:

H.R. 963. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. ANDREWS, Ms. SPEIER, Mr. GUTIERREZ, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Ms. PINGREE of Maine, and Ms. WILSON of Florida):

H.J. Res. 47. A joint resolution removing the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Mr. DINGELL, Mr. CAMP, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. KILDEE, Mrs. MILLER of Michigan, Mr. LEVIN, Mr. MCCOTTER, Mr. PETERS, Mr. AMASH, Mr. CLARKE of Michigan, Mr. BENISHEK, Mr. HUIZENGA of Michigan, and Mr. WALBERG):

H. Con. Res. 27. Concurrent resolution providing for the acceptance of a statue of Gerald R. Ford from the people of Michigan for placement in the United States Capitol; to the Committee on House Administration.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 147. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Ms. SCHAKOWSKY (for herself, Mr. MARKEY, Mr. GRIJALVA, Ms. FUDGE, Mrs. DAVIS of California, Mr. STARK, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM, Ms. BALDWIN, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. HIRONO, Mr. HINCHEY, Ms. SPEIER, Ms. MATSUI, Mrs. MALONEY, Ms. WASSERMAN SCHULTZ, Ms. MOORE, Mr. LEWIS of Georgia, Ms. WILSON of Florida, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. FARR, Mr. BACA, Ms. DELAURO, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Mr. MORAN, Ms. BORDALLO, Ms. EDWARDS, Ms. KAPTUR, Mr. MCDERMOTT, Ms. RICHARDSON, Mrs. CAPPS, Mr. SIRES, Mr. HINOJOSA, Ms. CLARKE of New York, Mr. COHEN, Mr. GUTIERREZ, Mr. ISRAEL, Ms. LEE of California, Ms. BASS of California, Ms. SUTTON, Mr. SERRANO, Mr. CONYERS, Mr. SMITH of Washington, Mr. YARMUTH, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, and Mr. DEUTCH):

H. Res. 148. A resolution supporting the goals of International Women's Day; to the Committee on Foreign Affairs, 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. LARSON of Connecticut:

H. Res. 149. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LANCE (for himself and Mr. HOLT):

H. Res. 152. A resolution recognizing the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE (for herself, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. SERRANO, Ms. SEWELL, Ms. SPEIER, Mr. WALZ of Minnesota, and Ms. WASSERMAN SCHULTZ):

H. Res. 153. A resolution to express the sense of the House of Representatives regarding the school breakfast program; to the Committee on Education and the Workforce.

By Mr. YARMUTH (for himself, Mr. GRIJALVA, and Mr. STARK):

H. Res. 154. A resolution recognizing the week beginning March 21, 2011, as ''National Safe Place Week''; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII,

6. The SPEAKER presented a memorial of the Senate of the State of Arkansas, relative to Senate Resolution No. 3 urging the President and the Congress to consider the removal of trade, financial, and travel restrictions relating to Cuba; jointly to the Committees on Foreign Affairs, Ways and Means, Financial Services, and the Judiciary.

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. 938.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1, 12, 16, 17, and 18.

By Mr. POE of Texas:

H.R. 939.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article 1, Section 8, Clause 3, and Article 4, Section 3, Clause 2 of the United States Constitution.

By Mr. GARRETT:

H.R. 940.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 (''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States''), 3 (''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''), and 18 (''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof').

By Mr. ROSS of Arkansas:

H.R. 941.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (General Welfare Clause); Article I, Section 8, Clause 18 (Necessary and Proper Clause).

By Mr. BRADY of Texas:

H.R. 942.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution.

By Ms. HIRONO:

H.R. 943.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years.

Article I, Section 8, Clause 13: To provide and maintain a Navy.

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. CAMPBELL:

H.R. 944.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. GRAVES of Missouri:

H.R. 945.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. HASTINGS of Washington:

H.R. 946.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any Department or office thereof.''

By Mr. HINOJOSA:

H.R. 947.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. LOEBSACK:

H.R. 948.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 16 of Section 8 of Article I of the Constitution.

By Mrs. MALONEY:

H.R. 949.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, which reads: To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mr. MATHESON:

H.R. 950.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. McCAUL:

H.R. 951.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the Constitution of the United States reads: '' No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .'' This establishes the congressional power of the purse which grants Congress the authority to appropriate funds and place limits and conditions on their use.

By Mr. MILLER of North Carolina:

H.R. 952.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. PAUL:

H.R. 953.

Congress has the power to enact this legislation pursuant to the following:

The Make College Affordable Act is justified by the Sixteenth Amendment which, by granting Congress the power to lay and collect taxes on incomes, clearly gives Congress the power to help middle-class Americans afford college by making college tuition tax deductable.

By Mr. PAUL:

H.R. 954.

Congress has the power to enact this legislation pursuant to the following:

The Family Education Freedom Act is justified by the Sixteenth Amendment which, by granting Congress the power to lay and collect taxes on incomes, clearly gives Congress the power to provide American families with tax relief so they can devote more of their own resources to their children's education.

By Mr. PAUL:

H.R. 955.

Congress has the power to enact this legislation pursuant to the following:

The Professional Educators Tax Relief Act is justified by the Sixteenth Amendment which, by granting Congress the power to lay and collect taxes on incomes, clearly gives Congress the power to provide tax relief to America's hard-working educators.

By Mr. PAUL:

H.R. 956.

Congress has the power to enact this legislation pursuant to the following:

The Education Improvement Tax Cut Act is authorized by the Sixteenth Amendment which, by granting Congress the power to lay and collect taxes on incomes, clearly gives Congress the power to provide the American people with tax relief so they can devote more of their own resources to improving education.

By Mr. PAUL:

H.R. 957.

Congress has the power to enact this legislation pursuant to the following:

The Teacher's Tax Cut Act is justified by the Sixteenth Amendment which, by granting Congress the power to lay and collect taxes on incomes, clearly gives Congress the power to provide tax relief to America's hard-working teachers.

By Mr. PAUL:

H.R. 958.

Congress has the power to enact this legislation pursuant to the following:

The We the People Act is authorized by Article 1, Section 8 and Article 3, Section 1 which gives the Congress power to establish and limit the jurisdiction of lower federal courts as well as Article III, Section 2 who gives Congress the power to make exceptions to Supreme Court regulations.

By Mr. QUIGLEY:

H.R. 959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. ROGERS of Kentucky:

H.R. 960.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article 1, Section 8, Clause 3—granting Congress the authority to make rules for the government and regulate commerce among the States.

By Mr. RUPPERSBERGER:

H.R. 961.

Congress has the power to enact this legislation pursuant to the following:

1) Article 1, Section 8, Clause 14, Military Regulation.

2) The First Amendment to the Constitution permits time, place and manner restrictions on free speech.

By Mr. SCHWEIKERT:

H.R. 962.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 7 of the Constitution.

By Mr. SMITH of Texas:

H.R. 963.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1, of the Constitution, which grants Congress authority to provide for the common defense of the United States; Article I, Section 8, Clause 3, of the Constitution, which grants Congress authority to regulate Commerce with foreign nations and among the several states; and Article I, Section 8, Clause 9; Article III, Section 1, Clause 1; and Article III, Section 2, Clause 2, of the Constitution, which grants Congress authority over federal courts.

By Ms. BALDWIN:

H.J. Res. 47.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article 1 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. ADAMS, Mr. BILBRAY, Mr. BUCSHON, Mr. CULBERSON, Mr. HECK, Mrs. LUMMIS, Mr. MICA, and Mr. REED.

H.R. 5: Mr. TURNER.

H.R. 21: Mr. YODER.

H.R. 24: Mr. COSTA, Mr. PLATTS, Mr. NEUGEBAUER, Mr. GARAMENDI, Mr. BOREN, Mr. COURTNEY, Ms. SUTTON, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. PETRI, Mr. GUTHRIE, and Mr. MCCOTTER.

H.R. 25: Mr. GIBBS and Ms. JENKINS.

H.R. 38: Mr. LANDRY.

H.R. 50: Mr. GRIMM.

H.R. 58: Mrs. ADAMS.

H.R. 83: Ms. WOOLSEY, Mr. CLYBURN, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. POLIS, Ms. LEE of California, Mr. RUSH, Mr. COHEN, Mr. YARMUTH, Mr. CARSON of Indiana, Ms. CLARKE of New York, Ms. MOORE, Ms. SEWELL, Ms. BASS of California, Mr. CICILLINE, Ms. WILSON of Florida, Mr. REYES, Ms. VELÁZQUEZ, Mr. MORAN, and Mr. SERRANO.

H.R. 97: Mr. FRANKS of Arizona, Mr. TURNER, and Mr. KLINE.

H.R. 100: Mr. TURNER, Mr. BACHUS, and Mr. BARLETTA.

H.R. 104: Mr. GARAMENDI.

H.R. 118: Mr. DUNCAN of Tennessee.

H.R. 127: Mr. YODER.

H.R. 153: Mr. HARRIS and Mr. BARLETTA.

H.R. 198: Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mrs. ELLMERS, and Mrs. DAVIS of California.

H.R. 214: Mr. DUNCAN of South Carolina.

H.R. 217: Mr. GRIFFIN of Arkansas.

H.R. 234: Mr. STUTZMAN.

H.R. 333: Mr. MCNERNEY, Mr. ANDREWS, Mr. STARK, and Ms. RICHARDSON.

H.R. 344: Mr. ROSS of Florida.

H.R. 350: Mr. HINCHEY, Mr. STARK, Mr. SABLAN, and Mr. WEINER.

H.R. 360: Mr. WHITFIELD.

H.R. 361: Mr. FORBES, Mr. ROGERS of Michigan, Mr. JORDAN, Mr. LANDRY, Mr. STUTZMAN, Mr. SCALISE, Mr. GRIFFIN of Arkansas, Mr. HUIZENGA of Michigan, Mr. BURGESS, and Mr. NEUGEBAUER.

H.R. 365: Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN.
H.R. 371: Mr. CANSECO.
H.R. 374: Mr. BILIRAKIS.
H.R. 412: Mrs. HARTZLER and Mr. YODER.
H.R. 420: Mr. BENISHEK, Mrs. ADAMS, and Mr. BROUN of Georgia.
H.R. 421: Mr. PRICE of Georgia, Mrs. BLACK, Mr. FLEISCHMANN, Mr. AMASH, Mr. HANNA, Mr. YODER, Mr. WALSH of Illinois, and Mr. CANSECO.
H.R. 422: Mr. CONYERS.
H.R. 434: Mr. SCHOCK.
H.R. 436: Mr. YODER, Mr. BASS of New Hampshire, Mr. TURNER, Mr. PENCE, and Mr. SCHILLING.
H.R. 440: Mr. LAMBORN, Mr. ADERHOLT, Mr. VAN HOLLEN, Mr. HONDA, Mr. LATHAM, Mr. YODER, Mr. CARDOZA, and Mr. BARLETTA.
H.R. 456: Mr. YOUNG of Alaska and Mr. OWENS.
H.R. 457: Mr. DUNCAN of South Carolina, Mr. KLINE, and Mr. HUELSKAMP.
H.R. 458: Mrs. LOWEY.
H.R. 470: Mr. SCHWEIKERT.
H.R. 471: Mr. YOUNG of Indiana and Mr. GOSAR.
H.R. 493: Mr. FILNER and Mr. SCHIFF.
H.R. 495: Mr. DUNCAN of South Carolina.
H.R. 509: Mr. FLAKE.
H.R. 520: Ms. SPEIER and Ms. SLAUGHTER.
H.R. 521: Ms. SLAUGHTER.
H.R. 531: Mr. MICHAUD.
H.R. 535: Mr. GARAMENDI and Mrs. CAPPS.
H.R. 539: Mr. MCDERMOTT and Mr. STARK.
H.R. 547: Mr. TURNER.
H.R. 555: Ms. NORTON.
H.R. 567: Mr. STUTZMAN.
H.R. 576: Mr. CONYERS.
H.R. 606: Mr. LABRADOR and Mr. DOLD.
H.R. 609: Mr. LATHAM and Mr. PITTS.
H.R. 610: Ms. RICHARDSON.
H.R. 612: Ms. ESHOO and Mr. FILNER.
H.R. 631: Ms. ROYBAL-ALLARD and Mr. JACKSON of Illinois.
H.R. 651: Mr. LEWIS of Georgia, Mr. OLVER, Mr. FARR, Mr. MORAN, and Ms. BASS of California.
H.R. 652: Mr. ROSS of Arkansas.
H.R. 661: Ms. RICHARDSON.
H.R. 663: Mr. LONG, Mr. MCCLINTOCK, and Mr. WESTMORELAND.
H.R. 676: Mr. YARMUTH.
H.R. 681: Mrs. BLACK.
H.R. 682: Mr. YODER.
H.R. 689: Mr. LUJÁN.
H.R. 711: Mr. LUJÁN.
H.R. 733: Mr. GERLACH and Mr. SARBANES.
H.R. 735: Mr. YODER and Mr. SHUSTER.
H.R. 738: Mr. ROTHMAN of New Jersey.
H.R. 740: Mr. ENGEL.
H.R. 745: Ms. FOXX, Mr. CAMPBELL, Mr. CANSECO, and Mr. GOSAR.
H.R. 747: Mr. CARNAHAN.
H.R. 748: Mr. DUNCAN of South Carolina.
H.R. 750: Mr. LATTA.
H.R. 763: Mr. GUTHRIE, Mr. RENACCI, Mr. TIPTON, and Mr. PAUL.
H.R. 780: Mr. COHEN and Mr. MICHAUD.
H.R. 782: Mr. DUNCAN of South Carolina.
H.R. 798: Mr. KILDEE, Mr. COSTELLO, and Ms. RICHARDSON.
H.R. 800: Mr. WEST, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, Mr. JONES, and Mr. HECK.
H.R. 816: Mr. HECK.
H.R. 820: Mr. TOWNS, Ms. SLAUGHTER, Mr. SIRES, Mr. PRICE of North Carolina, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, and Ms. RICHARDSON.
H.R. 822: Mr. MCINTYRE, Mr. LATHAM, Ms. FOXX, Mr. BACHUS, Mrs. ADAMS, Mr. WILSON of South Carolina, Mr. MULVANEY, Mr. PETRI, Mr. MCCOTTER, Mr. TURNER, Mr. CANSECO, Ms. JENKINS, Mrs. EMERSON, and Mr. KLINE.
H.R. 839: Mr. COFFMAN of Colorado.
H.R. 854: Ms. SUTTON, Mr. ELLISON, Mr. FILNER, Mr. TONKO, Mr. CARNAHAN, Mr. HANNA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. REYES, Ms. BROWN of Florida, Mr. BISHOP of New York, Mr. CLEAVER, and Ms. BASS of California.
H.R. 856: Ms. BERKLEY.
H.R. 865: Mr. HOLT, Mr. KIND, Mr. CLAY, Mr. KUCINICH, Ms. MCCOLLUM, Ms. BORDALLO, Mr. JACKSON of Illinois, Mr. LATHAM, Ms. ESHOO, Mr. KISSELL, and Mr. LANCE.
H.R. 870: Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, and Mr. STARK.
H.R. 871: Mr. KISSELL.
H.R. 872: Mr. JOHNSON of Illinois, Mr. DENHAM, Mr. SCHRADER, Mr. CONAWAY, Mrs. LUMMIS, Mr. MCINTYRE, Mrs. ELLMERS, Mr. GARY G. MILLER of California, Mr. SHUSTER, Mr. WALZ of Minnesota, Mr. KING of Iowa, Mr. GIBSON, Mr. CUELLAR, Mr. HUELSKAMP, Mr. FINCHER, Mr. DUNCAN of Tennessee, Mr. HULTGREN, Mr. COBLE, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. JONES, Mr. BUCSHON, Mr. FLORES, Mr. THOMPSON of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DESJARLAIS, Mr. MCGOVERN, Mrs. ROBY, Mr. AUSTIN SCOTT of Georgia, Mr. RIBBLE, Mr. SOUTHERLAND, Mr. COURTNEY, Mrs. HARTZLER, Mr. LOBIONDO, Mr. WALDEN, Mrs. BLACKBURN, Mr. SMITH of Nebraska, and Mr. GOODLATTE.
H.R. 885: Mr. MORAN, Mr. PLATTS, Mr. HIMES, Mr. DUNCAN of Tennessee, Mr. ROSS of Arkansas, Mr. CONYERS, Mr. NADLER, and Mr. MICHAUD.
H.R. 888: Mrs. CHRISTENSEN.
H.R. 891: Mr. GRIFFIN of Arkansas.
H.R. 904: Mr. WEST, Mr. COSTELLO, Mr. RIBBLE, and Mr. PAUL.
H.R. 909: Mr. JOHNSON of Ohio, Mr. KLINE, and Mr. GRIFFIN of Arkansas.
H.R. 910: Mr. SHIMKUS, Mr. HALL, Mr. LUCAS, Mrs. CAPITO, Mr. OLSON, Mr. GUTHRIE, Mr. KINZINGER of Illinois, Mr. POMPEO, Mr. TERRY, Mrs. BONO MACK Mr. CASSIDY, Mr. SCALISE, Mr. LATTA, Mrs. MYRICK, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. GRIFFITH of Virginia, Mrs. BACHMANN,
Mr. BENISHEK, Mr. LANKFORD, and Mr. JOHNSON of Ohio.
H.R. 912: Mr. MCGOVERN.
H.R. 915: Mr. FARENTHOLD.
H.R. 918: Mr. GARRETT and Mr. BARTLETT.
H.R. 925: Mr. STARK and Mr. ROTHMAN of New Jersey.
H.R. 926: Mrs. MILLER of Michigan.
H.R. 929: Mr. SIRES and Ms. MOORE.
H.J. Res. 20: Mr. HARRIS.
H. Con. Res. 20: Mr. BARTLETT and Mr. LAMBORN.
H. Con. Res. 25: Mr. AKIN, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROOKS, Ms. BUERKLE, Mr. BURTON of Indiana, Mr. CARTER, Mr. COLE, Mr. DENHAM, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. FLEISCHMANN, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOWDY, Mr. GRIFFIN of Arkansas, Mr. HUELSKAMP, Mr. HUIZENGA of Michigan, Mr. SAM JOHNSON of Texas, Mr. JORDAN, Mr. KING of Iowa, Mr. LATTA, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. MULVANEY, Mr. PEARCE, Mr. PITTS, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. STEARNS, Mr. WALSH of Illinois, and Mr. WESTMORELAND.
H. Res. 60: Mr. DAVID SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. PEARCE, and Mr. KISSELL.
H. Res. 71: Mr. JONES and Mrs. CAPITO.
H. Res. 102: Mr. YOUNG of Florida.
H. Res. 104: Ms. HIRONO, Mr. CAPUANO, Mr. WEBSTER, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mr. GRIJALVA, and Mr. PAYNE.
H. Res. 111: Mrs. BLACK, Mr. ALTMIRE, Mr. GUTHRIE, and Mr. RIVERA.
H. Res. 142: Mr. LAMBORN, Mr. COFFMAN of Colorado, and Mrs. BLACK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 830

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. 4. AFFORDABLE REFINANCING OF MORTGAGES OWNED OR GUARANTEED BY FANNIE MAE AND FREDDIE MAC.

(a) AUTHORITY.—The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall each carry out a program under this section to provide for the refinancing of qualified mortgages on single-family housing owned by such enterprise through a refinancing mortgage, and for the purchase of and securitization of such refinancing mortgages, in accordance with this section and policies and procedures that the Director of the Federal Housing Finance Agency shall establish. Such program shall require such refinancing of a qualified mortgage upon the request of the mortgagor made to the applicable enterprise and a determination by the enterprise that the mortgage is a qualified mortgage.

(b) QUALIFIED MORTGAGE.—For purposes of this section, the term ''qualified mortgage'' means a mortgage, without regard to whether the mortgagor is current on or in default on payments due under the mortgage, that—

(1) is an existing first mortgage that was made for purchase of, or refinancing another first mortgage on, a one- to four-family dwelling, including a condominium or a share in a cooperative ownership housing association, that is occupied by the mortgagor as the principal residence of the mortgagor;

(2) is owned or guaranteed by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

(3) was originated on or before the date of the enactment of this Act.

(c) REFINANCING MORTGAGE.—For purposes of this section, the term ''refinancing mortgage'' means a mortgage that meets the following requirements:

(1) REFINANCING OF QUALIFIED MORTGAGE.—The principal loan amount repayment of which is secured by the mortgage shall be used to satisfy all indebtedness under an existing qualified mortgage.

(2) SINGLE-FAMILY HOUSING.—The property that is subject to the mortgage shall be the same property that is subject to the qualified mortgage being refinanced.

(3) INTEREST RATE.—The mortgage shall bear interest at a single rate that is fixed for the entire term of the mortgage, which shall be equivalent to the premium received by the enterprise on the qualified mortgage being refinanced plus the cost of selling a newly issued mortgage having comparable risk and term to maturity in a mortgage-backed security, as such rate may be increased to the extent necessary to cover, over the term to maturity of the mortgage, any fee paid to the servicer pursuant to subsection (d), the cost of any title insurance coverage issued in connection with the mortgage, and, as determined by the Director, a portion of any administrative costs of the program under this section as may attributable to the mortgage.

(4) WAIVER OF PREPAYMENT PENALTIES.—All penalties for prepayment or refinancing of the qualified mortgage that is refinanced by the mortgage, and all fees and penalties related to the default or delinquency on such mortgage, shall have been waived or forgiven.

(5) TERM TO MATURITY.—The mortgage shall have a term to maturity of not more than 40 years from the date of the beginning of the amortization of the mortgage.

(6) PROHIBITION ON BORROWER FEES.—The servicer conducting the refinancing shall not charge the mortgagor any fee for the refinancing of the qualified mortgage through the refinancing mortgage.

(7) TITLE INSURANCE.—The fee for title insurance coverage issued in connection with the mortgage shall be reasonable in comparison with fees for such coverage available in the market for mortgages having similar terms.

(d) FEE TO SERVICER.—For each qualified mortgage of an enterprise that the servicer of the qualified mortgage refinances through a refinancing mortgage pursuant to this section, the enterprise shall pay the servicer a fee not exceeding $1,000.

(e) NO APPRAISAL.—The enterprises may not require an appraisal of the property subject to a refinancing mortgage to be conducted in connection with such refinancing.

(f) TERMINATION.—The requirement under subsection (a) for the enterprises to refinance qualified mortgages shall not apply to any request for refinancing made after the expiration of the one-year period beginning on the date of the enactment of this Act.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(2) ENTERPRISE.—The term ''enterprise'' means the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(h) REGULATIONS.—The Director shall issue any regulations or guidance necessary to carry out the program under this section.

H.R. 830

OFFERED BY: MR. COLE

AMENDMENT NO. 2: Page 5, line 12, after the period add the following: ''All such unexpended balances so rescinded and permanently canceled shall be retained in the General Fund of the Treasury for reducing the debt of the Federal Government.''.

H.R. 830

OFFERED BY: MR. LYNCH

AMENDMENT NO. 3: Page 5, strike lines 14 through 19.

Page 5, line 20, strike ''(b)'' and insert ''(a)''.

Page 5, lines 20 and 21, strike ''Notwithstanding subsection (a) of this section, any'' and insert ''Any''.

Page 5, line 25, strike ''specified in subsection (a) of this section'' and insert ''specified in section 2''.

Page 6, line 3, strike ''(c)'' and insert ''(b)''.

Page 6, lines 10 and 11, strike ''subsection (b)'' and insert ''subsection (a)''.

Page 6, line 14, strike ''(d)'' and insert ''(c)''.

H.R. 836

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. 4. AFFORDABLE REFINANCING OF MORTGAGES OWNED OR GUARANTEED BY FANNIE MAE AND FREDDIE MAC.

(a) AUTHORITY.—The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall each carry out a program under this section to provide for the refinancing of qualified mortgages on single-family housing owned by such enterprise through a refinancing mortgage, and for the purchase of and securitization of such refinancing mortgages, in accordance with this section and policies and procedures that the Director of the Federal Housing Finance Agency shall establish. Such program shall require such refinancing of a qualified mortgage upon the request of the mortgagor made to the applicable enterprise and a determination by the enterprise that the mortgage is a qualified mortgage.

(b) QUALIFIED MORTGAGE.—For purposes of this section, the term ''qualified mortgage'' means a mortgage, without regard to whether the mortgagor is current on or in default on payments due under the mortgage, that—

(1) is an existing first mortgage that was made for purchase of, or refinancing another first mortgage on, a one- to four-family dwelling, including a condominium or a share in a cooperative ownership housing association, that is occupied by the mortgagor as the principal residence of the mortgagor;

(2) is owned or guaranteed by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

(3) was originated on or before the date of the enactment of this Act.

(c) REFINANCING MORTGAGE.—For purposes of this section, the term ''refinancing mortgage'' means a mortgage that meets the following requirements:

(1) REFINANCING OF QUALIFIED MORTGAGE.—The principal loan amount repayment of which is secured by the mortgage shall be used to satisfy all indebtedness under an existing qualified mortgage.

(2) SINGLE-FAMILY HOUSING.—The property that is subject to the mortgage shall be the same property that is subject to the qualified mortgage being refinanced.

(3) INTEREST RATE.—The mortgage shall bear interest at a single rate that is fixed for the entire term of the mortgage, which shall be equivalent to the premium received by the enterprise on the qualified mortgage being refinanced plus the cost of selling a newly issued mortgage having comparable risk and term to maturity in a mortgage-backed security, as such rate may be increased to the extent necessary to cover, over the term to maturity of the mortgage, any fee paid to the servicer pursuant to subsection (d), the cost of any title insurance coverage issued in connection with the mortgage, and, as determined by the Director, a portion of any administrative costs of the program under this section as may attributable to the mortgage.

(4) WAIVER OF PREPAYMENT PENALTIES.—All penalties for prepayment or refinancing of the qualified mortgage that is refinanced by the mortgage, and all fees and penalties related to the default or delinquency on such mortgage, shall have been waived or forgiven.

(5) TERM TO MATURITY.—The mortgage shall have a term to maturity of not more than 40 years from the date of the beginning of the amortization of the mortgage.

(6) PROHIBITION ON BORROWER FEES.—The servicer conducting the refinancing shall not charge the mortgagor any fee for the refinancing of the qualified mortgage through the refinancing mortgage.

(7) TITLE INSURANCE.—The fee for title insurance coverage issued in connection with the mortgage shall be reasonable in comparison with fees for such coverage available in the market for mortgages having similar terms.

(d) FEE TO SERVICER.—For each qualified mortgage of an enterprise that the servicer of the qualified mortgage refinances through a refinancing mortgage pursuant to this section, the enterprise shall pay the servicer a fee not exceeding $1,000.

(e) NO APPRAISAL.—The enterprises may not require an appraisal of the property subject to a refinancing mortgage to be conducted in connection with such refinancing.

(f) TERMINATION.—The requirement under subsection (a) for the enterprises to refinance qualified mortgages shall not apply to any request for refinancing made after the expiration of the one-year period beginning on the date of the enactment of this Act.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Housing Finance Agency.

(2) ENTERPRISE.—The term ''enterprise'' means the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(h) REGULATIONS.—The Director shall issue any regulations or guidance necessary to carry out the program under this section.

H.R. 836

OFFERED BY: MR. COLE

AMENDMENT NO. 2: Page 4, line 22, after the period add the following:: ''All such unobligated balances so rescinded and permanently canceled shall be retained in the General Fund of the Treasury for reducing the debt of the Federal Government.''.